




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNELL

Record of Proceedings, 12 May 2021

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

Second Reading

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (12.23 pm), in reply: I thank all members for their contribution to the debate on the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020. During this debate we have heard some heartfelt speeches about the graphic and challenging situations our first responders face daily in the course of their work in helping and supporting others and the impact this has on their lives. The overwhelming appreciation and admiration that we all on both sides of the House have for those on the front line is clear.

I acknowledge the personal stories shared by members of the House, particularly those who have direct experience as first responders. We were all moved by those personal stories and I thank you sincerely for sharing them. I know this would not have been easy. I am not going to pick out particular members who spoke so passionately because I am sure to forget one of you, but all of the members who heard your speeches know that PTSD can be with you for the rest of your life and that this legislation is certainly needed to assist those first responders. I again thank you all sincerely for sharing your stories.

I am proud that this bill will improve the lives of first responders and their families through providing a smoother pathway to compensation and support for those suffering from PTSD. The Palaszczuk Labor government has a proud record when it comes to providing support and care for injured workers and ensuring we have a nation-leading workers compensation system. We have a very proud record. We have restored all of those rights and entitlements stripped away by the previous LNP government, including restoring the rights of injured workers to access common-law compensation.

If they could not meet the threshold put in by those opposite, many first responders diagnosed with PTSD would have been denied their common-law rights because they stripped out a large percentage of workers who would have had that right. We proudly restored that in the workers compensation system. We reversed legislation that allowed a person's workers compensation history to be used against them in relation to future career prospects. If someone could do another job—maybe not the job they were doing—they allowed the use of a PTSD sufferer's workers compensation history to be used by employers when hiring those people. I am proud to say that this side of the House removed that requirement, which was put in by the LNP.

Mr Power: Discrimination against heroes!

Ms GRACE: I take that interjection. Discrimination against heroes, that is exactly right, and they legalised that discrimination. We passed new laws to provide improved compensation and support for coal worker's pneumoconiosis and other work related lung diseases, leading the country. We passed presumptive workers compensation laws for firefighters with a specific form of cancer.

Isn't it interesting how those opposite rewrite history? I understand they lost in 2015. They did not get over that. They knew we were going to bring in presumptive legislation for firefighters, so they quickly introduced a private member's bill before the government introduced their bill so they could show they were still in government. But guess what? They are not in government. We were the new government. Our cognate bill was passed in this House with the support of the crossbenchers. Their bill was discharged because it was inadequate and did not address the issues we needed to address in workers compensation, yet they come into this House and claim they were the ones who moved presumptive legislation for firefighters! It is extraordinary that they misled the House in that way, but today I will put the record straight.

We made further changes to workers compensation laws in 2019, including providing better support for workers suffering from psychological injuries. We also have a proud record of ensuring our workers compensation system is financially viable, sustainable and affordable for Queensland employers. I will speak more about our lowest premiums later and I will go to the history of the LNP when it comes to premiums. We have apprentice wages that are exempt from workers compensation. We have an early premium discount on top of the \$1.20, and since we have been in government that has saved employers \$314 million in premiums—a total of \$209 million for the premium discount—and employers who take on apprentices have saved over \$105 million through the apprenticeship initiative.

I now turn to address specific matters raised in the debate. In his speech the member for Kawana once again made a lot of noise without a great deal of substance, rewriting history and misleading the House with statements that bear no resemblance to reality. It is concerning that a former minister in the Campbell Newman government would get up and mislead the House to that extent. He spent a lot of time extolling the virtues of the LNP's record in relation to workers compensation premiums. All I can say is, 'Give me a break!' The member for Kawana did not even know that government departments pay premiums. I looked at *Hansard* this morning, wherein the member states—

... what will happen is that the premiums will increase, and who does that affect? Not the government, because it does not pay the premiums.

That is absolute rubbish. I can actually inform the House that the act was amended in 1995—that was 25 years ago. The member for Kawana was a minister for industrial relations in a government which made all of those savage cuts to the workers compensation system. He stood in the House and did not know that government departments pay premiums. What a mistake. What an embarrassment that an ex IR minister, who brought legislation in this House, did not even know how the workers compensation system worked. No wonder they got turfed out in 2015. It was a big faux pas by the member for Kawana, but then we get used to the faux pas by the member for Kawana.

