

**WORKERS COMPENSATION AND INJURY MANAGEMENT BILL 2023**  
**WORKERS COMPENSATION AND INJURY MANAGEMENT AMENDMENT BILL 2023**

*Second Reading — Cognate Debate*

Resumed from 28 March.

**MR T.J. HEALY (Southern River — Parliamentary Secretary)** [12.45 pm]: I rise today to speak to the Workers Compensation and Injury Management Bill 2023 and the Workers Compensation and Injury Management Amendment Bill 2023. First I note that I welcome the introduction of the Misuse of Drugs Amendment Bill 2023 by the Minister for Police. I concur with all his statements.

I represent about 50 000 constituents in Southern River, of which there are about 30 000 enrolled electors, plus the people who are not enrolled—they are not citizens—but who are workers in this state. They grow this state. They are business owners, workers, employees and employers. In all industries large and small, be it small business or the private or public sector, I want to thank all the employers and employees in my community who do the right thing and who look after each other. I thank those employers who ensure that they do everything that is legally required to keep their workplace safe, and, by doing so, send a message of value to their workers by ensuring that every worker gets to go home to their family.

I have workers who work in residential areas of my community—Southern River, Huntingdale, Gosnells and Canning Vale. I have workers who work in light and heavy industrial areas, drive-in drive-out workers who work in regional communities, and fly-in fly-out workers. I have a number of workers whose families live within my community and who depend on very effective workers compensation legislation, which is what is before the chamber today.

It is timely that the Workers' Compensation and Injury Management Act 1981—that was a very good year for members of the Legislative Assembly from Southern River; if I have grey hair, so does the bill!—be revised now. This bill will provide a framework for every aspect of the workers compensation and injury management scheme in Western Australia. It will include workers and employers who are covered by the scheme, compensation, information about the claims process, injury management, dispute resolution, mandatory insurance, scheme administration, licensing approval and regulation. I understand that a number of provisions can be traced back well before the 1981 act. That has been a longstanding piece of legislation for a number of businesses, bureaucrats and legislative persons. I understand that the rigidity of the act means that in some cases, there has not been the flexibility to respond to certain industrial, technological and other developments as we have moved into a more modern era.

As I said, the 1981 act has served the state well. I have mentioned some of the workers and the businesses in my community. I would like to give a shout-out to one of them that looks after their workers very, very well—C.Y. O'Connor Village Pub. As members know, the tavern burnt down two years ago, but the rebuilt facilities and Tilly's Garden are once again open and started trading yesterday. I would like to give a shout-out to the Dawkins family and all those people involved with the C.Y. O'Connor Village Pub. It is a business that looks after its employees and invests in the hospitality trade. It looks after not only its chefs and waitstaff, but also those who work in the cattle industry. Those people work very hard. I would like to give them a special shout-out and welcome everyone in our community back to the rebuilt and reopened C.Y. O'Connor pub, as I am sure members will appreciate.

As I am sure everyone in this chamber understands, the Workers Compensation and Injury Management Bill 2023 will modernise Western Australia's workers compensation laws while preserving certain fundamental elements of the scheme. It is the culmination of an extensive review and consultation process dating back to WorkCover Western Australia's legislative review in 2009, which recommended a redrafting of the act, and the 171 recommendations contained in WorkCover WA's 2014 *Review of the Workers' Compensation and Injury Management Act 1981: Final report*. The bill will provide further clarity and certainty for businesses, employers and employees. Again, I thank all those people who do the right thing and look after all the businesses in their communities.

I would like to speak briefly on something that members and I have raised many times in this chamber. A number of workers have just completed the works on a number of bus stops within my community. There were a number of contractors. My understanding is that, hopefully, no workers compensation claims will come from those works, but I thank those workers. I again say thank you to the council staff who received the funding for our bus stop upgrades. Eight of them have now been finished. I have said in this chamber many times before that I think bus stops should be more than just an orange pole; they should have seating and shelter. We have completed those works. It is tricky, risky work out in the community, in the heat and the weather. I say thank you to all those workers, who are covered and protected by workers compensation legislation. I thank them for all their work. I am always very proud to deliver on my promises in the community, and it is always important that those workers are protected when they do this work.

I refer to the delivery of election commitments. This piece of legislation will deliver on another election commitment that was promised by the McGowan government, and I commend the minister for ensuring that we deliver on our election promises. In the lead-up to the 2021 state election, the McGowan government reiterated its commitment to modernise Western Australia's workers compensation laws based on that final report of WorkCover WA. Again, I commend the Western Australian government. We have now been in government for six years. From my time previous to coming to this chamber, I have not known a government that has delivered so substantially on its promises made to its communities. Again, this is just one more piece of that plan to deliver on our election commitments.

