

WORKERS' COMPENSATION AND INJURY MANAGEMENT AMENDMENT BILL 2017

Second Reading

Resumed from 1 November 2017.

MR P.A. KATSAMBANIS (Hillarys) [7.00 pm]: It is a pleasure to rise to speak on the Workers' Compensation and Injury Management Amendment Bill 2017. The opposition will be supporting this bill. As the lead speaker for the opposition, I will set out the reasons we support it. This bill arises from WorkCover WA's 2014 review of the Workers' Compensation and Injury Management Act 1981. The final report of that review highlighted some deficiencies around compensation for dependent family members when a worker is tragically killed in the course of their employment. We know that workplace injury needs to be minimised and eliminated. But accidents occur. Issues do occur. Occasionally—around 20 times a year, on average, in Western Australia—those incidents lead to fatality. One can only begin to imagine the impact that that fatality would have on that worker's family in particular. It would also have an impact on any colleagues, particularly colleagues who might have witnessed the incident, and friends, family members and extended family members. In particular, when that deceased worker was providing income for their family, the devastating personal consequences for the family can often be exacerbated by financial hardship if they are denied the income that their family member was bringing into their household.

The review into the Workers' Compensation and Injury Management Act raised some issues, particularly around the lump sum entitlements that are payable to spouses or partners of the deceased worker and the allowances that are paid to dependent children until they turn 18. We have had a habit in this state of legislating maximum amounts for things like compensation and other matters with no provision to index those amounts so that they will keep pace with inflation and so that the purchasing power of that money will be maintained over the course of time—in this case, since the Workers' Compensation and Injury Management Act was first introduced back in 1981. The review highlighted those issues. It also highlighted some issues around the definition of "de facto partner", and I will talk about that in a minute. The current legislation requires a de facto partner to have been living with a worker for at least two years prior to their death, and if they cannot meet that two-year threshold, they do not get a proportion of the compensation that they may have been entitled to; they have no entitlement.

The first significant thing that the Workers' Compensation and Injury Management Amendment Bill 2017 does is increase the lump sum payable to the dependants of the deceased worker—spouse or partner, and children, if they had any. Currently the amount is \$308 339 and it is going to be increased to \$562 303, but importantly, the legislation sets the amount as being 250 per cent of the current maximum amount payable to injured workers for non-fatal injuries. Because that is prescribed, it can be indexed annually to keep pace with inflation and to ensure that the families of deceased workers are adequately compensated in the future, so the value of the \$562 303 lump sum will not erode over time.

The legislation introduces a statutory formula for dividing the funds between a spouse or partner and the children of a deceased person. An examination of the legislation indicates that the compensatory lump sum payment is quite heavily skewed towards the partner or spouse. For instance, if there is one partner and one child, 90 per cent goes to the partner and 10 per cent goes to the child. Obviously, if there are no children, the partner takes 100 per cent. If there are two to five children, each child is entitled to five per cent of the lump sum, and the balance goes to the partner. With six or more children, the children's entitlement is capped at 25 per cent—the same entitlement as if there were five children—so that the partner gets 75 per cent. There are also provisions around the possibility that there may be more than one partner. I know that sounds weird, but we understand modern life and that someone may be separated or divorced but still be providing for a partner while cohabiting in a de facto relationship.

The legislation is prescriptive and I do not take issue with the fact that the payments are skewed towards the partner, because any dependent children are also entitled to weekly payments; they are entitled to an allowance. That allowance is also being increased. It is currently \$58.90 and it will rise to \$133 a week. A dependent child of a deceased worker will get \$133 a week, more than double what they are entitled to now. Again, that is a recognition that the amounts set in the statute have lost their purchasing power over time. I note in the minister's second reading speech that he indicated that this weekly allowance for children would be indexed annually. I have looked at the legislation and I cannot find a direct provision in the bill that would allow for that indexation. Minister, this is indexation of the weekly allowance payable to children of deceased workers.

Mr W.J. Johnston: We will answer it in the second reading reply.

Mr P.A. KATSAMBANIS: Yes, if the minister could provide a clarification in his response to the second reading debate. I assume it is somewhere in the regulations, and the bill tries to fit into the existing act and the regulations. I am not suggesting that the bill is flawed; I am just seeking clarification.

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Another thing the bill does is remove the definition of “de facto partner”; it relies on just “partner”. The definition in this legislation of “de facto partner” requires cohabitation for two years. Our statute books, federal and state, are littered with definitions placing a minimum time requirement on a de facto partner. For instance, the Migration Act defines “de facto partner” as someone who is in a committed relationship for more than 12 months. We know that people can meet, get engaged and get married very, very quickly, and they are deemed to be in a relationship, so it seems to be a bit discriminatory for people in de facto relationships. That two-year limitation is being removed, and that is a good thing, because a few years ago there was a dependent partner of a construction worker who was killed. They almost got to the two years, but not quite, and they were not entitled to any compensation even though they were financially dependent. The new definition will simply pick up the definition in the Interpretation Act 1984 and it will basically have to be proven that they are in a long-term committed relationship. I think that is a good step forward.

The bill also creates a system for quicker determination of the entitlements and quicker assessment so that the family of a deceased worker can get access to compensation in a timely manner. That is a good thing. The proof will be in the pudding. I think the minister has called it a fast-track process. That is to be encouraged. If people are entitled to compensation, they should not be short-changed by dragging out the process and being denied the compensation when they most need it. Usually, if someone loses a family member who was either wholly or partly providing family income into the household, they need those funds very, very quickly to supplement the family income or to replace the income that has been denied because of the death. That is a good thing. The bill also will remove any requirement for apportionment based on how much a partner or spouse was dependent on their deceased partner. I think that is recognition that we do not live in the 1950s. Many households rely on two incomes, with both partners working. To try to apportion it because the surviving partner has some income does not equate with the reality of families who have based their expenditure on two incomes. I think that is good as well.

Quite some time ago, the opposition received a very comprehensive briefing from WorkCover WA. It indicated to us some information that we sought. Clearly, the children of a worker who has been tragically killed at work are entitled to two payments: they are entitled to the lump sum and they are entitled to the weekly payments. The lump sum is held in trust until they reach adulthood. It was clarified at the briefing—the minister can correct me if I am wrong—that no drawdown is available on the lump sum until the child reaches the age of 18 years. There are no extraordinary provisions or the ability to make an application in extenuating circumstances. Given the increase in the weekly payments for ongoing maintenance for the children, there is probably little need for that, but I can foresee some circumstances in which children may want to access the lump sum funds before they turn 18, such as a double tragedy in which the remaining parent also passes away and there might be a need to access the lump sum. I guess we will see how this works in operation, but I hope the minister will take my point into account and, if it becomes an issue, will deal with it at the time.

As I said earlier, we were told at the briefing that there are about 20 such fatalities each year. The authority indicated to us that it estimates that the changes made by this bill will have an impact on WorkCover’s funds of around \$4 million a year. It was pointed out that, in the context of the entire fund, which pays out, on average, \$1 billion a year, it is a very small amount and is unlikely to have any significant impact on premiums. That is important to note and we will continue to monitor that, because we are trying to encourage employment growth and we are trying to encourage employers to create more jobs to employ Western Australians. We know that workers’ compensation is necessary and it is mandatory, but it is imperative that we keep the costs of the fund down through good administration and, obviously, compensating people fairly, but with a strong focus—not the sole focus—on not increasing premiums so as to make Western Australia uncompetitive as a place to invest, do business and grow jobs. At the moment I am satisfied that \$4 million out of a \$1 billion pool is likely to have little impact, but again, we will monitor this in due course. Hopefully, we reduce and eliminate workplace accidents and workplace deaths, so actuarially over time our liability under this scheme reduces and then expires. That would be everybody’s goal—zero deaths. I do not think there is any debate on cross-party lines that we need to encourage workplace safety to avoid accidents, incidents, injury and death. The authority, WorkCover WA, also told us that 105 children—around 100 children, let us say, because it will vary—are receiving payments or have funds held in trust. Around 75 are receiving weekly payments and 30 have funds held in trust for them for when they turn 18 years old. The average age of the dependent children is 14 years. They are interesting statistics. It is clear that this is not a fund that is accessible to thousands of people across Western Australia, but it is extremely important. The bill brings to this place the work started under the previous government; the legislation was in the course of being drafted. It is relatively complex to draft these sorts of provisions and ensure it is right, so it was a slow and laborious process. Irrespective of who is in power at the time, we have to, finally, consider implementation and hopefully very soon implement the recommendation of the 2014 review of the act.

With these words, the opposition supports the bill. We would like some clarification around whether there is any provision, under extenuating circumstances, for children to access the lump sum before they turn 18 and, I guess,

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an assurance that the government will stay on top of this and make sure in practice that it is working as intended. As I said, my heartfelt desire is that fewer people each year need to access this fund at all, because of improved safety in workplaces across Western Australia. But that is an issue for another day.

MR S.J. PRICE (Forrestfield) [7.23 pm]: I rise to contribute to the debate on the Workers' Compensation and Injury Management Amendment Bill 2017. I thank the member for Hillarys for the support for this bill that he just spoke about. As we all know, occupational health and safety is a very important part of every individual's working entitlements and this government takes it extremely seriously. A key component to that is that, unfortunately, people get injured at work. This is why the Workers' Compensation and Injury Management Act is so vitally important.

