



# Trish Doyle MP

## Member for Blue Mountains



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### New South Wales Parliament Legislative Assembly

#### Workers Compensation Amendment Bill 2015

11 August 2015

I am pleased to see the Baird Government making some effort in the Workers Compensation Amendment Bill 2015 and the cognate State Insurance and Care Governance Bill 2015 to address the appalling record of the former O'Farrell Liberal Government in the treatment of injured workers.

No doubt the Baird Government is aware of the widespread condemnation which has been levelled at the heartless workers' compensation reforms which the conservatives—led by the disgraced former Premier Barry O'Farrell—rammed through Parliament back in 2012.

Three separate reviews and reports have been written since the 2012 reforms, which have outlined the ways in which that legislation failed to adequately assist and rehabilitate injured workers.

It is certainly high time the Government reassessed its policies and took some of the ideological heat out of its own heartless legislation.

To this end, I acknowledge that in the Workers Compensation Amendment Bill 2015 there are some small steps in the right direction. I think it is probably quite easy for the Liberals to forget that these legislative reforms actually affect real people in their day-to-day lives.

It is probably not the case that there are any fewer injured workers in the electorate of any Liberal member of Parliament. But, based on the reputation the former member for Blue Mountains cultivated for herself in my community, it is more likely that Liberal members of Parliament simply take very little interest in the issues affecting their constituents and so are able to set aside the impacts of their legislation altogether as they take their positions on the Government benches during each division.

Unlike those opposite and their former colleagues, I make sure I am available to my constituents to hear from them about how the Liberal Government's agenda is impacting their lives.

For example, I am in contact with a number of constituents in my electorate who have been let down by this Government's approach to injured workers. They have explained to me in detail the issues that arise for them—not just from the changes to legislation made in 2012 under the O'Farrell Government but also from cultural changes within the bureaucracy that became apparent to them with the change of government in 2011.

One of my constituents has ongoing medical treatments that the Government's insurer, QBE, has spent months trying to withhold from him. It should be noted that this person was exempt all along from the 2012 changes but still has to battle with this Government and the semi-privatised system that it has championed to secure basic medical treatment for his lifelong injuries suffered in the workplace.

Another of my constituents rang my office in recent weeks because she had been advised by the department that her support and treatment would cease altogether in 2018. She advises me that her solicitor can find no legislative basis for her support to be suspended and she has been unable to get a clear answer from the department to her queries.

That day I wrote to the Minister on her behalf, but, as I am yet to receive a response from him about her case, my constituent is still in the dark about whether she can trust this Government to provide her with the support services that she relies upon to get by.

This is the context that I am bringing to this debate.

The context is that ordinary people in my electorate have been injured in the workplace and struggle to get the treatment and assistance they need from this Government because the Liberal Party's ideology is incompatible with fair workplace compensation.

It is in this context that I will always be sceptical and suspicious of a Liberal Government's motives when it tries to make amendments to the legislation governing workers' compensation. I echo the statement of the member for Cessnock that injured workers are not customers.

I heard the member for Tweed earlier in this place utter in the same sentence "there is a strong focus on supporting injured workers back to work" and then "it's a volatile market".

The Liberals are plainly more concerned about the impact of workplace injuries on a business bottom line than it is on people living with lifelong workplace injuries.

I do not trust this Government when it says there will be no impact on injured or sick workers when it abolishes the Workers' Compensation Dust Diseases Board. I do not trust this Government when it assures us that this time it will do the right thing by

workers in this State. There is a good reason the track record of the conservatives is so bleak—it is that their ideology is uncompromising.

Not only would the conservatives in this place have sided with big businesses of yesteryear and voted against protections for people in the workplace; we know from their track record—established just three years ago—that they habitually vote to limit support for people who, most unfortunately, are injured at work in spite of modern workplace health and safety protection,.

It is important to examine the important work of the Workers' Compensation Dust Diseases Board in this place before the Baird Government is allowed to abolish it.

I stood outside Parliament House last week with representatives from the Asbestos Diseases Foundation of Australia and my friends from the Australian Manufacturing Workers' Union when the abolition of the Workers' Compensation Dust Diseases Board was announced. One of these representatives, Helen Davis, spoke of the support and comfort she and her family received from the Workers' Compensation Dust Diseases Board as they coped with the loss of her husband, Laurie, 11 years ago.

Laurie contracted asbestos disease when he undertook renovations to the family's fibro home that they bought in the mid-1960s. Mrs Davis had this to say about the support she received from the Workers' Compensation Dust Diseases Board:

*They would have sent someone out seven days a week to shower him, do my housework, mow the lawns, that sort of thing.*

*I could go and spend time with friends and they would sit with him.*

*When he passed away, they would contact me and make sure that the girls and I were doing OK.*

There is absolutely no guarantee in the proposed legislation that would protect this important support service provided to victims of asbestos disease and their families.

The proposed legislation would replace the Workers Compensation Dust Disease Board with an advisory office to the Minister. This almost certainly will see casework and ongoing social services cut, such as those which Mrs Davis was able to rely upon. I do not trust the assurances of the Government that these services will be retained through the new legislation.

Giving the Minister of the day complete discretion over the claims process opens the system up to interference by an activist Minister who may want to make support and rehabilitation a political matter. Given the track record of the Liberals, this is not difficult to envisage.

The Government's Going Home Staying Home reforms in the Family and Community Services sector are plainly damaging for service providers and vulnerable citizens. In the same way, its TAFE sector reforms are neither smart nor skilled. For the same reasons, the Government's spin on this legislation cannot be trusted.

It is utterly offensive to those of us who have spent our lives campaigning as and alongside workers to be told by this venal conservative Government that the only way for us to secure improvements to the contemptible O'Farrell workers compensation laws is to vote for a package of bills that would see the abolition of bodies such as the Dust Diseases Board.

With the savage cuts of 2012, injured workers lost their benefits and protections, as well as their rights. Workers and their families have been impacted to the extent that their lives have been changed forever.

I spoke with a constituent yesterday who told me of his fears and anxieties for the future; he worries about his ability to feed, educate and clothe his children. He no longer has trust in this Government.

I am the Vice-President of the Blue Mountains Unions Council. This organisation, together with Australian Labor Party branches in the mountains and the Injured Workers Support Network, takes an interest in ensuring that injured workers are supported properly and have access to vital rehabilitation services.

I pay tribute to the work of fabulous trade unionists such as Helen Bellette and Rowan Kernebone—both committed workplace activists from the Blue Mountains—as well as my mate Pete Tully, from Bathurst, for their work with the Injured Workers Support Network.

These people are experts on the impact of the workplace safety and compensation legislation; but the Government did not consult them. Likewise, the Government did not consult the President of the Asbestos Diseases Foundation of Australia, Barry Robson.

Given this indifference to the input of stakeholders, and the Liberals' appalling track record on this issue, how can we trust the Baird Government to do the right thing by injured workers?

The truth is that we cannot.