For those who are playing at home, one of the changes that will deliver on that election commitment is that this bill will increase the cap on medical and health expenses compensation. The current act has a monetary limit for compensable medical and health expenses set at 30 per cent of the maximum weekly compensation limit—currently in the \$73 000 realm. I have a former student who is now one of my constituents who was affected by this. They had sustained an injury, and the pool of funds accessible to them was not enough to cover their health and rehabilitation requirements. I commend a number of complex parts of this bill. I link this back to my community, in which I see humans—real people—affected when for bureaucratic or budgetary reasons, they cannot access certain pools of funds or the things that will allow them to return to their families or to work; they cannot return to having a fully functioning role within their civilian, work and family life. The changes that will come under this legislation will ensure that the amount of money available will be adequate to cover the medical expenses of most workers, because, unfortunately, that entitlement can be quickly exhausted for seriously injured workers. Those expenses include hospital stays, and, as I said, multiple and complex requirements such as rehabilitation and psychological or physical therapy. There are all sorts of different types of requirements. This bill will raise the limit for compensable medical and health expenses from 30 per cent to 60 per cent of the prescribed maximum limit, which will result in an increase of the capped amount from in the realm of \$73 000 to \$146 000. Again, I commend the minister for that.

Another election commitment that this bill will deliver will be that injured workers who cannot work because of their injury will receive an appropriate level of support for loss of income for a longer period. This will be achieved by extending the point at which income compensation steps down by 15 per cent, and the bill will also extend a step-down point item from 13 to 26 weeks.

Speaking of step-down points, members will also be aware that we are about to begin works on the removal of speed bumps on Harpenden Street. That will employ a number of people in my community. Again, I hope that the workers who work on this will not have any injuries or incidents and will not need to access any workers compensation. The City of Gosnells, which is a fantastic employer, will be doing those works. I commend the council for getting those works done. The removal of those speed bumps is imminent. Members will be aware that we are funding \$475 000 to remove all the speed bumps up and down Harpenden Street in Southern River and Huntingdale, and that will involve very hands-on work. That work will require important safety protocols to ensure that this workers compensation legislation does not need to be accessed by the workers there. The works will involve unscrewing and removing some very long and large speed bumps that have been in the middle of Harpenden Street for close to a decade now. The works will involve the creation and laying of concrete slabs and roundabouts and chicanes. It is very, very important work for our community, but, again, I come back to the fact that it is very, very important that existing work practices by the employer and the work done by the employees are carried out so that every family gets to have their family member come home after they have completed each of our works.

I understand that one of the great outcomes of this legislation process will be a single, modern act that will cover workers compensation and injury management in this state. I commend this bill.

[Member's time extended.]

**Mr T.J. HEALY:** I have said this before in this chamber. I remember when the then Minister for Commerce and Industrial Relations brought forward the Workers' Compensation and Injury Management Amendment Bill 2017, which we debated in this house in 2018. I am a teacher by trade. I did half a tiling apprenticeship when I was about 17; I did not complete it. I have generally been a high school teacher by trade. The work I have done is different from other members of my family. There is some complex and dangerous work out there, but there is absolutely no reason why any family member should not get to go home to their family after their day at work. They should be able to go home not only alive, but also safe. I am going to quote from a previous speech of the Deputy Speaker, because he spoke very well. It would be fantastic if no family loses a family member as a result of a workplace incident or fatality. That is a wonderful aspirational goal. Unfortunately, accidents do happen, and when they happen, it is appropriate and important that people and their families receive adequate compensation and support. When there has been a catastrophic injury, no amount of money will replace a loved one—a father, mother, auntie, uncle or grandparent—but it is important for the families, couples and children to recognise that, as a result of the incident, they will receive appropriate remuneration for the loss of income or to aid the loved one's recovery. As I have said before, sometimes injuries take out the person who is bringing in an income. It is commendable to ensure that a support scheme is in place so that the injured person gets rehabilitation to recover and can continue to work.

I would like to put on the record that I believe that, on the whole, the majority of employers are good employers. They look after their workers. They do. We have a wonderful relationship with employers who look after one of their greatest assets, which is their staff. That is a key part of their business philosophy. The occupational health and safety bills that have gone through this Parliament were designed to acknowledge that employers had to pay a certain amount. We want companies to look at this not just as a financial arrangement regarding how much they are required to pay workers for an injury or a death. I come back to the clarity that I mentioned earlier. It is very, very important that employers know the amounts involved to make sure that they are steered in the correct direction. Of course, I am sure every employer seeks to avoid injury and fatalities. But, unfortunately, there will be workplace errors and human error, and when those accidents happen, we need bills like this in place. I look forward to the day when we progress through the year without any fatalities or workplace injuries. That can happen and it will happen. We will get to that point. I would like to mention how sorry I am for our past losses. I can only imagine the loss that some members of my community have felt.