I will touch on some issues with the bill that we are debating this evening. The need for it resulted from the 2014 review of the Workers' Compensation and Injury Management Act. Essentially, two of the main issues that resulted from that review are the inadequacy of both the lump sum entitlement payable to a spouse or a de facto partner of a worker and the child's allowance payable to dependent children, should that worker unfortunately suffer an injury that results in their death whilst at work. A number of changes are proposed. I will get into some of the key aspects of it shortly. It is really important to acknowledge and understand the importance of these amendments and the impact that they have on the families left behind when a worker is unfortunately killed at work. On a number of occasions in my previous role as secretary of the Australian Workers' Union, I unfortunately had to deal with the issues we are talking about. A little later I will give members the details of some of those experiences.

One of the key aspects of the proposed amendments is the significant increase in the lump sum amount payable to the family or dependants of the deceased. When I talk about some of my personal experiences of these matters, members will understand the significance. The Workers' Compensation and Injury Management Amendment Bill 2017 will also significantly increase the weekly allowance for dependent children of the deceased. It is once again a significant and very worthwhile increase that will certainly mean a lot to families who find themselves in these situations.

The removal of the outdated definition of de facto partner is once again a significant change that will be very important to people caught up in that situation. The member for Hillarys referred to the unfortunate situation a couple of years ago when a construction worker was killed at work and his de facto partner was essentially denied any compensation due to their relationship not having reached the two-year threshold. I know that young lady and, to all intents and purposes, those two were married. It was unfortunate that the legislation denied her any sort of benefit at that time. This bill will provide greater clarity and support for claimants through services offered by WorkCover to ensure that claims are processed expediently so that distressed families can access compensation in a reasonable amount of time.

The Workers' Compensation and Injury Management Act 1981 established a workers' compensation scheme in Western Australia. It provides the framework for the liabilities of employers to pay no-fault compensation to workers for a work-related injury, injury management and the return-to-work obligations of employers, employers' insurers and workers. It also helps define the framework for insurers and self-insurers, and the regulation of service providers in the workers' compensation injury management area. This very important piece of legislation has had a significant impact on our worksites. Under the current act, a deceased worker's dependants have a potential maximum entitlement to a lump sum payment of up to \$308 339 indexed annually. The dependent child's allowance is \$58.90 indexed annually until the age of 16, or 21 if in full-time study. The reasonable costs of medical and related expenses incurred are covered, as are funeral expenses. The proposed amendments will mean significant increases, and one of the objectives of this bill is to increase that lump sum amount. It will provide a simple and equitable method for the apportionment of a lump sum between dependants—a very significant change in the circumstance of there being more than one claimant.

Having spent quite a number of years working within the mining industry, I worked with a lot of people who were on their second, third and sometimes even fourth relationship. Some of them had a number of kids to a number of different partners over their life's journey. The change that we are proposing will allow multiple claimants to put in for an entitlement should something happen to a person in that situation. Once again, we are taking a very modern approach in this legislation.

The bill also aims to ensure that dependent children can receive both a child's allowance and a portion of the lump sum. It also aims to facilitate timely access to compensation and, as I mentioned earlier, updates the definition of "de facto partner". I will touch on a few of the related changes outlined in this bill. For example, amended schedule 5 sets out the specific entitlements for a de facto. This is an important aspect of workers' compensation and a legacy issue from some of our previous mining activities. We need to remember that this bill amends the current act, so parts of the act will carry on. Schedule 5 of the act will carry on and regards entitlements relating to workers suffering from an asbestos-related disease. As we know, there is certainly a long legacy and history of

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unfortunate deaths relating to working in the asbestos industry and they will be ongoing for some time. It is important that we make provision to look after the legacy issues in that regard.

As I mentioned earlier, the significant changes regarding the lump sum entitlements will have the biggest impact on those who are left behind. The lump sum payment will increase by 250 per cent and that is indexed. That is a significant increase. When the bill comes into effect in 2017–18, the entitlement will increase to \$562 303. That sounds like a reasonable amount of money. However, when we put that into context—purely looking at the financial aspect of it and not looking at the trauma and distress and the personal impacts that come with losing a loved one—in this day and age, \$562 000 is only eight years’ earning capacity for someone with an average income of \$70 000 a year. As we heard earlier—the member for Hillarys referred to this—normally a two-income family has to deal with the costs associated with housing and living. Therefore, to lose half that earning capacity has a significant impact on a family, and that loss is not a temporary one. It is a permanent one whereby a family goes from being a two-income and two-parent family to a single-income and single-parent family. That \$562 000 might help people get over a particular situation, but it is certainly not enough to set them up for the rest of their lives. We have to continue to ensure that we can help people get on with their lives with the least disruption going forward after such a significant event.

This bill will also increase the child’s allowance to \$133 a week. That will more than double; it is \$58.90 and it will become \$133. That again helps with the cost of living for families that, unfortunately, find themselves in this situation. As the member for Hillarys touched on, this may have a financial impact on premiums, but the way we stop that from happening is to not kill people at work.

Mr D.J. Kelly: Good idea!

Mr S.J. PRICE: I know; it is a great idea!

Every worker has the right to come home from work in the same condition that they went to work. Part of the McGowan Labor government’s attempt to ensure that we have responsible employers and occupiers of premises is that it has increased penalties related to occupational health and safety breaches in other areas through the Occupational Safety and Health Act and the Mines Safety and Inspection Act. The penalty increases in these two areas are significant and should certainly drive and improve OH&S behaviour by corporates within Western Australia. However, the unfortunate reality is that we are still killing far too many people at work. An article in *The West Australian* on Tuesday, 18 April 2017 states that a worker has been killed on the job in WA every month on average for the 2016–17 financial year. Unfortunately, we still seem to kill roughly 20 people a year at work in Western Australia. That statistic is far, far too high. In 2016, WorkSafe released a report, “State of the Work Environment: Work-related traumatic injury fatalities, Western Australia 2006–07 to 2015–16”. It states that a person is fatally injured in a workplace in Western Australia every 19 days on average. There were 199 work-related traumatic injury fatalities between 2006–2007 and 2015–2016, and there have been 315 fatalities since 2000–01. They are absolutely shocking statistics that we are killing 20 workers a year on average. We have to continue to improve to prevent that from happening. One worker’s death is one too many.

I want to touch quickly on some of my own experiences. On 9 September 2009, a 50-year-old man died at Alcoa’s Wagerup refinery. His name was Paul Fry. Paul jumped into a tank. I do not know whether members have ever been to the refinery; there are very long, tall tanks. From memory, this tank was about 15 metres high and maintenance had been undertaken in it. Normally, the tank is filled full with slurry when online but when maintenance is carried out, a hanging stage for a scaffold is put in there for workers, which is lowered as they work their way down the tank. To get into these tanks, workers go through a manhole that is around 900 millimetres in diameter. It is normally the feed for the slurry going into the tank, so workers have to hang onto the flanges and sort of lower themselves into it, feet first. Workers cannot see a great deal, so they normally go just by touch with their feet. When they hit the scaffold, they feel pretty good. For whatever reason, Paul jumped into this tank and the scaffold had been removed. Subsequently, he fell 15 metres through the tank—it would have baffles and everything in it. He ended up at the bottom of the tank. He was an experienced person who was very safety conscious. Accidents happen; there is nothing we can do about that. I went to the funeral and Paul’s wife and three kids were there. From memory, they were aged about 12, nine and seven years old at the time; three little boys—three sons. They lost their dad and had to get on with their lives and try to survive financially. I remember that at the time a lot of fundraising went on for them, but the money did not replace their dad and it did not bring him back. The compensation they received would not have been enough to help them get through the situation that they were going through and put them in a good place going forward, whereas what the government is proposing in the bill will help.

[Member’s time extended.]

Mr S.J. PRICE: Once again, I turn to the companies. Alcoa was fined \$68 000 for Paul’s death and the company he worked for, Transpacific, was fined \$170 000 for the accident. His family received two hundred and something thousand dollars for his death. There is no—I suppose “justice” is not the word—fairness in a situation like that. A corporate can pay a fine and get on with it, whereas the family that is left behind has to work its way through it.

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Another unfortunate situation that I was involved in occurred in 2014 on a powerline project. As members would remember when we were talking about developing Oakajee port, there was a power supply shortage in the midwest and we had to build a transmission line from Pinjar to Moonyoonooka, which is just out of Geraldton. At the end of the day, that was going to cost \$450-odd million so it was decided to split the project into two. At the same time, the Karara magnetite mine was being constructed just out of Geraldton. The issue was that there was not enough power on the transmission line in the grid to power the mills at Karara. A transmission line was built from Karara to the main south west interconnected system transmission line from Perth to Geraldton. It was only a 132-kilovolt line and had to be upgraded so the decision was made to build a 330-kilovolt line. Downer EDI was building the 330-kilovolt from Pinjar to Eneabba, which is where Karara was going to hook into it. I do not know whether members know much about transmission line construction, but it involves those big towers that can be seen down the highway out in the middle of nowhere—those big foreign-looking structures. In the building of transmission lines, the structures are built and then they do what they call stringing, which involves wire being strung between the towers. That can be done in a number of ways; helicopters can be used or pulleys can be put on and with the use of a manual winch, the wires can be pulled through. All the time that they were doing this, the line was completely dead. It was a brand-new kit and new infrastructure, and it was not connected at either end to any sort of electrical source; therefore, the risk of electrocution was quite minimal and the situation was very, very safe. I think this particular transmission line was around 190 kilometres long and they might have been, I think from memory, maybe 50 kilometres up the line. The start of the transmission was, from memory, about 70 metres from the 132-kilovolt line, which was energised and operating. What occurred in this instance was just one of those amazing circumstances that, from what we could find out, has happened only once before. As they were physically stringing the cables to the towers, the perfect atmospheric conditions developed in the right area; there was the right amount of moisture in the air, the right amount of dust and the right amount of wind. An arc formed 70 metres from the smaller transmission line across to the line that they were working on, and that energised the line that they were working on. At the same time, workers were connecting the cable to the towers.

