

WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.07 pm): I present a bill for an act to amend the [Civil Liability Act 2003, the Motor Accident Insurance Act 1994, the Personal Injuries Proceedings Act 2002, the [Workers' Compensation and Rehabilitation Act 2003 and the Workers' Compensation and Rehabilitation Regulation 2003 for particular purposes and to make minor or consequential amendments of legislation as stated in schedules 1 and 2. I table the bill and the explanatory notes.

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2013.

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2013, explanatory notes.

I present a bill for an act to amend the Workers' Compensation and Rehabilitation Act 2003 and other legislation. I have tabled the bill and the explanatory notes. The Finance and Administration Committee tabled the report of its inquiry into the operation of the Queensland workers compensation scheme on 23 May 2013. This inquiry represented a break in the pattern of previous inquiries and reviews that have occurred reactively in response to external developments or pressures on the scheme's funding and stability. The Finance and Administration Committee's report made 32 recommendations. Of those, 12 recommendations are of a legislative character while 20 recommendations involve administrative and structural arrangements. The Queensland government proposes to respond to the committee's report by supporting 18 recommendations, supporting two with amendment and not supporting 12 recommendations. I now table the government's response to the committee's report.

Tabled paper: Finance and Administration Committee: Report on the inquiry into the operation of Queensland's workers compensation scheme, government response.

The government's response to the committee's report is the result of careful analysis of both the recommendations contained in the report and the 246 submissions made to the inquiry. I would like to thank those people who took the time to make submissions to the inquiry. This government is committed to delivering Australia's best performing workers compensation scheme—a scheme that remains the envy of other Australian states and territories.

017 Over the last 10 years we have had the lowest average premium rate in Australia, and the Newman government wants to keep it that way. Since 2009, the average premium rate has increased by around 20 per cent, and Queensland is quickly slipping back into the pack when comparing our scheme with interstate counterparts.

There has been a lot of scaremongering in the media over recent weeks in relation to journey claims. I would like to assure the House that the bill does not include any changes to journey claims because every Queenslanders deserves to be protected when travelling to and from work. That is vitally important for a state as large and decentralised as Queensland and also recognising the transient nature of our workforce.

To that end, this bill introduces amendments that will ensure the ongoing success and viability of Queensland's Workers Compensation Scheme by reducing duplication, simplifying regulatory processes and ensuring that compensation is available and accessible to help injured workers get back on their feet. The changes aim to strike a better balance between providing appropriate benefits for injured workers and ensuring the costs incurred by employers are reasonable.

The bill maintains access to common law damages, except for minor injuries. For injuries occurring from today, a worker will be required to have a permanent impairment of greater than five per cent, using nationally agreed assessment guidelines based on the AMA 5th edition, in order to lodge a common law damages claim. Every injured worker who has their claim for compensation accepted by WorkCover Queensland will continue—I repeat: will continue—to be covered under the statutory no fault workers compensation system, including access to weekly compensation for lost earnings until a worker's injury is stable and stationary; payment of approved medical treatment; access to rehabilitation and return-to-work services and lump sum compensation for permanent impairment.

In 2009-10 the board of WorkCover Queensland, under former chairman Ian Brusasco, recommended that the government introduce a 10 to 15 per cent threshold on common law claims. Under our proposed changes, we believe we have the balance right in implementing a five per cent

common law threshold. Since 2010, the number of lower-end common law claims has remained constant or increased in certain work related impairment bands, which is of significant concern to the government. These claims accounted for around half the common law payouts in the scheme in 2011-12. Left unchecked this would increase pressure in the long term on the ongoing viability of the scheme.

The government believes these claims are more appropriately dealt with through the statutory no fault system instead of through the courts. This will ensure the focus of injured workers and their employers is on rehabilitation and getting injured workers back to work as soon as it is safe for them to do so. This will also be strengthened as a result of the requirement to mandatorily refer injured workers to an accredited return-to-work program to facilitate improved return-to-work outcomes and minimise the injured worker's future economic loss. It should be noted that the statutory claim process is far more efficient than that of a common law claim.

The structure of Queensland's Workers Compensation Scheme is currently the most complex in Australia. The scheme operates under three separate agencies which increases duplication, ambiguity of roles and, ultimately, scheme costs. To simplify the scheme, the bill proposes to merge the Workers Compensation Regulatory Authority, Q-Comp, into the Office of Fair and Safe Work Queensland in the Department of Justice and Attorney-General. This will be a seamless transition that by no means illustrates any concerns with the performance of Q-Comp but rather signifies the government's intention to reduce confusion in the community and simplify the structure of the current system.