If we compare past years, we can see that things have got a lot better in the construction and building industry and a number of other hands-on construction and mining-sector related industries. Unfortunately, there are still workplace accidents at workplaces that involve physical and demanding work. I commend those who do the right thing and work with the unions, employers and representatives to ensure that everyone does the right thing. There are those who do not always do the right thing. I have said in other places as well as here that I think the historical work of unions working with employers in partnership is a better move forward. It is my experience that it is better when unions and workers work together on their on-site practices and engage in dialogue about safety and best practice to ensure that everyone gets to go home safely. I commend the unions for their historical work with employers. I would like to commend the millions of union members who have paid their dues, over a century of struggle, and have ensured that workplace safety has improved.

I was the State School Teachers' Union of WA representative at my school when I was a teacher at Southern River College. I have mentioned before that the workplace injuries we had were different from injuries at mine and construction sites and from the driving and transport sectors. Some injuries happened on school excursions. Sometimes they were the result of altercations with passionate students, staff or parents. I found that it was most important to have a dialogue between our principal, who represented the department, and me, as the union rep, to illustrate when issues were becoming a concern. A parent might have been too passionate and perhaps got aggressive towards a staff member. A student might have been going through a volatile time in their life, which every teenager will experience. Sometimes the worksite—the classroom or the excursion site—was not safe or the workload became an issue. When I worked in student services, which basically comprised the student year coordinator, the psychologists and people like that, we would often refer to the darkness because of some of the things we had to deal with when looking after our students. We heard stories about some people's home lives—this is occurring across every community in Western Australia, unfortunately—involving abuse, poverty or neglect. Those stories and engagements created vicarious trauma and affected people's ability to do their jobs over the long term. I had a joint role as a union rep but also in student services. We had a very, very good and strong culture. I believed that the staff members could approach the principal and raise matters. If they did not feel comfortable doing that, they could raise them with me as the union representative, partially anonymously, or, together, we could raise them with our employer to make sure that things would not escalate and lead to an outcome that would not be beneficial for anyone.

I have had a number of different careers over the years. As I mentioned earlier, I would not say that I was a tiler, but I began my tiling training. I am still a bus driver and have been a forklift driver, a marriage celebrant and a staffer. I have had all sorts of different roles and each has had different employers in different working environments. I spent time as a service station attendant for Coles Express and Shell. It is interesting that Coles Express has now taken a different approach from when I worked for it. We would be allocated a 10-hour shift by ourselves with no security screens. Now, people work double shifts and have far better training and support. They also have security screens and duress alarms and are trained on what to do with the volatile fuel load that the workplace sits on if there is a spill or an explosion. It is far better these days. In every case and in every workplace I have been in, I have sought to support our union having a dialogue with our employers.

Again, I acknowledge the many families of workers who have sustained injuries or lost someone in the workplace. It is very important that families get to return home. I commend the bill and the work that was done by all the people who bring legislation like this to us.

I will give a final shout-out to my staff. I think that the Acting Speaker is probably considered more the employer of my staff than me, but I thank all my electorate staff for all the work they do looking after my office. I especially thank Seren, Tammy and James. I also hope that I never put them in a situation whereby they need to make a workers compensation claim, because I have created a workplace that is safe and they feel comfortable to raise matters with the union membership and me. Ben Wyatt has often said that a member of Parliament is only as good as their staff. I am good because I have great staff. To Tammy, Seren and James, thank you for the work you do looking after

all my constituents and all their families so they can do what they do. I give a special shout-out to Lincoln as well, who recently moved from my office. I thank him for all the time he spent and the work he did.

I again come back to my desire that this bill will not need to be referred to because there will be no workers compensation claims. That would be ideal. I look forward to the day when this government, perhaps the thirtieth or fortieth year of the McGowan government, has a red-tape committee and we look back at this piece of legislation that is no longer needed because bills of this type have not been needed because people have not been injured or died at work. Would that not be a glorious thing? The Workers Compensation and Injury Management Bill 2023 is one of many introduced by our Minister for Industrial Relations—I thank him again—that protects families, workers and my community. Any death or injury at any workplace is one too many, and we can work towards removing that occurrence.

I briefly mention a debate that was held in this place during the previous Parliament on the Workers' Compensation and Injury Management Amendment Bill 2017. The then member for Hillarys and the current member for Moore had claimed that if we were to create too many workers compensation schemes, the premiums and costs to employers would rise and we would cost businesses out of business and therefore make business and services too expensive. The member for Forrestfield gave a great speech in reply to those assertions, which I referred to in my contribution to that second reading debate. I stated, in part —

... the member for Moore suggested that if we increased the amount of money that those families may attract, then we may need to look at increasing premiums.

I then referred to the member for Forrestfield, who I quoted as having said —

... we can actually stop discussions about any increases in premiums by not killing people.