A young guy by the name of Zane Maxwell happened to be the first in line, and he became the earth and was electrocuted. Zane was aged in his early to mid-20s. He had a one-year-old child and was about to get married. It was the same type of situation. I spoke with his family after the event and tried to explain to them how this extremely unfortunate death had occurred. They wanted to know as much as they could about it, and, unfortunately, we did not have a lot of answers because we cannot really explain what happened. Zane was a dad and soon-to-be husband who was trying to earn a living. His young family and soon-to-be wife were relying on him to be the main income earner. They now do not have that option. The payment that they were entitled to at the time was the old level of payment. That does not help families to set themselves up and adjust to being a single parent family and to not having a second income earner. On top of that, they had to face all the issues that people face when they lose their husband or father through a workplace death. I have described two situations in which the impact on the family was significant. Unfortunately, we hear far too often about people who are killed or injured at work. Most people do not stop and think about the impact on the family and how important these sorts of legislative changes are to people who unfortunately find themselves in this situation.

The member for Hillarys talked about how we should approach this issue going forward. We need to increase the compensation payouts to families. However, we also need to look at ways in which we can prevent people being killed at work. I have mentioned the increase in penalties that the minister has announced. The minister has also announced a review of the occupational health and safety sector. That will give Western Australia some of the best OHS legislation in the country. That will help ensure that Western Australia has the safest workplaces in the country. The legislation that will come out of that process will not be a matter of a race to the bottom and picking something from another state just because it works in that state. It will take the best legislation from around the country and apply that to the Western Australian environment. Western Australia is unique in its diversity of industries, occupations and locations of work. That presents a challenge that is bigger than the challenge faced by the other states in this country, because we need to come up with legislation that will protect workers in the many different circumstances that exist in this state.

The Western Australian legislation will also need to streamline the approach to OHS to provide consistency across industries. Currently, different OHS legislation applies to different industries. Once we have established a common approach with common requirements, we will be able to ensure that all the different corporations that operate in all the different industries have the same level of understanding. However, let us not forget that the key is ensuring that workers are well trained. Companies have an obligation to provide a safe place of work for their employees. However, employees also have an obligation to ensure their own safety at work. Companies have to make sure their workers are trained in what they do and make sure their workers understand the procedures that apply to the jobs they are undertaking. Companies also have to understand that workers have the right to question something if they do not think it is safe or to seek further training on something that they are unsure of or are not comfortable undertaking. A collaborative approach to the job is needed. We have to make sure workers are well trained because

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workers need to stop being injured and stop being killed. There is an understanding that a number of near misses or injuries occur and they collate to increase the risk of a fatality on a worksite. If we can restrict the number of smaller incidents, near misses or injuries sustained by workers, it works towards reducing the number of fatalities on a worksite.

Apart from having a bigger picture view of ensuring that legislation covers our industries and the occupational health and safety requirements of our workplaces, we must ensure we look after the smaller aspects of them and those less focused on, such as the appropriate training of workers and the appropriate procedures and policies being in place on our worksites to try to reduce the number of injured workers. That will ultimately reduce the number of workers who are killed at work, and that will reduce the number of people who, unfortunately, will be affected by this legislation, which will shortly be put into place.

I support this legislation and I strongly urge everyone in this house and everyone in the other house to support it when it goes over there for debate. Looking after working people is a key theme and a key priority of any Labor government. It should be a key priority for any political party. We all need to ensure we do our bit so that everyone can go home from work every night the same way that they went to work.

MR R.S. LOVE (Moore) [7.52 pm]: I want to very quickly talk on the Workers' Compensation and Injury Management Amendment Bill 2017 and reiterate that, like other speakers, we would very much like to see a reduction in the number of people who need to claim compensation in future. The unfortunate reality is that about 20 people a year have been in this position. Until now, it has appeared that the amount of money available, given some of the family circumstances and relationships involved, and compensation for children et cetera, have been quite low by standards throughout the rest of the country. It has probably been well below the amount of money that is needed for a family to get by in the very unfortunate circumstances outlined by the member for Forrestfield. I remember the incident he was talking about of the young man who was electrocuted because it was in the middle of my electorate, not far out of Jurien Bay. It was a very unusual and unfortunate event. No doubt the circumstances still play out for his family today. It is important that when people go to work they have some confidence that their families will be protected in the unfortunate event of something occurring. We certainly wish for a system that supports workers' families.

I note that premiums will increase and that will have some impact on business, but, as far as I know, there has not been a great outcry about those costs. I think that most people are willing to accept that this is an important measure and that making sure families are looked after is a laudable action. Therefore, this legislation has our support, although we will go through some issues, as we discussed, through the further stages of this bill. To reiterate: the best way to handle this issue would be to significantly reduce the number of people who die at work to below 20 a year. Therefore, the cost to us all and the tragic cost to families would be significantly reduced. Of course, to each of those families, their loss is much more burdensome and it is a terrible event for anyone to have to endure. With that, I close my contribution to this debate and wish the bill speedy passage.

MS C.M. ROWE (Belmont) [7.56 pm]: Thank you, Madam Acting Speaker. I rise to make a brief contribution to debate on the Workers' Compensation and Injury Management Amendment Bill 2017. I would like to take the opportunity to acknowledge Minister Johnston's hard work and to congratulate him on bringing this very important bill to Parliament.

As we have heard from other members this evening, the purpose of this bill is to replace the provisions of the act for entitlements of the dependants of those tragically killed at work. As a number of members have outlined, the statistics on deaths at work are simply horrific. Compared with other states and territories, the amount paid out under Western Australia's workers' compensation system is low. The WA workers' compensation system is also needlessly complex and inequitable, especially for those in de facto relationships, which, as we have already heard, has a fairly outdated definition of "de facto partner". In essence, I will highlight the bill's objectives. The bill will increase lump sum payments to dependants, use a more equitable method to apportion that lump sum payment between dependants, increase the weekly allowance paid to the children of those who die at work and, importantly, redefine the definition of a de facto relationship. I think that is a really critical factor.

Under the current act, the maximum lump sum entitlement that can be paid to a deceased worker's dependants is up to \$308 339, and that is indexed. However, this bill looks to dramatically increase that amount to \$562 303 until 2018. This is a really significant increase of 250 per cent. This bill will also increase the weekly allowance for each dependent child from \$58.90 a week to \$133 a week. That is very significant, particularly in times when families are potentially under immense financial and, of course, emotional pressure. Under the new bill, a child's allowance will be payable irrespective of the level of dependency, whether partially or wholly, and it will be paid in addition to that child's share of the lump sum payment.

Currently under the act, a married spouse is able access entitlements, as is a de facto partner. However, the de facto spouse must have been living with the deceased worker for at least two years prior to their death in order to meet

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the requirement for compensation. This particular requirement is inequitable and discriminatory in nature. It is an outdated definition of a de facto relationship. These dramatic and overdue changes to workers' compensation legislation demonstrate the Labor government's commitment to protecting workers, and I am proud of the minister for introducing this bill.

However, we cannot talk about these changes to workers' compensation entitlements without acknowledging the tragedy of workers going to work and never returning home. An article in *The West Australian* of 18 April 2017 entitled "One WA worker is killed every month" revealed that, devastatingly, in WA, on average, one worker had died at work every month since July 2016. WorkSafe Western Australia statistics confirmed that nine people were killed at work in that time here in WA. The article also stated that in each of the previous two financial years, 22 people had been killed at work. According to the WorkSafe Western Australia Commissioner, most of those deaths were preventable.

I would like us to reflect on those figures as they are entirely heartbreaking and thoroughly unacceptable. Of course, they are more than just figures; they are lives lost. They are fathers who will never see their kids' lives unfold. They are boys who, through no fault of their own, will never reach their full potential. They are young women who have been robbed of any future. Importantly, they are someone's loved ones. When a worker is killed on the job there is a grieving family whose whole world has been ripped apart. Every worker should go to work and come home again at the end of the day. No-one should ever die at work. It is as simple as that! Any death at work is one death too many. That should never be forgotten.

On 11 October 2016, a 27-year-old German backpacker, Marianka Heumann, who was on a working holiday, fell 13 storeys down a ventilation shaft to her death. She was rushed to Royal Perth Hospital but was pronounced dead shortly after arriving. On 20 June 2016, Lee Buzzard, a 32-year-old fitter, died at one of Rio Tinto's iron ore mines in the Pilbara region after receiving fatal injuries. In March 2017, a 19-year-old worker was killed on a residential building site in Yarloop when a panel of a wall fell on top of him. In January 2017, a 17-year-old boy, Wesley Ballantine, who was working on Perth's old post office building, fell to his death as he helped install a glass ceiling. An ABC News online article of 7 January entitled "Tributes paid to Wesley Ballantine, teenager who died in Perth CBD workplace fall" stated that according to WorkSafe WA, Wesley had been on night shift when he died at 4.30 in the morning. Work had been continuing 24 hours a day to finish the renovations to meet tight completion dates. According to the article, after learning of his son's death, Wesley's father posted on social media —

"Today is the saddest day of our life,"

...

"Mum and dad are proud of you and we will always love you forever — we'll meet again in heaven."

These lives lost are why we must act to enhance our workers' compensation legislation. We can never bring back those who have died at work, but we can ensure that at the very least there is some compensation for those left behind. As others have said, I would like us to commit wholeheartedly to protecting workers better so that they do not die at work. I wish to commend this bill to the house.

