




Speech By
Linus Power

MEMBER FOR LOGAN

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

 **Mr POWER** (Logan—ALP) (4.44 pm): Mr Deputy Speaker, as you know, when you go door to door you never know who you will meet. It could be someone young or old, wealthy or poor. One of the most difficult things is when you meet someone who is chronically ill or sick, and that happened to me when I was doorknocking. I came across an old man who opened the door with his oxygen tank because he was suffering from the effects of asbestosis, a long-term chronic disease that he picked up through his workplace. It was unfortunately slowly killing him. However, he had a great spirit and recognised that, although his condition was not something he wanted, he lived in a state where people supported those who were hurt through the process of work.

I also want to recognise a constituent of mine, Andrew Ramsay, a long-term defender and fighter for workers. He has also worked very hard with the Asbestos Disease Support Society providing extra support through counselling, fighting and advocating for those who suffer from that terrible chronic disease. We need to continue to recognise people, especially those in our union movement, who fight for those suffering from these diseases.

I was really disappointed when I heard the member for Kawana speak because it seems for those opposite workers are just another commodity to be plugged in like electricity, iron ore or any other piece of the manufacturing process. All they want to do is cut the costs involved with workers—even those who have been injured. This would not be a quick process because we know that our society would not accept it. In fact, workers would not accept it. We know employers do not want to accept it because they want to create respectful workplaces that look after workers, not use them simply as a commodity. The LNP would slowly cut back and hurt the ability of workers to have a dignified and respected place in our society when they are injured at work.

I have spoken about the asbestos diseases. I want to support the amendments in this bill as they relate to workers who suffer from work related, chronic or terminal illnesses. This bill makes two important improvements for those injured workers. Firstly, under the workers compensation legislation, a claim by a worker must be made within six months after the entitlement to compensation arises, that is, the date the worker is diagnosed with an injury or an illness by a doctor. We know—and we have heard repeatedly in this place—that many workers who sustain some injuries or chronic illnesses may not be immediately incapacitated or unable to continue working. The condition may stabilise for some time or even go into remission when they first get treatment. It is common for workers in these circumstances to manage their condition or illness and keep working. They want to continue to be productive and try to do the right thing. They do not want to be seen as someone who is suffering. However, it is this very stoicism that can disadvantage the worker down the track.

Following a 2015 judgement of the Industrial Court of Queensland, workers compensation insurers—that is WorkCover Queensland or a licensed self-insured employer—must consider the six-month time limit to lodge a claim to have started from the date the doctor assesses the worker as having a work-related injury even if there is no incapacity to work at that point. We can see the logical

problem here that this interpretation works against those workers with a chronic, insidious illness, including psychiatric or psychological conditions. This is because it is usually not until a worker becomes totally or partially incapacitated for work that they require the assistance of the workers compensation scheme. If this is to be six months or more after the initial diagnosis, workers may find themselves out of time to lodge a claim.

This bill makes an important amendment by providing insurers additional discretion to accept claims submitted more than six months after the worker's injury is diagnosed if the injured worker has lodged a claim within 20 business days of developing an incapacity to work due to their injury.

The second improvement concerns workers with a terminal work related illness, workers with a terminal and latent onset illness who have existing entitlements to lump sum compensation. This includes an entitlement for a worker's dependants and a payment in respect of the worker's funeral expenses. The act defines a terminal condition as one expected to terminate a worker's life within two years after terminal diagnosis. Thanks to advances in medical treatments, some workers with terminal illnesses now live five years or more post diagnosis. This means terminally ill workers may not have access to lump sum entitlements if they exceed the two-year limit. Importantly, this anomaly will be removed by this bill. Latent onset terminal entitlements will be available for all workers certified by a doctor as having a latent onset injury expected to end the worker's life. This will provide workers with more certainty about their family's future in these most difficult times. These are sensible changes to the workers compensation scheme and will be of enormous benefit to Queenslanders and their families at minimal cost to employees. I have maintained faith with that gentleman I doorknocked in that I said I would support people in his condition through the workers compensation scheme.

Separate to these issues, I also refer to an apology not being considered. I thank the minister for taking the time to consider a specific case—and I know that she responded to a letter I put forward—about a gentleman who suffered a psychological injury at the workplace. If an employer had the discretion simply to say, 'We are so sorry that you are hurting in this way; we may have not got everything right but we are so sorry and we value you,' it may have mitigated the psychological damage. This is an essential human and worthwhile change that I think everyone in this House should support. I commend this bill to the House.