I can add to that—by not injuring people if businesses invest funds to ensure that their workers get to go home without injury or death. When there are no deaths or injuries on worksites and every family member gets to go home, we will not need to worry about increases in premiums or the application of certain legislation because there will have been no workplace injuries or fatalities and families will have been kept safe.

Again, every worker has the right to come home to their family in the same condition as when they left. Looking after working people and working families and their employers should be a priority of all governments. I am very, very proud to be part of the McGowan Labor government, which supports that principle.

**DR K. STRATTON (Nedlands)** [1.11 pm]: I rise today to speak in support of the Workers Compensation and Injury Management Bill 2023, which modernises Western Australia's workers compensation laws and, very importantly, makes the process more accessible for participants in the scheme, creates conditions that enable more privacy and dignity for participants, and removes opportunities for discrimination by future employers.

Accessibility will be improved by creating a more logical structure for the scheme, as well as plain language to make it easier to read and understand key aspects of the scheme. This means greater clarity and certainty for scheme participants when considering such fundamental questions as who is covered, whether insurance is required, how to make a claim, what compensation is available and how to manage and resolve disputes. I think it is fair to assume—it has been my observation with friends and colleagues who have gone through a workers compensation process—that the actual fact of needing workers compensation is stressful and difficult in and of itself because, by definition, something has occurred in the workplace that impacts their health or functioning in some way. Indeed, in speaking to a colleague about her experience of a workers compensation claim she made some 20 years ago, the emotions are very close to the surface even now. The injury she sustained has an ongoing impact on her daily life and has also impacted her employment experiences, including her ability to return to work. The process of applying for and navigating the workers compensation scheme and system should not add unduly to what is already a stressful situation. However, it is unfortunate that many people's experiences of workers compensation are of having to fight for the recognition of their rights as workers—both at the time of the claim and subsequently, as they navigate a return to the workplace.

Given this impact and experience, it is really important to note that the bill before us today is the result of an extensive consultation process with all key stakeholders. There were 86 submissions to the draft consultation on the bill over a four-month submission period in late 2021. The bill also builds on an extensive review process that began in 2009 and subsequently resulted in the 2014 *Review of the Workers' Compensation and Injury Management Act 1981: Final report*, which included some 171 recommendations for rewriting the act.

There are two aspects of the bill I would like to pay particular attention to. Firstly, I highlight what I consider to be a very important aspect of this bill, as it ensures the privacy and dignity of employees—that is, the prohibition of an employer or an employer's agent from attending a medical consultation when a worker is being examined by their treating medical practitioner. It could be argued that the inherent power differential between employer and employee makes this highly problematic under any circumstances, and even more so when an employee is additionally vulnerable because, by definition, they are injured in some way; and additionally vulnerable again

because the outcomes and decisions of that medical examination have very important and meaningful immediate and ongoing consequences for the worker.

The changes in the bill before us mean that a worker's privacy and dignity will be protected, but also that the power balance will be somewhat restored, as the worker will be able to have an open dialogue with their treating practitioner. It will also remove the opportunity for an employer or their agent to place undue pressure on the medical practitioner to make a particular decision when issuing a certificate of capacity. Importantly, however, the bill will not prevent communication with the treating medical practitioner about return-to-work options—these being about ensuring worker safety and health, and providing an employer with the opportunity to put in place the best structures, supports and duties for an employee returning to work.

The second change I would like to talk about is the measures for preventing discrimination in pre-employment screening. To prevent these kinds of discriminatory practices, the bill will prohibit employers or recruitment agencies from asking any person, as part of pre-employment screening, to disclose information about whether they have made any claim for compensation. The bill will also prevent any other person from disclosing information about a workers compensation claim previously made by a worker for the purposes of pre-employment screening.

As I said, I have a colleague who made a workers compensation claim nearly 20 years ago. Despite the passage of time, she is still required to disclose that claim to potential new employers. This is someone who is highly qualified and highly experienced in their sector. They are very well respected and a person of great principle and integrity, yet they had a sense of shame in their need to access workers compensation, even though it was their right and entitlement to do so. However, there was more to come for this colleague. The nature of their injury meant that they were not able to return to their previous workplace where the injury had been sustained, as it was related to stress arising from bullying. Upon attempting to return to the workforce after their recovery and applying for over 20 jobs in a sector that they were well qualified for and well experienced and respected in, they got a standard rejection letter each and every time without ever proceeding to the next recruitment stage. For all those job applications, they had disclosed in the required application forms that they had previously made a successful workers compensation claim. This person—this professional person of great integrity—then made a decision that went against those principles and applied for a job without disclosing that they had made a previous compensation claim. They got the job.