MR S.A. MILLMAN (Mount Lawley) [8.04 pm]: Like my colleagues, I rise to address the Workers' Compensation and Injury Management Amendment Bill 2017. Firstly, I wish to thank you, Mr Acting Speaker (Mr S.J. Price), for your comments. You spent a lifetime—a professional career—advocating on behalf of workers, in particular workers who had suffered injury in the workplace. The comments that you brought to this house were informed and elevated by that lifetime of experience. I want to commend you for the contribution that you have made. In particular, I want to commend you for the personal stories that you shared with the house this evening relating to your time in that previous role as secretary of the Australian Workers' Union in dealing with some of the tragedies involving your members. I commend the member for Belmont for the contribution that she has just made. Taken together, both contributions this evening highlight a point that was made by a member of the opposition, the member for Hillarys, when he said that we should be striving for zero fatalities at work. I am happy to say that that sentiment is shared across the chamber.

This evening I want to locate my comments within the overall context of how the workers' compensation system operates. I then want to look at the problem that we confronted, the resolution that was proposed to that problem and, finally, how this bill before the house addresses and gives effect to that resolution. The workers' compensation legislation is located within a broader context that is designed to address occupational health and safety. There are numerous facets to this. The member for Belmont already alluded to this in her excellent speech. Whilst on the one hand the workers' compensation and injury management system is designed to provide compensation for injured workers and workers who are killed in the course of their employment, it also sits within the occupational health and safety legislation, which is designed to try to reduce and minimise the risk of these injuries occurring in the first place. I will speak more about both of those.

Mr Peter Katsambanis; Mr Stephen Price; Mr Shane Love; Ms Cassandra Rowe; Mr Simon Millman; Ms Janine Freeman; Mr Dave Kelly; Mrs Jessica Stojkovski

First, I wanted to commend the Minister for Commerce and Industrial Relations for bringing this legislation before the house, which aims to significantly increase the amount of compensation that would be payable to the dependants of deceased workers, and also for his media release of last Wednesday undertaking to modernise the Workers' Compensation and Injury Management Act 1981 generally, demonstrating a commitment to making sure that we have modern and appropriate workplace health and safety laws in Western Australia. Not satisfied with those two excellent endeavours, on 19 February—yesterday—the minister also released for public comment a draft code targeting fly in, fly out workers' mental health, again demonstrating a commitment to the occupational health and safety and in particular the mental health and wellbeing of FIFO workers, picking up on recommendations from the parliamentary inquiry that was undertaken in 2016. The minister has also commenced the review of the occupational health and safety legislation, something that you, Mr Acting Speaker, alluded to in your comments to the house earlier this evening. As members would be aware from the second reading speech, when the penalties for breaches of the occupational health and safety legislation came before this chamber, I had the great privilege and pleasure of being on the ministerial advisory panel that dealt with those work health and safety legislative changes. For the benefit of members of the Assembly, as the member for Forrestfield said during his speech in support of this bill, when those work health and safety changes are encapsulated in a modernised work health and safety bill and in this bill, I am confident that they will elevate Western Australia's work health and safety laws to some of the best laws in the country because they will have had the opportunity of identifying best practice nationwide, learning from the experience in other jurisdictions and applying them to Western Australia.

The changes that we are debating this evening, although confined to compensation that is payable to the dependants of deceased workers, need to be located within a broader context that is emblematic and indicative of a commitment to a modern, effective and fair occupational health and safety and workers' compensation regime. As members may be aware, the Workers' Compensation and Injury Management Act essentially represents a compromise in the field of compensation for injuries suffered in employment. Under the common law, employers have a non-delegable duty to provide a safe workplace for their employees, but not all injuries that occur in the workplace arise as a result of the negligence of employers. There are injuries that can take place in situations in which there is no-one at fault. Before the introduction of the workers' compensation scheme, of which Australia and jurisdictions within Australia were pioneers, injured workers were not entitled to compensation or any means of recovering the economic loss they had suffered as the result of an injury that had occurred through no-one's fault. The trade-off in this historic compromise was that the ability to pursue common law damages for negligence was curtailed. It means that we need to make sure that we have a statutory workers' compensation scheme that provides for fair compensation.

The liability—alluded to by the member for Nedlands—of an employer for injuries that occur in the workplace is located in section 18 of the current act, under which a worker who suffers an injury at work is entitled to make a claim for workers' compensation. It is a requirement of the workers' compensation legislation that employers in Western Australia are to have compulsory workers' compensation insurance. I make this point only to clarify something that was mentioned by the member for Hillarys: the liability is not met in WA, as it is in Victoria, by the statutory body—in WA, WorkCover—but rather, WorkCover is responsible for administering the jurisdiction. The liability is met by commercial insurers, and there is competition for insurance policies in a marketplace. It is a regulated marketplace. That means that an employer's premiums can be calculated by reference to the safety or otherwise of the endeavour. Oftentimes these premiums are set on an enterprise basis. That is just by way of clarification for what appeared to be a slight misunderstanding on the part of the member for Hillarys.

Another point I just want to clarify —

Ms J.M. Freeman: Will you take an interjection?

Mr S.A. MILLMAN: No, not from you!

Another point I want to clarify relates to comments made by the member for Hillarys about the indexation, for want of a better word, of the prescribed amounts. The member for Hillarys in his comments—this is not meant as a criticism, just as a clarification—indicated that he was uncertain of the mechanism by which the prescribed amount was calculated on an annual basis. I will come back to this point, but the Workers' Compensation and Injury Management Amendment Bill 2017 calculates the amount of an entitlement for the dependant of a deceased worker by reference to the prescribed amount. The prescribed amount is itself defined under section 5 of the current legislation; it is a defined term, and that prescribed amount is calculated by reference to the labour price index. Although in an earlier version of the act it was set by reference to the prescribed amount in 1990, and that figure is still in the act—about \$1 009—by virtue of the indexation provision that is located in the definition of “prescribed amount” in section 5, that amount has risen, and it is now about \$228 000. This amending legislation will significantly increase the prescribed amount insofar as the prescribed amount is for dependants.

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I started by saying that I would identify the problem, how government responded to that problem and what the recommendations were as a result of that endeavour, and how this legislation gives effect to the response. The previous government in 2009 undertook a review of the workers' compensation system in Western Australia. That was a two-stage review. People have alluded to this previously, so I will not dwell overly on this aspect, but in 2009 the previous government undertook a legislative review. The first stage of that review process related to procedural matters—I will come back to these a bit later—and they were mostly dealt with by 2013. In September 2013, WorkCover WA—the statutory authority responsible for administering the workers' compensation scheme—released the review of the Workers' Compensation and Injury Management Act, and that was a discussion paper. That discussion paper was to facilitate consultation with scheme stakeholders. As members are no doubt aware by virtue of the fact that I am often repeating it, I used to be a lawyer before I came into Parliament and I used to practice in the area of workers' compensation, so I can tell members who the stakeholders are. They are union groups; employer groups; plaintive lawyers—that is, lawyers acting for the injured workers; their peak body, the Australian Lawyers Alliance, or the Australian Plaintiff Lawyers Association, as it used to be called; insurance lawyers and their representative, the Insurance Council of Australia; insurance providers; and the Law Society. There is a wide range of stakeholders. WorkCover consulted with all these stakeholders to review the operation of the act generally, not with a particular emphasis on entitlements, although that probably could be the subject of a review in any event. However, WorkCover undertook a review of the procedural aspects of the legislation and whether or not the legislation could be drafted in a way that facilitated plain English and more accessibility, because this is an area in which a lot of lay practitioners participate—there are a lot of union organisers, union officials, insurance advocates and all the rest of them. The aim of the Workers' Compensation and Injury Management Act is to provide for the resolution of disputes in a way that is quick, informal and economical. As has been alluded to previously, part of the problem is that the original version of the act was drafted in 1981, and it has been a contested field over a long period of time, although it sounds like we are moving away from that, particularly with the comments that the member for Hillarys has made, and that is to be welcomed. As a result of this having previously been a contested field, it was often the case that each time there was a change in government, there was another change in the way that the act was designed to operate. Unfortunately, what has happened because of these iterative changes is that the act in 2014 was a veritable hodgepodge of different provisions that did not sit well together. There was a laudable aim when the review was undertaken in 2013 and that was to try to update and modernise the Workers' Compensation and Injury Management Act. The trouble is that when we embark on that process, with all the lawyers, all the practitioners and all the arbitrators, all of these terms have been the subject of extensive litigation and everyone knows exactly what they mean. That facilitates quick dispute resolution, because only a factual uncertainty needs to be resolved; there is not usually a legal uncertainty. It is a fraught process trying to modernise the language of the act without changing the meaning of what transpired. This review process was undertaken from September 2013, when the discussion paper was released, until 7 February 2014, when the closing date for submissions arrived, and then subsequent to that was the publication of the "Review of the Workers' Compensation and Injury Management Act 1981: Final Report", which is available for members on the WorkCover WA website. I am just going to quote from a couple of sections in the report. At paragraph 7 of the introduction, the report writers state —

This review does not involve a broad ranging examination of benefits and entitlements or other fundamental design aspects of the scheme. These areas will be impacted only in relation to structural and process improvements to the Act.

That is the context in which the review was undertaken that I am talking about. However, the review writers go on to state —

An exception is the recommended increase in the death entitlement which is almost universally supported by stakeholders.

In my comments this evening, I want to highlight, on the one hand, the incredible diversity of interests that are represented by the stakeholder groups that participated in the review and, on the other hand, the unanimity of their response on the question of reforming the provisions relating to death benefits. I will come back to why I believe that unanimous or universal acceptance of the change to the death benefits was put forward in the report.

[Member's time extended.]

