




Speech By
Julianne Gilbert

MEMBER FOR MACKAY

Record of Proceedings, 17 October 2019

**WORKERS' COMPENSATION AND REHABILITATION AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mrs GILBERT** (Mackay—ALP) (5.18 pm): I rise to speak in support of the changes contained in the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019, which will ensure that all workers have the same injury management and rehabilitation experience and services regardless of how their employer is insured. In my region there are many large multinational companies operating in the Bowen Basin and some of them have quite a range of insurers. I am not saying that there is anything wrong with the insurers, but they are different. At times, this causes some confusion and angst for workers.

Currently, the workers compensation scheme exempts employers who are not insured with WorkCover Queensland from reporting injuries sustained by their workers to the workers compensation insurer. This exemption results in the underreporting of injuries occurring in Queensland workplaces and creates the potential for some employers to avoid their workers compensation obligations to workers. The amendments in this bill will remove this exemption and require all employers to notify their insurer of compensatable injuries that have occurred in their workplaces and advise their insurer of any compensation or services provided to the injured worker and the cost of those services. This amendment will ensure that there is transparency in the nature of the injuries occurring within all Queensland workplaces and that the true cost of injuries is being recorded. It is important to have transparency. It is really important to know where the injuries are occurring in workplaces. We need to be able to see where the patterns are occurring so that we can put in place procedures to make sure that those injury patterns do not continue.

These amendments will ensure that the Workers' Compensation Regulator is able to effectively undertake its legislative functions to monitor the compliance and performance of insurers and maintain a database for scheme-wide reporting. The maintenance of the scheme-wide database of injuries is essential to ensure the efficient allocation of government resources. The informed targeting of resources to the industries, workplaces and work practices that create the greatest risk of injury to Queensland workers is essential to reduce the work related injury and fatality rates in Queensland. The recent injuries and fatal accidents that have happened in our mining industry and in our quarries are in the back of everybody's mind. We are all aware of them, so we know that this legislation is so important. As a result of those injuries, we have undertaken a safety reset of the mining industry to ensure that every worker is safe.

The requirement to notify injuries will also have a positive impact on the scheme's costs, administration and claims, which will facilitate early injury intervention and improve return-to-work outcomes. For example, if an insurer has received an injury notification report from an employer, the insurer can promptly accept a claim made in relation to the event and initiate early medical and rehabilitation support that will facilitate the worker's early return to work. In turn, that has the potential to reduce the worker's time off work and reduce claims and the scheme's costs.

Rehabilitation is such an important part of getting a worker back to work. This bill includes the mandatory requirement for workers to be referred to an accredited rehabilitation return-to-work program by their insurer if their statutory compensation ends but they have not yet returned to work because of their injuries. Workers will also be able to make a request for a referral to these accredited programs at any time during their claim.

In my time with the Queensland Teachers' Union I found that, if workers are supported and they get the right treatment, it is so much easier for them physically and psychologically to be able to return to work. The requirement to notify injuries will also limit the potential for employers to encourage that a worker participate in an in-house injury management program instead of making an application for workers compensation.

There can be serious consequences if the worker's injury is not appropriately managed. For example, if a worker agrees to participate in the employer's in-house program and after a period of six months their injury returns, they require further medical intervention and time off work, the worker will not be able to make a workers compensation claim as the legislative time frame in which to lodge a claim would have passed. Further, workers will be denied access to review, appeal and other rights and protections provided under the legislation. Removing the exemption for some employers to not report compensatable workplace injuries will ensure that, regardless of who an employer is insured with, an injured worker can expect to receive the same treatment for their injury. I commend the bill to the House.