We have a system that allows for this kind of discrimination and puts workers in the position of having to make a decision—a decision that goes against their principles and standards—in order to re-enter the workforce. I am proud that this bill will remove that opportunity for active discrimination and will mean that good people will no longer be in the position of having to avoid a damaging truth in order to secure their rightful return to the workforce.

This person's story shows something else that I would like to highlight—the particular complexities of workers compensation for what I would call invisible injuries. In my profession of social work, our work hazards tend to be less visible, being as they are about vicarious trauma, compassion fatigue, stress and burnout. Our workplace injuries then tend to look like anxiety, stress and post-traumatic stress disorder. I often describe social workers as brokers in hope, in part because the places we go are sometimes dark, with experiences of hopelessness and helplessness.

I will relay some of the experiences that my friends, my partner and I have had as social workers. I acknowledge that I stand here as a social worker of 25 years and can kind of relay some of these experiences, but they are not easy ones to hear or talk about. Hon Don Punch will also be very familiar with some of these experiences. When my husband worked for the after-hours child protection service, he would often attend with the Tactical Response Group to apprehend children in the middle of the night. He would turn up to houses that were chaotic and violent—often that violence was drug-fuelled—and see children who had fresh injuries. He would accompany those children to hospital and, as a stranger, be their one and only comfort at a bewildering and difficult time of crisis that they were not necessarily able to understand.

As a child protection worker myself, I had to sit and listen to a man describe how he had sexually abused his eight-year-old niece but should be allowed to stay at home with his daughter of a similar age because apparently he was no threat to her. I have been to the funerals of two young people who were meant to be safe at home. I have held women and their partners as they sobbed over their dead babies. I have been to too many memorial services for babies at King Edward Memorial Hospital for Women, lost through miscarriage and stillbirth. I have laid on the floor in the emergency department with a couple whose child had drowned. I have listened to people's stories of their childhood sexual abuse inside institutions that were meant to keep them safe, tears streaming down their face about events that were now decades old but continued to impact their daily life.

I have been called names that I certainly will not repeat here. We sometimes used to joke that being called one particular name was a rite of passage. I see the minister nodding because I am pretty sure he knows the name that I am talking about. We were not a real social worker until we had been called that particular name. We joke, but it was not really funny. We build in many safety mechanisms in our profession—emotional, social and supervisory supports and, yes, sometimes black humour as well. Our employers are the ones who provide many of those

structures and supports as well, yet the work is difficult and complex and it changes who you are as a human being. It is also work that others do not really want to know about.

When I was a social worker at Princess Margaret Hospital for Children, we used to be on a roster to do after-hours work. I remember being on call and going to a party on a Saturday night. Somebody asked what kinds of things I might get called in for. Because I had been at the hospital for most of the previous 24 hours, I was pretty tired and did not really think very carefully about my response, so I was honest. I told him about going in for a child who had died in a motor vehicle accident in Kalgoorlie. The child had been flown down to Perth and mum and dad were on their way. I told him about a young child—a toddler—who had been admitted to hospital with a sexually transmitted infection, and how I helped a family from a remote Aboriginal community to find food and accommodation in the middle of the night when their child was flown to PMH by the Royal Flying Doctor Service for emergency surgery. The person at that party could not get away quick enough. This is work that we do that is complex and often invisible and, as I said, that people do not necessarily want to know about. As I said, it changes who we are at times. It changes how we interact with the world. I am privileged enough to be grateful for some of those experiences. We would often say that when some of those things stop upsetting you, it is time to think about moving on. But in workers compensation terms, there is often an additional struggle to have these kinds of invisible injuries recognised and diagnosed, and also a complexity in connecting them directly to the actual experience of the workplace.

There is already a stigma attached to mental health. Ironically, that stigma also exists in the helping profession, perhaps in different ways. Our union affiliation as social workers is also often driven by our workplace. For example, I have variously been a member of the Health Services Union of Western Australia, a workplace delegate at Fremantle Hospital and the Community and Public Sector Union—Civil Service Association of WA, which in the beginning involved working on case load limits when I worked for Child Protection and the National Tertiary Education Union, which of course was very prominent in helping us navigate the impact of COVID-19 on the university sector when the Liberal federal government of the time sent us down the river without a paddle.

Some workplaces, such as universities, are more unionised than others. Often social workers need to seek out union membership in their particular workplace. As a social work educator, I used to encourage students to consider joining their union, noting that union membership is for a whole range of professions and workplaces. Often, unions could provide things for us that our professional association and our workplace were not able to, such as help navigating the workers compensation system. I point this out as it is often with the support of their unions that workers are assisted to not only manage the workers compensation system and their employers' responses and demands, but also provide that support to persevere with what can be a very challenging experience.