Mr S.A. MILLMAN: On death benefits, I will respond to something the member for Hillarys said, because he raised the issue of the cost impact of this legislative change. To his great credit, he did not say that the cost implications were a reason not to proceed with this legislative change, because to do so would fly in the face of his earlier comment that we should be aiming for zero fatalities. The actuarial analysis might have updated the data between 2014 and 2017, but in 2014 when the final report was handed down, the writers stated at paragraph 31 on page 13 under the heading "Cost impacts" —

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Recommended changes to the entitlement for dependants of deceased workers is an area of the legislative review where cost impacts have been identified.

That makes the point that the member for Hillarys made —

WorkCover WA engaged PricewaterhouseCoopers ... to undertake an actuarial analysis of the recommended changes. Based on the 2013/14 financial year PwC estimate the increased death entitlements will result in an additional scheme cost of \$3.2 million per annum which equates to a 0.33% increase in the 2013/14 recommended premium rate for the scheme.

As members can see, it is a completely immaterial additional cost, particularly when ranked against the incredible compensatory benefit that will be provided if Parliament passes this legislation.

Now I can come to identifying the problem. I will quote what the report states about the new framework for death and funeral entitlements, and this is something that I urge all members to have regard to, because we should strive to make Western Australia the premier jurisdiction in the country. In all our endeavours, we should aim to make Western Australia the best we can. At paragraph 60 on page 18, the report states —

Western Australia has the second lowest entitlement for the dependents of a deceased worker of all workers' compensation jurisdictions. The Final Report recommends an increase in the death entitlement lump sum to 2.5 times the prescribed amount. This would address a significant entitlement gap between Western Australia and other workers' compensation jurisdictions. The statute will also simplify the method for apportioning the lump sum where there is more than one totally dependent family member.

A number of things come out of that. The first is the comparison between WA and other jurisdictions. I am now referring to a table of dependants' entitlements. Part of the problem, I am afraid, is that this analysis was done in 2014 and the table I am referring to is from 2017. Forgive me if there is significant discrepancy, but there is not. The following are the lump sum entitlements for other jurisdictions: New South Wales, \$775 600; Queensland, \$589 875; Victoria, \$589 650; Northern Territory, \$550 914; Comcare, the federal commonwealth workers' compensation system predominantly for federal public servants and for some people who have been entitled to obtain licences if they are competing against commonwealth entities, \$528 433; South Australia, \$493 393; Tasmania, \$343 009; and Western Australia, right down the bottom, \$308 339. The proposed amendment increases the entitlement from \$308 339 to \$562 303, putting us squarely in the middle of the table, slightly below Queensland and Victoria, and above Northern Territory, Comcare, South Australia and Tasmania. I would submit that we are finally catching up. That is on the lump sum entitlement. I will list the weekly dependent children entitlement payment amounts for the jurisdictions that have them: New South Wales, \$138.90; Queensland, \$145.70; Northern Territory, \$151.85; Comcare, \$145.32; Tasmania, \$123.98; and WA—this is an indictment—\$58.90. This proposal increases the weekly payment to dependent children to \$133 a week, once again putting us fairly and squarely in the middle of the table compared with other jurisdictions, quite appropriately.

Before us is a very clear, comprehensive 2014 review of the Workers' Compensation and Injury Management Act. It is an almost universal view, from a wide diversity of stakeholders, that as a government we can change dependants' entitlements in circumstances in which a worker suffers an injury resulting in death arising out of or in the course of their employment. I do not need to repeat this at length because the member for Belmont has already touched on it, but the act also modernises the legislation when it comes to de facto relations, which is an entirely appropriate twenty-first century amendment. Various other members have already spoken about the de facto widow of the construction worker who fell short of the entitlement to make a claim for compensation on account of a matter of days. The point has been made better by others before me, but I will pause to make the point that every time we speak about these figures, we are speaking about families and loved ones—people whose dads or mums will not be coming home ever again. I make that point because a lot of what I have been saying is very dry material. It is very legalistic and numbers orientated, and it is very hard to convey, but when a person deals with these situations day after day and sees these injured workers and dependants of deceased workers, they know that no compensation will ever be enough.

The Workers' Compensation and Injury Management Amendment Bill 2017 will never bring back lost loved ones. The minister is endeavouring to say, "All we can do is put you into a position where one of the things that you don't have to worry about is whether or not you'll be able to get by with the money left." Devastatingly, there are too many workplace deaths across too many industries in Western Australia. I was out of the chamber so I did not catch everything the member for Moore said, but like the member for Hillarys I appreciate that the member for Moore contributed to this debate. An industry prevalent in his electorate, agriculture, is unfortunately responsible for the greatest number of deaths per industry per annum. So it is gratifying to hear the member for Moore, who represents an agricultural region —

Mr W.J. Johnston: Member, people are 10 times more likely to be killed in agriculture than mining.

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Mr S.A. MILLMAN: Yes. Thank you, minister, for the interjection.

The statistics are stark, which is why it is so gratifying to have the member for Moore's contribution to this debate. Occupational health and safety and workers' compensation are just as important to people in agricultural regions as they are to people in the city or the mining industry.

I have talked about the emotional toll that this takes on people. The last thing I will talk about is what I think is an excellent amendment to the legislation. The workers' compensation scheme—WorkCover—has a dispute resolution or arbitration process to try to resolve disputes between parties to proceedings. One of the hardest jobs I had was speaking to widows and telling them that the amount of money they earned would reduce the amount of money they would be entitled to after having lost a loved one, and that there would then be a further debate between the insurance company or WorkCover about the proportion of money that would be allocated to the dependent children. I commend the minister and the agency in the strongest possible terms on the table that will be included in the act that deals with apportionment of lump sum entitlements. Perhaps my former colleagues in the legal industry will lament the loss of this line of work, but this terrific result will mean that this issue will no longer be the subject of dispute or arbitration. It is set out in clear and unequivocal terms in an easy-to-read table that sets out the apportionment and completely removes all that uncertainty from the claiming of the entitlement.

I finish by saying that the problem was identified after a review that started in 2009. Far be it from me to complain about the delay in the legislative amendments being brought to this chamber, but whatever the history the review commenced in 2009, the report was handed down in 2014, and we can now give effect to the response to the problem identified as part of that review process. This legislation will do that. It will reinstate an appropriate entitlement—an appropriate benefit—to people grieving the loss of a loved one, and it will form part of a constellation of legislation that I would say that this government is focusing on passing to make sure that workers' compensation and occupational health and safety have the necessary focus they deserve so that all employees and employers can move towards zero fatalities at work because fatalities should not be tolerated.

MS J.M. FREEMAN (Mirrabooka) [8.35 pm]: I thank the member for Mount Lawley for such a detailed and concise speech —

A government member: And for not taking your interjection.

Ms J.M. FREEMAN: — and for not taking my interjection. I wonder why he would not take my interjection.

Mr S.A. Millman: You are too good!

Ms J.M. FREEMAN: I will digress for a moment. I recall that when I first came to this place in 2008, I could quote sections of the Workers' Compensation and Injury Management Act off the top of my head. After almost 10 years in this place, my detailed knowledge that I once relied upon to say that is section 62 or section 28 or whatever has gone, but my passion for the area has not. I stand here no longer as a technical boffin in workers' comp but as a passionate advocate for workers and their ability to get the proper entitlements in a timely manner, as they should, when they are injured in the workplace. It is great to be standing here to speak about the Workers' Compensation and Injury Management Amendment Bill. I commend the minister for bringing it to this house. This bill will increase the provision of entitlements for the dependants of injured workers. I, like all my colleagues, want to put on record that we should absolutely pursue a zero death policy—target is completely the wrong word but we should always have the safety of workplaces as our paramount concern so that there are no deaths in the workplace. We all know that everyone wants their family, their loved ones and their co-workers to be able to go home from work, return safely the next day, and live life to the fullest without having those sorts of hazards in the workplace.

I particularly note the inadequacy of the current lump sum compensation payment and that this bill addresses that issue. It was also addressed in WorkCover WA's 2014 "Review of the Workers' Compensation and Injury Management Act: Final Report", which languished on the then minister's desk. He did not have any regard to the need for the community to have proper and adequate compensation. To me, that is an indictment and clearly is disrespectful to workers and to workers' families who have had to suffer someone die in the workplace; it is inconceivable to me—actually, it is not inconceivable to me. I have told this story in the chamber before, but I will take the chamber's time because new members have not heard this story. When I was younger—I think I was about eight or nine years old—my mother received a phone call. I can still remember her guttural cries when she was told the news that my uncle, who worked in a nickel mine—in those days they were paid danger money to go in on the weekends and work in the mines in Kambalda—had died in a cave-in, leaving my aunt with three small children, one of whom was the same age as me. Our family endured immense pain and suffering by having to live through that unnecessary workplace death. He was encouraged to work in unsafe circumstances because in those days that industry paid danger money. Long may those days be gone when lives were put at risk because of foolish and terrible practices.

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I think it is great that the Workers' Compensation and Injury Management Amendment Bill 2017 will give certainty to the amount payable to each dependant. It is certainly a terrible process to have to go through and I suppose justify the amounts that will be paid to each dependant. The bill will also obviously provide greater clarity and support for claimants who are seeking compensation.

