Speech By

Leanne Linard

MEMBER FOR NUDGEE

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WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

Ms LINARD (Nudgee—ALP) (4.04 pm): I rise to speak in support of the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019. The bill gives effect to recommendations arising from the second independent review of the Queensland workers compensation scheme as required under the review provisions of the act, contained in section 584A. This is the second such independent review, with the last one completed in 2013. Of course, while only the second formal review, the Queensland workers compensation scheme has undergone frequent review and reform since the early 1990s.

The objective of the five-yearly review at its core is to report on whether the scheme is maintaining a balance between providing fair and appropriate benefits for injured workers or dependants, and ensuring reasonable cost levels for employers. This is not always an easy balance to strike and is one that is contested to varying degrees by relevant stakeholders. It is a balance vital to the proper operation and continued confidence in a scheme that is called upon when workers are often at their most vulnerable. As a government, we have provided employers with premium savings of over $75 million over the past two years alone through the early payment discount and premium discount for employers who take on apprentices, while at the same time delivering significant reforms such as the NIIS and restoring the common law rights of injured workers in this state—rights unjustly taken away by the former Newman LNP government.

The review completed by Professor David Peetz of Griffith University—and I commend Professor Peetz on his thorough report—indicated that stakeholders continue to view the scheme as financially sound, as involving low costs for employers and as providing fair treatment for both employers and injured workers. Stakeholders to the review included unions, employer and legal representatives, medical and allied health associations, and insurers.

During the review some stakeholders also commented on the high level of stakeholder engagement that characterises the scheme, indicating a commendable culture of conciliation that should continue. This is not to say, however, that the scheme cannot be improved. It is to these necessary improvements that the bill turns.

The Peetz review made 57 recommendations—15 proposing legislative amendments, of which 12 are given effect by the bill before us. Key among these is amending the meaning of injury for a psychiatric or psychological disorder to remove 'the major' as a qualifier for employment's 'significant contribution' to the injury. This amendment signals a return to the definition and threshold that was in place prior to changes made by the former LNP Newman government in 2013.

The 2013 change resulted in a higher, though marginally so, rejection rate for psychological and psychiatric claims. The review concluded that the 2013 change was probably made for its symbolic value for the parties rather than its practical impact. I think it is symbolic—symbolic of the LNP's consistent diminishing of worker rights and of workers generally in the employment relationship.

The review found that there seemed no good reason for Queensland to be out of step with the other jurisdictions in Australia, none of which appear to require work to be the major contributory factor because surely work being a significant contributor to a worker sustaining a psychological or psychiatric injury in the workplace is a high enough threshold to facilitate access to the scheme. Certainly it is for a government that sees people as valuable and human resources rather than mere numbers to diminish when calculating employer premiums. As I said earlier, it is about finding the balance.

The bill also amends the act to require that insurers take all reasonable steps to provide reasonable services to support workers with a psychological injury during their claim determination on a without prejudice basis. Research clearly shows that early intervention for injuries and prompt claims determination both assist to minimise the impact and duration of an injury and improve return-to-work experiences. Six of the eleven submitters to our committee inquiry process specifically supported the new requirements, including the Australian Industry Group and Shine Lawyers.

Sincere apologies issued by employers to an employee following a workplace injury have also been shown to assist to minimise the impact and duration of an injury and improve return-to-work experiences. However, the review found that fear over such apologies being interpreted as an admission of liability are reducing their use. The bill exempts expressions of regret and apologies provided by employers following a workplace injury from being considered in any assessment of liability in a civil action brought under the act.

I note the support from both Shine Lawyers and the Australian Lawyers Alliance in regard to this amendment, as well as the concerns raised by the Queensland Law Society in regard to potential evidentiary use of an apology in criminal proceedings. The Law Society raised interesting points—but points to my mind that only a criminal court deliberating on the facts of a case can truly determine. Time will further inform this discussion.

The bill also extends workers compensation coverage to unpaid interns, requires employers to demonstrate that their appointed rehabilitation and return-to-work coordinators are appropriately qualified, and enhances rehabilitation and return-to-work outcomes for injured workers. It allows insurers to waive the six-month time limit on lodging a claim if a worker lodges a claim within 20 business days of developing an incapacity for work from their injury. They are all sensible, measured and fair improvements to a system that must equally balance the needs of employees and employers.

The bill also makes amendments to the Further Education and Training Act 2014 to address concerns raised in the Queensland Training Ombudsman review of group training arrangements in Queensland and in its 2017-18 annual report pertaining to an imbalance in the employer/apprentice/trainee relationship created by legislative amendments again unsurprisingly made by the previous LNP government.

Once again, it is a Labor government, our government, that will restore protections for apprentices and trainees—who are vulnerable workers, who do not have the same bargaining powers as employers to ensure fairness in the workplace. The proposed amendments will make an appreciable difference to trainee and apprentice outcomes, particularly in respect of contested cancellations, temporary suspensions or circumstances of inadequate training.

The bill also amends the TAFE Queensland Act 2013 in regard to diversity on the board and repeals the Commonwealth Games Arrangements Act 2011 following the successful delivery of the Gold Coast Commonwealth Games and the dissolution of Goldoc on 31 December 2018.

I take this opportunity to thank the individuals and organisations who made written submissions on the bill or appeared before our committee hearing. I thank the Minister for Industrial Relations for bringing in these improvements to the scheme, the departmental officers who briefed the committee, our committee secretariat and my fellow committee members. A special thank you to my colleague the member for Bancroft, who kindly stepped into my role as chair of the committee while I was interstate.

An honourable member: What about the member for Pumicestone?

Ms LINARD: I did. I did acknowledge my fellow committee members—which means all of you. The committee made one recommendation—that the bill be passed. I commend the bill to the House.