I want to tell the story of a friend who experienced significant post-traumatic stress disorder as a result of working as a social worker in an acute setting—a setting where she commonly bore witness to violence between family members. She had a very complex experience of getting a diagnosis and having that diagnosis and her experience of PTSD directly linked to the workplace. Of course, PTSD can be related to a particular incident, but it can also be because of the cumulative impact of being exposed to stressful and distressing events in a workplace setting. Similar to my other colleague, she was not able to return to that workplace. I am very proud of her because she has reinvented herself and managed to return to the workplace that unfortunately for social work was not a return to that profession but where she is still able to assist others. Without effective workers compensation, she would not have been able to afford to do that and her mental health would have continued to decline.

I want to finish by giving a shout-out to my social work colleagues to say that there are many of us who see the difficult and complex work that you do and we see the human toll that it often takes on people. I thank them for their perseverance in continuing to be brokers in hope.

There are a couple of other changes in the bill, which I know my colleagues have already spoken of, including delivering on the 2021 election commitment to double the medical cap. The bill will increase the limit for compensable medical and health expenses from 30 to 60 per cent of the prescribed maximum limit. This will result in an increase in the capped amount from around \$73 000 to \$146 000, which will be indexed annually. This will see workers who are seriously injured requiring long hospital stays and/or complex surgical operations receive an appropriate level of financial support to cover their medical and health treatment bills. Again, it will save them some anxiety and concern over meeting some of those costs.

Another election commitment that this bill will deliver on is extending the weekly income compensation step-down point from 13 to 26 weeks before a 15 per cent reduction is applied. This will maintain a safety net minimum amount to ensure the step-down cannot fall below a worker's base award rate of pay, plus any regular additional earnings a worker received over the previous 12 months from the date of injury.

[Member's time extended.]

**Dr K. STRATTON:** This extension will ensure that award workers on base award rates of pay, or who rely on regular additional earnings to make ends meet, are not disadvantaged after the step down as is the case in the current act.

Again, this will go some way towards reducing the anxiety and concern that people have about being able to meet the costs of daily living as they navigate the workers compensation process.

Finally, the bill will provide lifetime care and assistance for a person who is involved in a catastrophic workplace injury. A no-fault catastrophic injury support scheme for motor vehicle accidents was implemented in Western Australia on 1 July 2016. This bill will provide scope for the catastrophic injury support scheme to be extended to also apply to workers who are catastrophically injured. In doing so, workers who suffer catastrophic injuries at work may receive lifetime tailored care and support that is based on their ongoing needs. Catastrophically injured workers will retain the right to seek common-law damages should they prefer that pathway.

I commend this bill to the house. It will put workers' rights at the centre and their right to dignity and privacy and their right to re-enter the workforce free from discrimination at the forefront.

**MS J.L. HANNS (Collie–Preston — Parliamentary Secretary)** [1.30 pm]: I also rise to contribute to the Workers Compensation and Injury Management Bill 2023 and the Workers Compensation and Injury Management Amendment Bill 2023 cognate debate. In starting my contribution today, I will reiterate a point that a number of other members have already made. The premise that all workplaces should undertake and strive to achieve is ensuring that every single worker returns home to their family safely and healthily at the end of each day. Sadly, this is not a reality in our society. It is certainly something that we aim improve in enacting this legislation.

In saying that, I want to give a background to what the dinner table looked like when I was young. My dad worked at Bunnings mill in Yarloop when I was very young and then he managed to get a job at Alcoa in Wagerup when I was a little older. Dad became one of the shop stewards or delegates, as we now call them, for the Australian Workers' Union. If he were here today—he is not because he passed away—he would say that he is personally responsible for everything that the member for Forrestfield knows about workplace industrial relations. My dad and the member for Forrestfield worked very closely together during their time at Alcoa. I remember sitting around the dinner table listening to my parents speak about dad's work. Dad was particularly concerned about the workers on that site in the initial stages of Alcoa being commissioned. He was concerned about safety and making sure that the plant and equipment were safe for the workers. The particular thing I remember my dad talking about—I do not remember the specifics—was caustic soda and the issues it could create on that worksite. As I said, I was quite young when dad worked there. I listened to my parents' conversations and although I did not necessarily absorb all the details, I distinctly remember those two themes being discussed at length by my parents at the dinner table.

Dad was also particularly passionate about the rosters. When he first started working at Alcoa, they had a fantastic—I say that with sarcasm—roster, which, I think, was a week of day shifts, a week of afternoon shifts and a week of night shifts and then a week off. It was a terrible shift. I remember that as kids, we had to tiptoe around because dad was asleep or dad was grumpy because he had not had sleep; one of the two was always at play in our household.

In prefacing my contribution today, I acknowledge the role that unions have played in partnership with workplaces on the issue of safety at workplaces. Their role in supporting workers if and when they need to access workers compensation is very important.