The workers compensation system in Queensland is a system balanced between no-fault benefits and a common-law right. We are the only state which has this, which is why we are where we are today compared to all the other states. You have got to know workers compensation to understand this. We have unlimited common-law rights for injured workers. Other states have got rid of this, so their long-tail claims now are out of control. Our common law gives injured workers the right to claim common law, they get their lump sum and they are compensated fairly based upon it.

I see the member for Moggill nodding. As a doctor, he would understand that an injury sustained by a concert pianist who loses their finger might be different to an injury sustained by, say, a tradie who loses a finger. It has a big impact on their income and often the common law compensates them taking that into account. What did the LNP do? They nearly destroyed the cornerstone of our state workers compensation system by taking away common-law rights. That is a disgraceful thing for them to have done. We are very proud that we were able to reinstall that. Like I said, it is the cornerstone of our system.

When it comes to premiums, it was a Beattie government that did the heavy lifting. It was a global financial crisis that caused premium increases at the time because of the lack of returns. That was another situation in the world that happened—like the world health pandemic that they deny over there. The global financial crisis had a significant impact on the earnings of workers compensation with negative returns. The Beattie government did the heavy lifting because they went from 1.85 per cent down to 1.15 per cent. It was a global financial crisis that brought it up to 1.24 per cent. What do we have? In 2012 the Newman government came in and increased it to 1.45 per cent.

Mr Ryan: It went up.

Ms GRACE: Yes, it went up. In the second year, it stayed at 1.45 per cent. In the third year, they knew they were losing because of what they did with workers compensation. The workers compensation common-law change that they made went against even their own committee's recommendation. They had the majority on the committee that looked at that legislation and they recommended that that not occur, but they went against their own committee's recommendations when they had a large majority on that committee. It is actually quite amazing when you really tell the story truthfully as it happened.

The second year it was at 1.45 per cent. In the third year, on the back of injured workers, on the back of denying injury claims, on the back of taking away common-law rights, they went down to 1.2 per cent because they knew they were going to lose the 2015 election and it was only in for six months. Since that time, there have been pressures on insurance premiums, and I think it was the member for Maryborough who mentioned that insurance premiums have gone through the roof in every other category that you look at. In Queensland, under a Palaszczuk Labor government, we have improved benefits, we have kept the premium rate at 1.2 per cent, we have increased discounts and we have given no premiums for apprentices employed in this state. That is an absolutely remarkable and unbelievable achievement. I am proud to be the IR minister who has delivered that for the state of Queensland, yet those opposite talk like they were the ones who did the heavy lifting.

Workers compensation is not just about premiums. It is about balancing the rights of the employer to a fair and decent premium rate. It is also the amount of compensation that injured workers get when they are injured at work, when they do not come home to their children because of the injury, when they are in hospital and need support. In this legislation we are giving those benefits to PTSD sufferers and deeming that happen. It is balancing all of those things. It is not just about reducing premiums on the back of denying the claims of injured workers, which is the history and legacy of those opposite and they should hang their heads in shame.

The issue of the regulation-making powers was raised by the members for Kawana, Surfers Paradise, Currumbin and Maiwar. They raised concerns. It is important to note that the bill provides a limited and defined regulation-making power to prescribe further occupations or employers where a need is identified. Any new occupations or employers in the regulation must first meet the criteria that the bill includes in the act. This includes clear criteria of the types of duties or roles a worker or volunteer must perform to qualify as a first responder. I do agree with the member for Kawana when he said that we do not want to have just anybody—we want first responders to be acknowledged for the work they do in our community and those tragic events that they go to. The bill states a person can only be considered a first responder if their duties require them to respond to time critical, often life-threatening traumatic incidents, like we heard from some of the members on this side of the House. This approach is not unusual. It happens in many other areas. We have done it in child protection regulations and labour hire regulations, but the important part to note is that it has to meet that criteria. We tabled them in the House and they can be discussed if needed.

I note the member for Warrego raised concerns about coverage of local government workers and consultation on the amendment to the bill. I can confirm that we did extend an invitation to meet with all impacted local government self-insurers on the proposal. This included Local Government Workcare within the Local Government Association of Queensland which provides workers compensation insurance to the local government sector. While there were reservations raised during consultation in relation to the inclusion of local government workers, there was also acknowledgement that claims of this type are generally accepted by the scheme already. A very high percentage are accepted; very few are not.