The member for Mount Lawley went through the prescribed amount in detail, but I want to talk about it because the member for Hillarys asked how the prescribed amount will be adjusted and whether it was to do with CPI. Those of us who have worked in the jurisdiction know that the prescribed amount is set and that it is adjusted by an actuarial report, which usually goes to 138 pages or thereabouts. I have been in meetings when people talked about the amounts and the premiums, which I want to go to in a bit, but I will continue to talk about the prescribed amount. I think the prescribed amount has had its day; I have said that before in this Parliament. The prescribed amount has a ceiling rate because we have a system of private insurers and it suits them to be able to limit the amount of compensation that is payable to workers. It suits them to manage claims within a prescribed period because a prescribed amount is really a prescribed period as there is only a limited length of time that a person will be on workers' comp. A person can be injured in the workplace and think: "That is okay because although I have injured myself, it is a no-blame system so there is no blame on the employer and no blame on me. I can get my medical bills paid for and I can get better." However, the reality is that it is only about two and a half years that they will be paid compensation. The full-time Western Australian average weekly earnings for an adult sat at about \$1 714.10 in May 2017, which were the most recent figures. That turns out to be around \$90 000 a year; in fact, it is \$89 407.46. Currently, the prescribed amount, member for Mount Lawley, is not \$228 000; it is \$224 921. That works out to be two and a half years. Yes, workers can apply for an additional \$50 000, I think, and that is not even an indexed amount. It is a set amount. It is hard to apply for and difficult to gain, in my experience. I do not know whether the member for Mount Lawley has had a different experience. It is very difficult to get. The prescribed amount basically sets the period for a private insurer that has been taking regular premiums for many years if someone has been in the workplace for years. If someone works in a workplace for 20 years and they injure themselves, they will still get compensation for two and a half years, even though premiums may have been paid on their employment for that 20 years. To me, there must be a better system.

I do not want to send shockwaves through private insurers. I was in the chamber with the former member for Vasse, the then Treasurer and minister for this area, Hon Troy Buswell, when he changed the benefits that workers received through RiskCover. I do not remember the exact details, but I remember asking whether he had checked it with the insurers because of the way he made the change, I thought he might find it would open the gates for them to be pursued for this money. I was completely dismissed with, "What would you know?" I thought, "Okay, maybe I don't know anymore." But too right, we were back in the chamber within a year changing it back because the definition had been somewhat loose. I do not want to send insurers into a screaming worry about me wanting to abolish the prescribed amount. In a perfect world, I would like to see that happen. But we should be setting the prescribed amount as a multiple of an income. We were saying that the average weekly earnings is \$1 714.10, so two and a half years of an adult average. For the many people who are paid above that, their compensation would go out much quicker. I think there needs to be a prescribed amount, but for the people who earn more than the average weekly earnings, it should be 2.5 times their average earnings based on the last 13 weeks or the 12-month average. In that way, at least the delivery of compensation would be fair across the board.

I understand that the member for Mount Lawley is working on occupational health and safety reform, but for anyone who works on workers' compensation in the future, we need to make the amount much fairer. That would ensure that the amount paid as a lump sum for someone dying in the workplace is also fair because currently, if it is to become \$562 000—I worked it out somewhere—and the prescribed amount is \$224 000, it is really just two times the prescribed amount. If the prescribed amount better reflects the income that a person was earning, that would better reflect the financial commitments that that person had made. I am not sure whether I have been entirely clear about that. We are set with a system that serves the insurers and does not necessarily properly compensate workers. We need to revise how we look at that, especially in light of the fact that the changes made in 1999 effectively remove people's common law entitlement unless they opt out of the workers' compensation system. People may opt out full of promise of what they might achieve, but there are many difficulties in pursuing common law claims. Firstly, people must have a percentage disability before they can pursue common law claims. A person who has opted out of the system may fail the common law test of a percentage disability; or a person may opt out of the workers' compensation system for the common law system and fail the common law test because they cannot prove negligence. Effectively, the risk of opting out is greater compared with that of remaining in the workers' compensation system, and, frankly, that should be as it is. We should be compensating workers for their injuries; it is a no-blame system, but that system should involve proper compensation. I argue that since we effectively restricted common law entitlements in 1999, we have not delivered to workers what has been commensurately delivered to the insurers in this instance. The average premium rate since 2011 has sat around 1.5 per cent. Based on the recent actuarial report for 2017–18, premiums in Western Australia will be

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1.525 per cent of total wages. They are up from 1.478 per cent, which seems a bit odd because wages have been down. I am really interested to learn why that is the case. I did not have a good look at the actuarial report. However, I did have a quick look at it, and wages seemed to be down.

Mr W.J. Johnston: Do you want a briefing?

Ms J.M. FREEMAN: About premiums?

Mr W.J. Johnston: WorkCover is very good.

Ms J.M. FREEMAN: I know. I used to sit on the WorkCover WA board. I used to get briefings about premiums. Those times have passed for me. I can look at the actuarial reports and remind myself that we could never argue with an actuary, yet we could find ourselves years later sitting with the same actuary and saying, “Was I right or was I right?”, and they would say, “Well, yes, it has done that.”

Mr W.J. Johnston: If you want a briefing, I am happy to get one for you.

Ms J.M. FREEMAN: I will say that the acting director general of WorkCover, Chris White, is one of the loveliest and most supportive, and most committed to the service of the public, person that I have met in the public service. I would love to have a briefing with Chris, because we would probably be able to —

Mr W.J. Johnston: He has gone home tonight, but he will read *Hansard* in the morning.

Mr S.A. Millman: He’s here—he’s sitting over there.

Ms J.M. FREEMAN: He was here, and I stood up and he thought, “What is she going to say? I had better go home!”

The workers’ compensation jurisdiction has gone through many controversies over the years. It was fraught with the political dichotomy of Liberal and Labor changing it constantly.

[Member’s time extended.]

Ms J.M. FREEMAN: The changes in 1999 provided a solid base and stability to the workers’ compensation system. However, in my view, that has been at the cost of workers’ entitlements. I believe that one of the reasons it has been sort of set and forget since that time is that workers have not been fully compensated for what they lost in 1999. The improvements to the workers’ compensation system need not be outrageous. However, we need to look at things like the calculation of weekly compensation payments and prescribed amounts, and the payment for medicals. It is worth noting that after the 1999 changes, workers’ compensation premiums declined from 3.5 per cent to 1.5 per cent and have remained on that stable base since that time. It is interesting to note that this 500 per cent increase will increase premiums by only 0.33 per cent. That goes to show how much capacity there is at the edges to ensure workers gain some of the benefits that they gave away when the 1999 changes were made. I said to the minister who brought in the 1999 changes, and I have said on a number of occasions in this place, that that is something we need to consider.

I now want to talk about the impact of deaths in the workplace. In 2012–13, the cost to the Australian economy of work-related injury and disease was \$61.8 billion. In 2018 to date, 16 people in Australia have been killed at work. I do not have the most up-to-date figures for Western Australia, but in 2015–16, there were 23 deaths in Western Australian workplaces. In 2016–17, there were around 11 deaths. In Australia, \$480 million was paid out in workers’ compensation.

This brings me to a thorny issue that I want to put on the record again, as I did at the end of last year. Queensland recently introduced legislation to provide for industrial manslaughter. We need to see how it is progressing and consider it on the basis of the increases to penalties in this legislation and the occupational health and safety changes to see whether the Queensland legislation is contributing towards reducing workplace deaths. There is a cost to employers from workplace deaths and injuries, as well as a cost in compensation and increased penalties that were provided for at the end of last year. I recognise that it is the government’s position that increased penalties are an effective way of reducing the number of deaths and that people should be compensated, so there is, I hate to say, a cost–benefit analysis to it, but I do not think that is the way we should think about it. Certainly, increased penalties should be a deterrence. I understand that the South Australian committee that looked into the potential crime of industrial manslaughter some years ago found its penalties were a sufficient deterrent, and we hold the same view. However, as other jurisdictions look to the crime of industrial manslaughter, we should not reject it out of hand.

I want to talk about workers’ compensation and culturally and linguistically diverse workers. Many workers who speak English as a second language work where other senior employees speak English but they do not have access to information. They are often not informed of their rights and often do not get a first medical certificate and at some stage find themselves incapacitated or unable to work. It is only after the fact that they can start the process and that places them at a disadvantage in the process. I therefore think we need to do more work to make people aware of their workplace rights in terms of safety and health and that if they are injured, they have a right to

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workers' compensation. This is a growing concern among young people, who are increasingly being required to take contracting positions and being told to get an Australian business number. They are basically signing sham contracts. The employer tells them to take care of their own compensation. The member for Mount Lawley, the minister, probably the member for Forrestfield and I, who have worked in this area, know that the Western Australian definition of "worker" is a good and broad definition.

Mr W.J. Johnston: It is in our act but needs to be revised.

Ms J.M. FREEMAN: It needs to be revised to take into account some of the home workers whom the National Disability Insurance Scheme will employ, but it does not need to be limited; the broad definition of "worker" needs to continue. The minister is nodding at me in agreement with that. Last year I shared with the house how someone had used franchising to employ a gym worker. That is an employer trying to escape its obligations to pay workers' comp, for example. Working in a gym requires physical work in a hazardous workplace where workers can be injured. Those employers tell workers that they have to take care of their own insurance et cetera. Young people usually have the view that they will not be injured, so they do not insure themselves and they probably do not take out superannuation so they cannot even benefit from that insurance.

Mr W.J. Johnston: One of the reasons the act is good is because it defines "worker" not "employee"; therefore, even if you are not an employee, you can still be a worker.

Ms J.M. FREEMAN: I have had many debates about what a worker is. I do not know whether I have told this story in the house, but I will tell it again. I had the pleasure of arguing at WorkSafe that a sex worker is a worker under the definition in the act. Thankfully, we were able to find a resolution to the dispute, because this poor young woman would have met the prescribed amount of income within three months.

Mr S.A. Millman interjected.

Ms J.M. FREEMAN: Yes, she was good. I might be exaggerating with three months, but when I told her how much it was, she said, "Let's just settle and take a lump sum." Like so many other workers it was a slip and trip. She had slipped and fallen and hurt herself. Slips and trips are big injuries everywhere.

