




Speech By
Ann Leahy

MEMBER FOR WARREGO

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WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (3.54 pm): I rise to contribute to the debate on the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill. At the outset I want to commend all of our first responders in Queensland and thank them for the work that they do. I wish to thank the Education, Employment and Training Committee members on both sides of the House for their consideration of the bill. I note that there were seven recommendations made by the committee. I want to draw the attention of the House to recommendation No. 2 from the committee which states—

... an employee of a local government whose duties correspond to that of an ambulance officer, a corrective services officer, or a fire service officer, or who is required to attend and secure a site to provide safe access for other first responders.

This recommendation is, unfortunately, quite broad. Given the government's acceptance of that recommendation in the amendments, it is quite concerning that there has not been full consultation with the local government sector. There are some 40,000 employees in the local government sector potentially involved. There are local government staff who have to undertake roles that you might not expect from local government employees. For instance, in the Paroo shire, their staff are the undertakers, providing burial services to the community.

That brings us to the problem highlighted by the Queensland Law Society, where they made mention of the anomaly in the legislation drafting of 'first responder'. Numerous occupations and people in the funeral industry have duties that do not prevent death or injury but they are involved regularly in dealing with the aftermath of death or injury. Local governments have staff in the funeral industry directly employed. However, they are not considered to be a first responder by the legislation. During disaster situations, local government staff are often working alongside first responders, and I commend those local government staff for the work they do. It is a very difficult job sometimes in very traumatic circumstances.

This recommendation from the committee is not an amendment that should be done on the run by the Labor government. It has been dropped on the local government sector at the last minute and, Minister, it is quite vague. How will the local government work out which positions it applies to and how much will this cost the sector? We already have the Auditor-General warning about financial sustainability, and here we go with further potential cost impacts on the local government sector.

Minister, where is the actuarial modelling of the costs or impacts on the scheme? Such changes should have been taken through proper consultation processes and given scrutiny in the legislative processes to allow the sector to fully appreciate the outcomes and costs to ensure that those who should be included are included. This parliament has seen far too much rushed legislation resulting in unintended consequences impacting on the local government sector. Just look at what happened with the legislation for mayoral and council vacancies, and look at what has happened with the sacking of councillors. This government needs to stop the legislation on the run for the local government sector. We do not want any more pineapple situations.

I note that the minister outlined in her second reading speech that the government will be accepting recommendation No. 2. I note the explanatory notes state that the Office of Industrial Relations extended invitations to discuss the proposal to clarify the inclusion of first responders in local government. However, the explanatory notes do not mention the outcome of that consultation. Have those discussions in fact occurred? Have the industry groups that were consulted agreed or have they disagreed? This parliament does not have that information. The minister should clearly spell this out to the parliament.

What were the views of the stakeholders following these invitations that were issued by the Office of Industrial Relations? What were the views of the stakeholders on the amendments? Minister, it would be appropriate to update the House on these stakeholder views. There are complex roles across the local government sector and I urge the minister to address these concerns in her summing-up. I also urge her to do proper and meaningful consultation with the local government sector. There are now some 40,000 employees across Queensland who want to know a lot more about how this legislation will impact them.

Speaking of the minister's second reading speech, I would like to make note of where the minister referred to the current workers compensation scheme. For the benefit of the House the minister said the Queensland scheme had one of the lowest premiums in the country. It is a matter of fact that the minister inherited a well run, low-cost scheme because of the heavy lifting done by the LNP when they were in government. It was also the LNP who introduced presumptive legislation for firefighters and rural firefighters. After the LNP introduced this legislation, the government said, 'Oh gee, that's a good idea. We might just adopt that and do the same.' Again, the heavy lifting was done by the LNP to look after workers.

The objective of the bill is to provide an alternative claims pathway for first responders with PTSD that presumes they have a work related injury unless it is proven that their injury was not caused by work. This may potentially result in behavioural changes which, in turn, may increase the number of workers compensation claims lodged and accepted for claims within the scope of the bill. Potential claims costs due to behavioural change will be borne by the employers of the first responders through their workers compensation insurance premiums. I will outline a couple of concerns raised by the Queensland Law Society.

The QLS raised concern about the viability of the Queensland WorkCover scheme including the potential floodgates which may be opened by the broad definition of a first responder and eligible employee as currently proposed. It is important not to misread the intent of the QLS as they agree without reservation that workers with work caused psychiatric and psychological injuries should be entitled to workers compensation and support. However, they state that the broad legislative changes, which are not supported by empirical evidence, risk negatively impacting the scheme and must be carefully considered to ensure that the public interest of preserving the viability of the scheme is balanced against the issue being addressed.

I do want to raise an issue about workers compensation for those who live along the borders of this state who are Queensland residents but work in New South Wales. I received this letter from a concerned mother whose son had a serious motorbike accident whilst working on a rural property. She states—

My son, Thomas, had a workplace accident in New South Wales and was admitted to Dirranbandi hospital. He has a fractured leg and will need a plate, screws and a rod inserted. We followed the correct protocol and contacted insurance for a claim number as he was being flown to St Vincent's Toowoomba for the surgery.

Unfortunately the swelling in his leg started and the surgeon made the decision to hold off until the following Monday. I drove him down to Toowoomba (on advice from surgeon) so he could wait for his surgery.

At a pre surgery visit with the surgeon, he was advised that the workers compensation insurance was not approved and he was unable to go ahead with the arranged surgery unless Thomas was willing to pay the \$10000 + cost if the insurance was not approved.

He is still waiting in Toowoomba for the approval, he has been contacted by the insurance company to say it could be approved this week or up to 21 days.

The surgeon is madly trying to get him now listed through the Base Hospital to enable his surgery to go ahead.

The work cover was finally approved nine days after the accident and surgery occurred 12 days after the accident. During this time Thomas had a badly broken leg.

This case highlights the need for a cross-border commissioner who can develop pathways for interstate workers compensation schemes to operate in conjunction with our Queensland health system. It would greatly assist Queensland residents who have workers compensation in one state but are hospitalised in their resident—Queensland—state.