I will give a brief overview of the bill and then I will look at specific examples. I would like to firstly say that one of the best things about this bill is the plain language that it employs, which will make it easier to read and understand the key elements within the workers compensation scheme. It is difficult for a person who wants to make a workers compensation claim to read and understand some of the details in the current legislation. The commitment to simplify the language will mean that workers compensation will be much more accessible to people. The bill will provide more clarity and certainty around what people will need to do to claim, whether insurance will be required, how to claim, what compensation is available and how to resolve disputes; it is particularly important that that is very clear.

The member for Nedlands spoke about the doubling of the medical cap; I will not go into that in too much detail other than to say that for those people who have been injured in a workplace incident that results in hospital stays, complex surgical operations or extended medical leave, those things become very stressful and often very expensive. A lot of the concern of people who undertake claims is how they will pay their bills. The provision that doubles the medical cap is a really important aspect of the bill.

The step-down point will be extended from 13 to 26 weeks, which is particularly important. I will pick up on this point later when I provide members some examples of workers compensation claims that I have been involved in as a member of the teaching profession.

Over the last 30 years, my role in schools has been as an occupational health and safety representative, the teachers' union delegate and most recently as a deputy principal who assisted staff through the occupational safety and health process. In that role, I was often the first responder at incidents in the school situation. The member for Southern River commented on some of the occupational safety and health risks in schools and I will add to that in my contribution today. I will give members a couple of examples of the issues I observed when I was the occupational

safety and health delegate or deputy principal. Comparatively speaking, when we think about schools, we do not see them as particularly dangerous workplaces, but there are certainly some inherent risks.

Something as simple as a teacher's broken chair—I have seen this happen—can be the cause of a teacher being away from work for an extended period. When the teacher sat on the broken chair, they fell over and received a whiplash injury during their fall to the ground. The teacher ended up with a debilitating neck injury and ongoing debilitating headaches. Something as innocuous as a chair in a classroom can be considered a hazard within the workplace. High school kids often play a joke on a teacher, "It's just a prank, Miss", which I have been told several times. I have seen students pull out the chair on which the teacher is about to sit—this has happened to me—and although students and their classmates might think that that is hilarious, I have seen that kind of action result in the teacher having extended periods away from the classroom due to injury associated with pranking.

I do not know whether I should share this with the chamber, but in deference to that, in the good old days of teaching—I am talking about 30-something years ago—sometimes people got away with things that they would not get away with these days. I am not saying that in a—what is the word I am looking for?

**The ACTING SPEAKER (Ms M.M. Quirk):** Nostalgic.

**Ms J.L. HANNS:** A nostalgic way. Clearly, it is incorrect. Thank you, Acting Speaker.

I used to say to students that I did not want them to come into my classroom chewing gum because I felt that there might be a risk of them choking on that. I did not want to be in the position of having to do the Heimlich manoeuvre or anything like that to make sure they could still breathe. In particular, I was not interested in giving anyone mouth-to-mouth resuscitation or having to do CPR in the classroom. I said, "If you could please remove your chewing gum, that would be much appreciated." I used to get a chuckle. Back in the good old days, I used to say to my students, "If you come into my classroom with chewing gum and you are the first student who enters my classroom, you're the lucky one because you will get to put that on the doorjamb of the classroom." The problem would be if they were the second student, because the second student would have to put theirs at the bottom and take the top one from the previous student. I never had a problem with chewing gum in my classroom. The kids took me very seriously and, of course, we mitigated the risk of choking on chewing gum in my classroom. I say that in jest only because students used to prank teachers and teachers also had the opportunity to have a joke with their students.

I used to say to the students that one of the most appalling things they could do was to leave their schoolbag on the floor of the classroom next to their desk because although it was out of their way, it was not out of the way of the teacher who was trying to move around the classroom. I have seen a number of teachers injured by tripping over schoolbags that were left in the walkways for staff to move around the classroom to assist students. On one occasion it was Jodie versus stairs, and the stairs won. I was going down a set of stairs at Collie Senior High School. It happened right in front of my daughter. Members would think she would come to my assistance, but she was so embarrassed that I had done that in front of her friends that she scurried off as quickly as she possibly could. When I got up and dusted myself off and checked that I had not injured myself, she came back to check on me and said, "Mum, you are so embarrassing." Kids these days!

Another thing that is important in mitigating occupational health and safety risks, particularly in a science classroom, is the avoidance of chemical spills and the exposure to chemicals. Science laboratory technicians do an incredible amount of work to assist teachers to ensure that students can safely explore the scientific concepts around chemistry and those sorts of things, while mitigating the risk to staff and students. One of the most catastrophic injuries I witnessed at school was to a student who was playing T-ball on the oval. The student was very good at T-ball and as the equipment was being packed up by the phys ed teacher, the student said, "Can I just have one more go, Miss?" To the teacher's detriment in this situation she said, "Of course, mate—have another go and we'll all stand out in the field." The student decided that they were going to hit the ball as hard and as far as they possibly could. They got fabulous rotation through their upper body but fell to the ground in a heap. When I was called to the oval to assist, it turned out that that 16-year-old person had broken their hip. I could not believe it. When the ambulance arrived, we were gobsmacked that that student had broken their hip. That young person was the bravest person I have ever seen.