It is also important to note the application to approximately 40,000 local government workers referred to by the member is simply incorrect. There are not 40,000 workers who do the work that is time critical and often life threatening and is similar to fire services or ambulance officers. To suggest that 40,000 local government workers all do that work is simply laughable and incorrect.

The member for Moggill raised the issue of coverage for doctors. The presumption applies to any doctor or nurse who is a 'worker', irrespective of whether they work in a private or public capacity. That is the issue. Workers compensation is defined as a 'worker'. Doctors and nurses working in those areas—critical care, emergency, whatever—will be covered. However, it is important to note they are still not disadvantaged. They can still make a claim for compensation if they have sustained it through their work, but it is a different pathway. This bill provides an easier pathway for those particular members.

The member for Whitsunday raised Volunteer Marine Rescue workers. Volunteer Marine Rescue workers are required to be registered with the State Emergency Service which means they would be covered by the schedule. The member for Theodore raised the issue of costs associated with the new pathway. I want to assure members that these costs are very hard to determine. We are well aware that a majority of claims are already accepted by the workers compensation system. Very few claims do not make it, and it is where there is a difficulty in establishing the work relatedness generally in relation to the claims. Importantly, the bill ensures the scheme is safeguarded by: having limited and unambiguous definitions about who the presumption applies to; the diagnostic rigour required to be eligible for the pathway; and the ability to rebut the presumption where there is evidence the worker's PTSD is not work related. The bill does not amend or affect any existing review rights in the act. I have been through this before. There are appeal rights through the QIRC and through the Industrial Court.

I also note the member for Theodore raised concerns in relation to increased claims similar to that experienced by the British Columbia scheme. It is important to note that a direct comparison is not possible. There are different laws and there is different coverage. It is a completely different set of circumstances. Our legislation is far better.

Further, there are differences in other social supports where people may seek assistance. I note the member for Hinchinbrook made comment on the support for those in the regions. Of course, under our workers compensation scheme anyone needing assistance who has a compensable injury is provided with all their medical expenses and travel expenses so they can get the best care possible. We will ensure that continues. I think it is an important thing. WorkCover actively promotes and supports the use of telehealth services across medical and allied health providers. This was particularly evident during the pandemic where in the regions we made sure no-one missed out on their workers compensation entitlements. We see this valuable service playing an important role in supporting our regional first responders in the new pathway.

In relation to costs, I think there is an estimation that about 28 possible additional claims may come up. It is a very conservative estimation. Should they all come to fruition, the conservative nature would say that there may be an additional cost of \$9 million to the workers compensation fund, which I think is more than affordable. In light of what we are doing for PTSD sufferers I think that is definitely a step in the right direction. They are the most conservative estimates that could be put together by the department.

In conclusion, I thank the Education, Employment and Training Committee for their detailed consideration of the bill. I thank, once again, all those who shared their experiences, made submissions and attended the public hearing. I am very pleased that, overall, the feedback was supportive.

Finally, I am proud this bill provides a smoother and quicker pathway to workers compensation and support for our hardworking first responders suffering from PTSD, just like we did for the firefighters and emergency services workers. I encourage all members to support the bill. I know that this is a bill that tugs at the heart of a lot of us in this place. This is a bill on which I have worked closely with the Minister for Police and other ministers in this House. I thank the cabinet for the support. We started off looking into this. What became evident is that we needed to do more. We spoke to WorkCover and we put together a group. We have done this methodically. We had the committee look at it. They made some very good recommendations.

I join with the member for Kawana in saying let's review it in 12 months and see if we need to go further. However, I think we have landed at an excellent place at the moment which covers all of the bases. There are a couple of amendments I need to make in relation to clarifying the mineworkers and the other recommendations. Those amendments have already been tabled in the House and I will move them during the consideration in detail.

Can I say one further thing? Personally, I thank all of those first responders who are out there day in, day out. They do remarkable work. I just cannot imagine attending not only the incidents that have been described in this place but also the other incidents they have to go to every single day. I think about the latest family of victims of domestic violence who were set alight, and attending those types of incidents would be horrific. I can do political work. I just do not know whether I could do first responders' work. I thank them wholeheartedly for their job. We are here to look after them. I know this bill has been supported by all sides. We all thank them for their efforts. It is an honour and a privilege to support them. I am so proud to be able to introduce workers compensation amendments that support injured workers and their families and that we are able to restore the benefits taken away by those opposite. I proudly commend the bill to the House.