I want to finish by talking briefly about the announcement of the draft "Mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction sectors" code of practice. I congratulate the minister for pursuing this issue. I note that the code of practice refers to how it was established, but it states that the committee was set up and then jumps to stating that it wrote a code of practice. I thank the minister for responding to the Education and Health Standing Committee's report on the impact of FIFO work practices on mental health.

I note that the code of practice refers to mentally healthy workplaces, but it does not go into wellbeing as much. Obviously, I will look at it myself.

Mr W.J. Johnston: I urge you to put in a submission. It'll be a better code with more consultation.

Ms J.M. FREEMAN: It will be a better code with more consultation, because it needs to acknowledge that although mental health is a risk factor for suicide, it is also important to note it is not necessarily a prerequisite. This was outlined in the discussion paper "Shining a Light on FIFO Mental Health" that was released. Some people who commit suicide do not have associated mental health problems and research suggests that about 10 per cent of those who commit suicide do not have a mental illness at the time of their death. It is about wellbeing. The report on the impact of FIFO practice on mental health primarily refers to the swings—the shifts—and how those shifts are rostered. It comes down to some really simple things. We keep saying that this is so complex. Firstly, it is about where those workers are taken from. They are taken from a risk group—that is, men between the ages of, I think, 18 and 40 years. Employers can change the nature of workplace diversity—that is something the Liberals could learn as well. Secondly, there are issues around isolation, decision-making and the capacity for decision-making. The people who are taken and put in those camps are placed at risk. Thirdly, it is about loneliness from missing family and social aspects. Those swings are absolutely paramount for healthy workplaces. I am not far enough through the code to find out whether they have gone into those aspects of that risks approach, but regular absences from home very much have long-term consequences; they disrupt social networks. When the code was released, people were ringing talkback radio and saying that when they were away for longer, they could not do sport with their kids or do regular things, such as holidays, so that is important.

MR D.J. KELLY (Bassendean — Minister for Water) [9.04 pm]: I rise to make a few comments about the Workers' Compensation and Injury Management Amendment Bill 2017. I first want to acknowledge some of my colleagues on this side of the house who, along with me, spent considerable time in the trade union movement and, therefore, had a strong interest in workers' compensation long before we came to this place. I acknowledge the Minister for Commerce and Industrial Relations, the member for Cannington; Simone McGurk, the member for Fremantle; Janine Freeman, the member for Mirrabooka; and, of course, we have already heard from the member for Cannington —

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Mr W.J. Johnston: Forrestfield!

Mr D.J. KELLY: Forrestfield! I looked at the member for Forrestfield and then said “the member for Cannington.” My apologies, member for Forrestfield.

Mr S.J. Price: Easy mistake. We look very similar!

Mr D.J. KELLY: You look very similar. That is right; you do!

I make that acknowledgement because a number of speakers on both sides have said that the best way to deal with the issue of workplace injuries and workplace fatalities is to reduce the number of fatalities in the first place. That sentiment cannot be objected to, but it is not universally accepted in this place that one of the most important things that can be done to reduce workplace injuries and deaths is to encourage union membership. Union workplaces are safer workplaces.

Members can talk about the legislation they want and the inspectors they want to put in place, but one of the fundamental issues that make workplaces safer is union membership. Union workplaces are more likely to have a health and safety rep to provide a worker voice on safety issues. They are, obviously, more likely to have a union delegate to provide a union voice on safety issues. No matter what else members may think, such as that unions push up wages or will be bad for business and all that sort of stuff, if they are genuine that worker safety is the number one priority—I say that to members opposite—they have to accept that a functioning union movement is absolutely crucial on this issue. If members say that they are all for worker safety but think the world would be a better place if unions were driven out of workplaces, they are fundamentally working against worker safety.

The Trade Union Council in the UK put out some research in 2016 that basically showed that union workplaces are up to twice as safe as non-union workplaces. From where I come from, that is bleedingly obvious. It can be seen in non-union workplaces where people are too scared to stand up for the rights they have in statutes. Rights can be put into statutes, but when push comes to shove in the workplace, if people do not feel they have the ability to stand up and enforce their legal rights, those rights are virtually worthless. That is often the case in a non-union workplace, especially in Australia, where we have one of the highest rates of casualisation in developed economies. In casualised workplaces people have no job security and fear for when their next shift is going to be. If no union representation is added to that, there is a recipe for an unsafe workplace. Members opposite have all said that they think this is a good bill and that they want to deal with this issue by reducing the number of deaths. They should look at what else they are doing. Members should look at all the research and not take it from me. Union workplaces are safer workplaces. We cannot continue the push that has occurred in this country in earnest for the last 30 years to de-unionise and delegitimise unions in a workplace. We cannot be part of that and say that we are trying to make workplaces safer. The two are mutually exclusive.

On that point, I just want to recognise all those health and safety representatives and union reps in workplaces out there who play a role in occupational health and safety because they do a tremendous job. They do not get any extra money for it. They are often put in places where they have to be in conflict with their employer, and who really wants that? People do not get up in the morning and say, “Okay, I’m a cleaner. I’m getting \$17 an hour and my shifts are variable but I am going to go to work today and take it up to my supervisor, who is going to sit down over a health and safety issue and I know my supervisor is going to write my roster for the next week.” I constantly dealt with workers who, for no extra pay, either as a union delegate or as an occupational health and safety rep, took it up to their employer on a safety issue, knowing that there was a reasonable chance that it would jeopardise their career. I do not hear too many people come into this workplace and champion their role, but they do it every day. An aged-care worker, working part time doing really hard work, cannot get a full-time job because they do not exist in the industry anymore. If they are the health and safety rep, they are trying to get the employer to put on some additional staff so that slips and trips or back injuries are not as likely as they could be. I take my hat off to those aged-care employers. Some of them are well-respected church and charitable groups, but they can all be as hard-nosed as any other employer.

I wanted to make a point early on of acknowledging the work that is done by health and safety reps and union delegates in the area of workplace health and safety. They do it voluntarily, without any additional pay. I ask members opposite to think about them.

I know that the member for Churchlands has other work to do. He is very busy. He likes to think he is a contender for the leadership of the Liberal Party. I hope that he has taken on board the comments that I have made about the role of the trade union movement. I am sure he will say that he is interested in workplace safety.

I wanted to touch on the number of fatalities that we have in WA. On average, there are about 20 workplace fatalities in WA a year, although in some years it has been considerably more than that. I note that in 2015, it was 43. Across Australia, in 2016, there were 182 deaths and around 200 the year before. They are astonishing figures.

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We accept that every year, on average, 20 workers will go to work in Western Australia and never come back alive. It is quite astonishing.

I compare the number of times that issue gets discussed in this chamber. I have been a member of Parliament for five years. We did not see any legislation on this issue in the first four years of the previous government. It has been discussed in this chamber only because of legislation that was introduced into this house. I have not heard the issue raised by members opposite. As I said, on average, there are 20 deaths a year in Western Australian workplaces. I compare the number of times this issue was discussed in this chamber with the amount of oxygen that is given in this chamber to shark-related fatalities. There have been 15 shark-related fatalities in the last 17 years in Western Australia, each one of them in their own way a tragedy—a family has lost a loved one—but that does not compare numerically with the number of workplace deaths we have each year; yet the issue of shark-related fatalities is regularly discussed in this chamber and it is regularly raised in question time. I think I had two questions on that issue last week. I am not saying that those questions are not valid and I certainly would not say that it is not valid for the community to expect the state government to do what it reasonably can to reduce or eliminate shark-related fatalities. I just want to compare—primarily for members opposite—the amount of attention the opposition gives to shark-related fatalities with the amount of time it gives to workplace fatalities.

Over the last 20 years in Western Australia there has been, on average, one shark-related fatality a year, which compares with an average of 20 workplace deaths a year. I just put that out there for members opposite. I am not saying that they pursue the shark issue for political reasons; I would not be quite so bold as to say that. It just strikes me as anomalous for members opposite to raise the issue of shark-related fatalities on a regular basis.

Maybe the member for Dawesville is interested in this issue.

Mr Z.R.F. Kirkup interjected.

Mr D.J. KELLY: Sorry; I missed that. I was just pointing out —

Mr W.J. Johnston: He's come from his office to interject on you!

Mr D.J. KELLY: In case the member for Dawesville missed it, I was just comparing the number of times members opposite raise in this chamber the issue of shark-related fatalities with the number of times they raise the issue of workplace deaths, given that on average 20 Western Australians die in workplace fatalities each year compared with less than one shark-related fatality a year.

I just put that out there. I would love to see the same attention given to the issue of workplace deaths as is given to shark-related fatalities. If that were the case, we might really get some action on the issue of workplace fatalities. We would have both sides of politics pursuing this issue; dare I say it, we might even have a media campaign run by some of our prominent media organisations, trying to drive down the number of workplace fatalities and saying that 20 a year in Western Australia is just not good enough. That would be excellent, because it would put pressure on the people who can really make a difference in this area. I put that out there on this issue.

I turn now to some of the specifics of the Workers' Compensation and Injury Management Amendment Bill 2017. As I said, I am pleased that we have a minister who is pursuing these issues. As was pointed out previously, this bill is not being dealt with in isolation. So far, the Minister for Commerce and Industrial Relations has outlined a range of bills for improving the way the whole issue of workers' compensation and workplace safety is dealt with in this state. We have this bill and other new workers' compensation legislation in the pipeline and we have higher penalties for workplace safety offences. We often hear debate about what a human life is worth, and some of the penalties that are dealt to people who do not have a safe workplace are really quite insulting to families who have lost loved ones, so I am grateful that the minister has moved on that. We also have the prospect of a new health and safety bill. As I have said, I have been in this place for five years and there was virtually no action on this issue under the previous government. Now we have a minister who is taking this issue seriously and in a relatively short time has got going on a whole bunch of things. One of the reasons he has been able to do this is that the proposals had been done and were there just waiting to be implemented. This bill is not implementing recommendations from a report that we have generated since we came into government. This bill came from a report that was released in 2014. What is the explanation about why these amendments were not introduced in the last Parliament?