The merging of the workers compensation scheme regulator with the electrical safety and work health and safety regulator will provide economies of scale and go towards developing a more integrated corporate identify regulating injury prevention, injury management, claims management and return-to-work services. Under the new structure, regulatory independence from WorkCover will be maintained and WorkCover will continue to act as the sole provider of workers compensation insurance to Queensland employers. The Q-Comp board will continue to operate and provide policy advice for the regulator until the term of the current board expires on 30 June 2014. This will help oversee the structural transition.

The bill will increase the onus on workers to prove psychiatric and psychological disorders are work related. Workers will have to satisfy insurers that their employment was 'the most' significant contributing factor to the injury or aggravation in order to be compensated.

The bill will also empower employers to further reduce workplace injuries by tailoring work health and safety procedures for individual workers. This will be achieved by allowing employers to request potential workers to disclose pre-existing injuries that could reasonably be aggravated by performing the duties of employment and to allow access to a prospective worker's claims history—no different to other insurance schemes across Australia.

The government also listened to the concerns of business over the potential for fraudulent claims. It is proposed to further increase the penalties for defrauding or attempting to defraud insurers under the scheme and will bring them in line with penalties in other jurisdictions. The bill also closes a potential loophole caused by *Foster & Anor v Cameron* by ensuring that a court cannot award damages for domestic services that are provided gratuitously to a worker by his or her family or household and to prevent a worker converting gratuitous services received prior to trial into paid services after trial.

Workers compensation is not about workplace entitlements; it is an insurance scheme paid by employers to compensate injured workers and help them get back to work. To that end, I want to see WorkCover and self-insurers in the Queensland scheme have a stronger focus on return-to-work outcomes. Getting injured workers back to work is good for the worker and good for the employer.

Having a competitive premium will encourage more investment into our great state of Queensland, which means more jobs for Queenslanders. It is not good enough for us to simply settle for second best. We want to maintain the Queensland scheme as the best performing scheme in Australia and to be the envy of every other state and territory. The changes I have outlined in the bill will ensure that we will once again lead the nation by having the best scheme that focuses on injury management, rehabilitation and return-to-work outcomes for injured workers and a reduction in premium for employers. We believe we have the balance right. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.15 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Declared Urgent

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.15 pm), by leave, without notice: I move—

That under the provisions of standing order 137 the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill be declared an urgent bill to enable the bill to be passed through its remaining stages at this week's sitting.

Mr PITT (Mulgrave—ALP) (12.16 pm): I rise to oppose the motion put forward by the Attorney-General. This is another example of this government's callous approach to attempt to govern this state. We know that they have run roughshod over the committee system time and time again, but never has there been a more blatant example of it than going over the top of a committee which was given a task to look at the workers compensation scheme here in Queensland and which, quite frankly, has been ignored.

Every one of recommendations that were put forward were put forward on the basis of submissions that had come before the committee—more than 240 submissions and more than 13 public hearings. Again and again this Attorney-General suggests that he knows better than all of those people who submitted. He thinks he knows better than people who have been involved in this field for decades. He thinks he knows better than everyone else in the entire world it seems.

This is completely disappointing. Introducing legislation to strip workers of their rights to workers compensation is a slap in the face to this parliament. It is a slap in the face to the MPs of both sides of politics who gave very clear instructions as to what they thought the changes should be. It is a slap in the face, as we said, to the committee and to all of those people who have put forward recommendations and suggestions.

The member for Coomera did a stellar job of chairing this committee, and it is a very important to note that this committee presented a report that was unanimous. There was no dissenting report and no statement of reservations. It was a report that was talked through at length carefully. It was very carefully looked at to ensure that we as a committee got the balance right. This again is another approach by this government to destroy any semblance of an independent committee system here in this state.

Let us just recap for a moment. We have the best workers compensation scheme in the country for now. But unfortunately what is now fair and sustainable—

Mr BLEIJIE: Mr Deputy Speaker, I rise to a point of order. The Manager of Opposition Business ought not be prosecuting the issue. The issue at hand is the urgent debate. That is what he should be debating, not the issue of debate but the actual urgency of the debate.

