




Speech By
Michael Healy

MEMBER FOR CAIRNS

Record of Proceedings, 17 October 2019

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

 **Mr HEALY** (Cairns—ALP) (4.27 pm): I rise to speak in support of the Workers' Compensation Rehabilitation and Other Legislation Amendment Bill, which should come as absolutely no surprise, but I was surprised to hear the member for Hinchinbrook lost a finger. I was not aware of that. I must pay a little bit more attention. He has been appearing in the media a fair bit recently, but they did not focus on his hands.

Mr Dametto interjected.

Mr HEALY: I will take that interjection. Section 584A of the Workers' Compensation and Rehabilitation Act 2003 requires the minister with responsibility for workers compensation to ensure that a review of the operation of the scheme is completed at least once every five years. As one would expect, not only is a review needed but also it ensures that the legislation is effective and efficient.

An independent reviewer, Professor David Peetz, was appointed to conduct a second review of the scheme, and he was required to present the review by 30 June 2018. The terms of reference for the review were to report to the parliament on the following: (1) the performance of the scheme in meeting the objectives of the Workers' Compensation and Rehabilitation Act; (2) emerging issues facing the scheme; and (3) the effectiveness of current rehabilitation and return-to-work programs and policy settings, including ways to increase the current return-to-work rate, which is absolutely fundamental and essential to this process.

The professor conducted targeted consultation and obtained written submissions from key stakeholders, including unions, employer and legal representatives, medical and allied health associations, and insurers. That can best be described as fairly extensive. The review was tabled in parliament on 29 June 2018. The review found that the scheme is performing well; is financially sound; involves low costs for employers, which is important; and provides fair treatment for both employers and, most importantly, injured workers. This is a win-win for both parties. While major reform was not recommended, opportunities were identified to improve the process and experience for injured workers. This review is about ensuring we increase the efficiencies and we have better outcomes. As we have heard from previous speakers, the review made 57 recommendations including 15 proposed legislative amendments.

The objective of the bill is to implement 12 of the review's legislative recommendations focused on improving the process and experience of injured workers, including the following: clarifying WorkCover Queensland's ability to fund and provide programs and incentives that support employers improving health and safety performance, after consulting with the regulator under the Work Health and Safety Act 2011 or any other relevant health and safety regulator; exempting expressions of regret and apologies provided by employers following a workplace injury from being considered in any assessment of liability for damages brought under the act to align with the approach taken in the Civil Liability Act 2003, which is very important; providing an additional way that employers can ensure that rehabilitation

and return-to-work coordinators are appropriately qualified, and requiring employers to provide details of their rehabilitation and return-to-work coordinators to insurers, to support compliance and the provision of advisory services to coordinators; and requiring self-insured employers to report injuries and any payments made to injured workers to their insurer, aligning their obligations with the existing obligations on employers insured with WorkCover Queensland.

There are a range of other recommendations that I will not go through, but one important one 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. Everybody inside this chamber and outside this chamber recognises the issues we have with mental health, so to see it recognised in this review is fundamentally important. As stated, these changes will see improvements to the process and, more importantly, a better outcome for injured workers.

This bill also makes amendments to the Further Education and Training Act 2014. This is vitally important not just in my electorate in Cairns but also in other regional areas throughout Queensland. TAFE is an important driver. It qualifies our kids and moves them forward into better jobs—it is not just our kids, but all members of the community.

In 2014, the Vocational Education Training and Employment Act was repealed and replaced with the Further Education and Training Act 2014. This act was introduced to provide a legislative framework to allow the parties to a training contract—that is, employers, apprentices and trainees—to directly negotiate key training and employment issues. This is about enhancing and progressing the opportunities and ensuring the communication between the employers and those in the training sector.

However, since the introduction of the legislation, it has been recognised that the relationship between an employer and an apprentice or trainee has not always been equal. This is something that I believe personally and it is a Labor value: we have to have equity in the labour force. This may result in those who are most vulnerable not being properly equipped or assisted in understanding, navigating or utilising the remedies available to them.

The Queensland Training Ombudsman released the report *Review of group training arrangements in Queensland* in January last year. Following extensive stakeholder consultations, the report identified deficiencies in areas, such as cancellation practices of group training organisations as well as the inappropriate use of suspension instead of the standdown provisions of awards. I have had people come into my office who have faced issues in relation to this particular matter. The Queensland Training Ombudsman also identified in their 2017-18 annual report a number of complaints from apprentices whose employment had ceased and training contract cancelled who may have benefited from earlier departmental intervention. If we had picked up on some of these things earlier, we may have averted some of the disasters we have seen. Targeted consultations in March 2018 indicated that some provisions of the act should be amended to restore previous provisions in the Vocational Education Training and Employment Act 2000, taking into account Queensland's legislative limitations.

The objectives of the amendments are: to protect the positions of apprentices and trainees, who are vulnerable workers and do not have the same bargaining powers as employers—that is important; to minimise continuing adverse impacts on apprentices' and trainees' training arrangements to improve quality training outcomes—that is important; to give apprentices and trainees the best chance to complete their apprenticeship or traineeship and the best chance for the employer to emerge with a skilled worker, hence realising the economic benefits for all parties and the community generally—this is a win-win situation and this is the targeted outcome; to address the existing legislative gap that exists in the Further Education and Training Act 2014 to enable an employer or apprentice/trainee to seek permission from the chief executive to cancel the training contract; to provide greater clarity to enable the chief executive to resolve any issues related to issuing an apprenticeship or traineeship completion certificate; and to clarify the obligations of the supervising registered training organisation to complete an employer resource assessment and resolve practical implementation issues with certain provisions of the Further Education and Training Act.

Accordingly, the bill will enable the Department of Employment, Small Business and Training to assist stakeholders in achieving more equitable outcomes in the case of contested cancellations or temporary suspensions or to address inadequate training. In addition, other minor amendments have been identified to resolve practical implementation issues with sections of the Further Education and Training Act.

These are positive changes and I support these amendments. I would like to acknowledge all of those who made submissions. I would like to acknowledge the hard work of our chair and my fellow committee members. What a lovely bunch of people they are. I would also like to acknowledge the hard work and the tolerance of the secretariat; they have also put up with us. I commend this bill to the House.