Mr W.J. Johnston: Good question.

Mr D.J. KELLY: The previous government, obviously, had a majority in the lower house and also had a majority in the upper house. We have the delightful circumstance that even though we had an overwhelming victory, everything we do, we have to navigate through the upper house—the chamber controlled by the people who lost the election. The previous government could have just got on and made the amendments recommended in this report, but instead this report just sat and gathered dust in someone's office. There is really no explanation for that. Members of the previous government have said how good they think these changes are, but the question is why

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they did not implement them in 2014. Lump sum payments for dependants will increase from \$308 000 to \$562 000. If people went into the community today and asked whether half a million dollars, basically, was excessive compensation for people who have lost a loved one, they might find the one per cent out there who would think that that was an excessive amount, but 99 per cent of the community would think that that is a reasonable amount, and if not, they would think it should be greater. I cannot see too many people saying that half a million dollars is an excessive amount, yet this change was not acted upon by the previous government. I just do not understand. I really do not understand how members opposite, in their heart of hearts, can justify, having been in government for eight years, not having done anything. They had a report staring them in the face for at least three years, imploring them to make this change and they did not do it.

This increase will also be indexed annually, which is a very important point, because often in this place we make changes and increase amounts and benefits, but we do not then index them. It is great that as part of this bill the amount of those increases will be indexed.

[Member's time extended.]

Mr D.J. KELLY: The lump sum will be payable to dependent partners and children, with an apportionment between them set in statute. I take on board the comments of the member for Mount Lawley that some members of the legal profession may be disappointed that they will now not have an opportunity to argue the apportionment of a lump sum. I am very sorry that they no longer will have that as a source of income and a line of business. I think it is actually fantastic that that issue will be dealt with so at least people know. When people lose a loved one in a workplace accident, most people have no idea what the legal remedies are, so at some point they will end up sitting before someone from the legal profession wanting to know what will happen. Every bit of certainty that these people can be given removes just a bit of pain that they would otherwise suffer. Having to argue with insurers over matters such as how the lump sum will be apportioned between family members and children is just appalling. Insurers are human beings; they do work like everybody else. However, I find it difficult to understand how people can argue the nitty-gritty of this sort of stuff in order to maintain the position of insurers against the position of a grieving family. This bill will resolve that issue.

The bill will more than double the weekly child allowance payments for the benefit of dependent children. The amount will increase from \$58 a week to \$133 a week and, again, will be indexed annually. That is another good amendment. Not only will the weekly payment be doubled, but also it will be indexed annually.

The third major change in this bill will remove the outdated definition of “de facto partner”. There are some terrible things in Western Australian legislation around these sorts of issues. People who are married get one benefit, but those in a de facto relationship are somehow treated differently. The majority of people in the community believe that these inequities and anomalies were resolved years ago and that people in a de facto relationship have the same legal standing as people who are married. That was not the case with this legislation. The significance of this was shown in 2015 when the partner of someone who lost their life in a workplace accident was denied any compensation because they had been in a relationship for a couple of days short of two years. Most people were shocked by that, but what I am shocked about is that even that stark illustration of why this legislation needed to be updated did not spark the previous government into action. I was left dumbfounded by the inactivity of the previous government on this issue, even when an example of the inequities that can be generated by it was on the front page of *The West Australian*. What more clear an example of a need to amend this legislation could the previous government have needed? But there it was, and it did nothing about it. Again, I ask members opposite, who are giving their support to this legislation: why did they not do it themselves? The member for Dawesville has a bit of a smirk on his face. The question I ask is: why did members opposite not do it? It staggers me. We dealt with some drivel in the previous Parliament, which people obviously thought was important enough to put on the legislative timetable, but if the previous government had come to us after that incident in 2015 and said, “Look, a terrible thing has happened to this person. They’ve lost their partner and they’re going to get nothing because of the definition of de facto. Let’s give them an ex gratia payment or something so we can deal with that clear injustice. We have a report from 2015 that tells us how to fix this. Why don’t we do an urgent bill and we can solve this problem so we don’t have another person in the same circumstance?”, we would have passed the amendment to that legislation through this chamber and this Parliament in a matter of weeks. It could have been declared urgent with no long speeches from the opposition and it could have just got it done, but again, there was silence—absolute silence. When I hear people talk about their proudest achievements in this place and the important stuff they are doing, sometimes it is the things they do not do, the things they refuse to do, for whatever reason, that most lay bare members’ priorities. We on this side of the house now have a minister and a government that wants to fix up these issues, not so that we can ever really compensate someone for the loss of a loved one, but so that we can at least improve their financial position as they try to support their family into the future and take away some of the uncertainty.

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There is a fourth aspect to this bill that, quite frankly, I am not as familiar with as I am with the others, but the minister tells us that it will provide certainty and support claimants through the process and fast-track the process. From my time as secretary of United Voice, I know just how tortuous the workers' compensation process can be. I commend any amendments from this side of the house that make that process simpler. I can hear the member for Mirrabooka in the background chuckling. When I was secretary of the union, it was a great pleasure to have the member for Mirrabooka employed, if you like, as our workers' compensation expert. She has taken that passion for this area from her work in the trade union movement through to her time in Parliament. As I said, members opposite often criticise people on this side for working for the unions and all the usual drivel associated with that.

I want to finish and make the point once again that all the evidence shows that a unionised workplace is a safer workplace. If members want to put their hands on their hearts and say that they want to deal with this issue by reducing the number of workplace injuries and, by doing that, reducing the number of workplace fatalities, they cannot continue to pursue the agenda that Liberal–National governments have pursued for the last 20 years of trying to delegitimise and de-unionise Australian workplaces, because the two are mutually exclusive. A safe workplace is a unionised workplace. I commend the bill to the house.

MRS J.M.C. STOJKOVSKI (Kingsley) [9.33 pm]: I rise tonight to give a brief contribution to the Workers' Compensation and Injury Management Amendment Bill 2017. It is my firm opinion that this bill is in part proof of the McGowan government's commitment to WA jobs. We are not just creating jobs; we are ensuring that WA jobs are the safest they can be and, if they are not safe, that those who rely on those jobs are adequately looked after. Between 2012 and 2016 in Western Australia there were 146 work-related deaths. So 146 families lost a loved one at work and have had to deal with the fallout and grieve while trying to pay expenses related to a workplace death. In many cases, the breadwinner of the family is lost. On the surface, the Workers' Compensation and Injury Management Amendment Bill 2017 looks to be about the financials for the loved ones of those killed at work, but it is more about ensuring that additional stress is not put on surviving family members. I agree with the minister that the proposed new compensation amount of half a million dollars passes the pub test.

Currently, the dependent partners of deceased workers must prove their level of dependency before receiving compensation. I hesitate and wonder whether that is entirely fair. In their moment of grief, they are required to prove they are dependent on their loved one. If those people happen to earn a modest income, their entitlements are significantly reduced. The amendments to this bill aim to address that.

I will take a moment to talk less about the financials of this bill and the entitlements it will provide to help family members of a loved one killed at work and talk more about the mental health impacts on surviving family members. A University of Sydney consultation report entitled "Death at work: Improving support for families" found that family members reported symptoms consistent with clinically significant mental health conditions after a loved one had been killed at work. These include post-traumatic stress disorder, prolonged grief disorder and depression. The same report found that family members of deceased workers reported increased levels of anxiety, guilt, fear, mood swings and feeling isolated. Family members overwhelmingly said that the time it took to hold and complete the formal process following the death of their loved one impacted on the intensity and duration of their grief and their ability to begin to adapt to life without their loved one. How can we in good conscience level more stress at them by forcing them to show their dependency on their deceased loved one?

Families attribute these emotional responses to a number of factors, including the trauma of the sudden death, lack of timely information, the formal processes they must go through and the stress associated with having to become involved in the legal process. Sixty-nine per cent of these families said that after the death, they struggled to make ends meet, compared with only 23 per cent prior to the death of their loved one. These families not only are dealing with a horrific and sudden loss, but also are faced with financial uncertainty and hardship. Over one-third of the families in the study said that they sought short-term financial assistance to help meet the costs of everyday living. They often relied on financial assistance from family and friends and donations from loved ones, workers and trade unions. The loss of their loved one had often resulted in increased debt, forcing them to move house, change jobs or take on other more challenging jobs to make ends meet. The increase in the entitlement is very important, as is the timeliness of the payment. Proposed sections 72F and 72G in the bill set out the claims procedure an employer must adhere to in processing and assessing claims. I feel this is very important, as it will help alleviate some of the stress associated with this time of family grief.

In my opinion, the bill will relieve some of the stress and anxiety felt by family members of deceased workers and give them some financial security at a traumatic time. This bill sees the government stepping in, whereas in the past the burden has been borne by the community. In the case of the Irish workers killed in Western Australia a number of years ago, the Claddagh Association stepped into the void to assist the families, not to the same measure as now proposed but just to make sure they could make ends meet.

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The amendments proposed in this bill are good steps in the right direction for workers' compensation in Western Australia, but many more issues need to be addressed by future amendments. For example, when dealing with the sensitivities of workers' compensation, workers are fooled into allowing employers into private medical consultations resulting from workers' compensation claims. The current act is silent on this matter. We need to address these issues for the benefit of all Western Australian workers. These amendments are a good step in the right direction, and I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

House adjourned at 9.40 pm
