




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNELL

Record of Proceedings, 22 June 2022

**PERSONAL INJURIES PROCEEDINGS AND OTHER LEGISLATION
AMENDMENT BILL**

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (11.52 am): I rise to speak in support of the Personal Injuries Proceedings and Other Legislation Amendment Bill. The bill includes important reforms to protect vulnerable Queenslanders from predatory claim farmers and ensures workers with latent onset injuries facing terminal diagnosis receive support through the workers compensation scheme at the time they need it most. I thank the Legal Affairs and Safety Committee and its chair, the member for Toohey, for their work regarding the consideration of the bill, for their consideration of the public submissions and for the conduct of public hearings.

I am pleased to announce that, as a consequence of this bill, Queensland will be the first workers compensation scheme to legislate against the activity of claim farming. We have listened to the evidence. I can honestly say that I think everyone was alarmed by what was going on. This is definitely a step in the right direction. It prevents these types of activities from occurring. It makes sure that lawyers do not use the information that can be harnessed from cold-calling vulnerable workers injured through no fault of their own. I thank the Attorney-General for introducing this bill. We have seen success in relation to the Motor Accident Insurance Commission and we are hoping that we now can stamp out this insidious type of activity.

Every worker deserves to return home each and every day safe and sound. One of the Palaszczuk government's key priorities is to ensure robust work health and safety and worker protection laws. As we know, workers compensation is beneficial legislation for injured workers and their families. Since its election in 2015, the Palaszczuk government has restored all of the rights and entitlements stripped away by the previous LNP government. They did that in just three years, yet they come into this House and try to lecture us on workers compensation for injured workers. It is an embarrassment for them.

Mr Power interjected.

Ms GRACE: I take the interjection of the member for Logan. They did a number of things, but the threshold they applied to accessing common law was the most unconscionable. This resulted in almost 6,000 of Queensland's most vulnerable workers being targeted by the LNP and denied access to common law. That is their legacy. When we enact beneficial legislation relating to emerging dust lung diseases, they sit on their laurels.

Mr Krause interjected.

Ms GRACE: The member for Scenic Rim can talk all he wants. He was in this House when these changes were made and he should be ashamed of himself. I am proud that the Palaszczuk government reinstated these rights. We have improved compensation to support workers with coal workers' pneumoconiosis and other work related dust lung diseases. We have also enacted presumptive workers compensation laws for the firefighters whom the member for Noosa spoke about. Presumptive

legislation that gives rights to people with specific forms of cancer was enacted by our government. There have been improvements in support for workers suffering from psychological injuries. We removed the definition of 'injury' that prevented people claiming and we provided presumptive legislation for first responders suffering from PTSD. I note that the member for Caloundra is in the House. I will never forget when he reached over and said, 'That changes the lives of people.'

In relation to the onset of terminal conditions, these are unique provisions. Workers are able to access a lump sum payment of up to \$750,000 to provide for palliative care and additional support that is urgently needed. No other scheme in Australia offers an equivalent provision. This is unique to Queensland. In 2005, when I was the general secretary of the QCU, we introduced this measure because of how long it often took for workers to settle their common-law activities. We put in a period of time of two years for them to access this.

In 2018 we saw the recurrence of a number of dust lung diseases. Silicosis in the engineered stone benchtop industry emerged, as did other dust lung diseases such as coal workers' pneumoconiosis. We took decisive action and led the nation in our response to dust lung diseases in terms of workers compensation. I would not mind so much if those opposite understood what these amendments are about. This is about recognising that stonemasons, including young workers in their 30s and 40s, were coming forward. Previously, workers with asbestosis and mesothelioma were much older because of the latent onset of these dust lung diseases. It soon became apparent that we needed to extend the two-year time frame. The policy intention was always three to five years; we used that as an example.

We wanted to test it, because with beneficial legislation you do not want workers being paid out a lump sum earlier than they should be, because once they have been paid out they no longer have claim to WorkCover. You have to get the balance right. We tested how the legislation would operate with a policy intention of three to five years. There was a decision made that was not in line with the intention of the policy. The concern was not only the strain on the fund but also that workers could be denied ongoing compensation because they are issued a lump sum sooner than they need to be because they are driven by certain advice.

We went through the parliamentary process. We heard the submissions. WorkCover looked at the claims history and at the cost. We have listened to what people have said and have decided that the policy intent now can extend to five years. I thank the member for Noosa; the chair of the committee, the member for Toohey; and the members of the committee who spoke to me. It is about trying to get the balance right. You do not want to go too soon and you do not want to go too late.

Members opposite talk about issues that they obviously do not understand. No worker will be denied a lump sum. This is a matter of timing, not of denial of a lump sum. For them to get up and say otherwise totally exposes their lack of understanding of this amendment. This is a sensitive issue; this is an issue on which we have listened. Those opposite have never introduced one ounce of beneficial legislation to injured workers and I will not be lectured to by them. This is a great step in the right direction. We have listened to the concerns.

I commend to the House the amendment to include the five-year time frame. We have listened and have achieved a great balance. I will not be lectured to by members opposite. I commend the bill to the House.