018 Mr DEPUTY SPEAKER (Dr Robinson): Order! I ask the Manager of Opposition Business to address his comments to the urgency of the debate.

Mr PITT: Yet again, Mr Deputy Speaker, the Attorney-General shows that he does not want anyone having an alternative point of view so I will confine my comments to the urgency motion.

Mr Bleijie interjected.

Ms Palaszczuk: You had your go.

Mr DEPUTY SPEAKER: Order! The Manager of Opposition Business has the call.

Mr PITT: It is very clear that Queenslanders have a concern about this particular minister—this Attorney-General's approach to the committee system and his so-called urgency motions on plenty of bills. If anyone deserves more scrutiny, if anyone deserves the fine detail of what is being proposed to be gone through in greater detail, it is this Attorney-General. This is all about making sure that this is not a rushed job. We know what is coming. There are going to be other bills introduced today which will not only be rushed through this sitting of parliament but we understand will be rushed through today.

This response is all about this government's agenda and no correspondence will be entered into. No wonder it is becoming known as the know-it-all Newman government. The reason there is a committee system and why we should not be pushing urgency motions through all the time is quite simply because scrutiny of legislation is important. Alternative points of view are important. The urgency motion before the House is about this Attorney-General's ability to slip through the cracks, to try to pretend that he should not be held up to the same level of accountability as other people. Quite frankly, he is a disgrace. He should hang his head in shame. This legislation should be given more airing, as should the other legislation which we expect will be introduced today. Quite frankly, this Attorney-General is not listening. He has not listened to what ReachTEL polls have said about the number of people who support—

Mr Bleijie: Ha, ha!

Mr PITT: He has not listened to what people have said in this state about making sure we have a fair and equitable workers compensation scheme. Let me be very clear: in terms of this legislation we will not be debating what is contained in it because we want a chance to have a look at it. Mind you, we will not have the opportunity to dissect it as much as we would otherwise do if this was not being pushed through as an urgency motion. I will say this: any future Labor government will reverse any of the changes being proposed by this absolutely disgraceful Attorney-General. People should be left in no uncertain terms that this opposition will be opposing this every single step of the way.

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.22 pm): I take note of the objections raised by the Manager of Opposition Business. The Manager of Opposition Business talks a lot about the committee process. This was one of the first issues that went to a parliamentary committee, and the parliamentary committee had nine months to deliberate. It then had an extension. This House gave it an extension of three months so it had a 12-month inquiry. We had nearly 300 submissions. The reason this government wants it dealt with this week is we believe there has been sufficient time for debate and scrutiny. We are simply now responding to the committee report. The parliamentary committee did a 12-month investigation and inquiry. The Manager of Opposition Business, in his own words, said there were 13 public hearings. We think there has been sufficient time for debate over the last 12 months. The government has not rushed its response. We have had the report for a few months and we have looked at it very carefully. We have taken into account the views of all sides and all issues, and we think we have the balance right. That is why we believe the government is in a position to be able to legislate now having formed the opinion—

Mr Pitt interjected.

Mr DEPUTY SPEAKER: Order! I call the Attorney-General.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. If the Labor Party had its way, a government would never achieve anything in a three-year term because it would introduce legislation and everything would get bumped off to committees. We need to recognise that there have been 12 months of deliberations on this very issue by a parliamentary committee, 300 submissions and a committee report which we are now responding to. The legislative response that I tabled today is, in fact—surprise, surprise—in line with the government's response to the committee. It is no surprise. If members saw the press that I did this morning, the government's position is quite clear. We believe we have the balance right. That is why we think the processes should be in place.

The Manager of Opposition Business raised the criminal motorcycle gang legislation being introduced today. Wake up; it is no surprise. I announced two weeks ago that we would be introducing legislation. It will not be going to a committee process because we want to deal with the issue today. That is why for this particular bill it is urgent. We are going to have these laws reformed this week because we believe there has been sufficient time for all interested parties to have their say on this very important issue.

Division: Question put—That the motion be agreed to.

AYES, 69—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, C Davis, T Davis, Dempsey, Dickson, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grant, Grimwade, Gullely, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Ostapovitch, Powell, Pucci, Rice, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens

NOES, 13—Byrne, Cunningham, Douglas, Hopper, Judge, Katter, Knuth, Mulherin, Palaszczuk, Pitt, Trad. Tellers: Miller, Scott

Resolved in the affirmative.