I mention also the amazing job that education assistants do in our schools. They deal with special needs students with a range of different abilities. One of the inherent risks around special needs teaching is that a number of students are on the autism spectrum or have disabilities that mean they are not able to control or self-regulate. I have seen education assistants hit, bitten or pushed by special needs students. A number of the occupational health and safety incidents I have had to either manage as a staff member or be involved with as the occupational safety and health representative have come about with special needs education assistants. They do an incredible job in schools across the state. I take this opportunity to thank them. I used to say as a teacher that they were the unsung heroes of classrooms. We could not do what we do in classrooms without them. I pay them a very special thanks today.

The last incident I will mention that I have been involved with in schools was a particularly confronting incident quite a few years ago now. I came out of my classroom and a student had been waiting outside for another student in my classroom because they had a conflict with them. When the student left my classroom, the young man was

waiting outside and as I was locking up the classroom, I heard some shouting and turned around to see the older boy bashing the younger boy's head against the brick wall. I was horrified. Another teacher came over to assist. I am still not sure what the issue was because it was not dealt with by me. The young boy was so angry that he did not stop when the other teacher came over to step in between them. That young man gave the teacher a black eye and she was knocked out. I had a young person with a bleeding head wound and a teacher who had been knocked out and was on the ground.

In the end, I did the only thing I could think of, which was to physically restrain him to the point where he was no longer able to lash out. I was saying to him, "Come with me, let's go. We'll go and talk about it in the office." I managed to get him away and, obviously, some assistance came for the people who were injured. I suffered a shoulder injury as a result of having him walk with me, and that has been ongoing. I had a workers compensation claim around that incident.

None of us is immune from workers compensation claims in our workplaces. If one goes for a job anywhere else, a question on the form they must complete asks: have you ever completed a workers compensation claim previously? You tick yes, but you wonder whether that will impact on your opportunities for employment in other industries. I am pleased that this issue is being addressed.

[Member's time extended.]

**Ms J.L. HANNS:** I would also like to raise today some incidents in the mining industry in Western Australia over many years—hundreds of years—that have caused significant injury or death to people in the workplace. Workplace fatalities are particularly devastating to the families of those involved and the communities. I take this opportunity to extend my condolences to families who have suffered that loss. I raised the point at the beginning of my speech that everybody deserves to go to work and come home to their family safely and healthily. An amazing Facebook page called Western Australian Virtual Miners Memorial details mining accidents over hundreds of years. If anyone has any spare time, I implore them to look at that page. The minister is nodding and is obviously aware of that.

I appreciate how important these legislative changes are in dealing with workplace incidents and accidents. I will talk today about a fatality that happened in Collie. A verdict of accidental death was delivered in Bunbury on 21 November 1890, because the incident occurred in 1899—sorry, it was in 1900! I could see people thinking, "No, you've got the maths wrong there." Thank you, minister. The incident occurred in 1899 and a verdict of accidental death was delivered in—I have lost it again!

**Mr R.R. Whitby:** In 1900.

**Ms J.L. HANNS:** Thank you, minister; it was in 1900. An article states —

The inquest in connection with the death of Eldred Henry Keswick, who died in the Bunbury Hospital, on the 11th ... as the result of injuries received in an explosion at the Westralia Wallsend mine, Collie, on the 3rd ... was concluded here today, before the coroner ... The verdict was one of accidental death, no blame being attached to anyone.

Eldred Henry Keswick died on 11 November 1899. He was a miner and he had one child. He was aged 44 at the time of his death. The miners memorial page outlines that around the time of the incident and the subsequent seeking of compensation for this man's death, *The Sunday Times* of Sunday, 27 May 1900—I have got the year right now—carried a report with the heading "Working men insure their employers. A heartless system. Thrift as an engine of oppression", which stated —

On Friday afternoon last the editor of the SUNDAY TIMES received the following letter: "Sir,—Will you kindly allow me space in your valuable paper to tender my heartfelt thanks to the collier and employees of the Westralian Wallsend Colliery for their many kind expressions of sympathy, also for the way they have manfully assisted in getting up subscriptions for me in the hour of need. By their kindness it will enable me to get medical advice and attendance for my little girl, who has had to stand aside through reverse of circumstances that compel me to work six days out of seven for the mere necessities of life. I would like also to draw attention to the unfeeling attitude of the Accident Insurance Company, who, because I refused to sign papers exonerating the Wallsend Colliery Co. from all blame, declined to give me the 50 pounds of an insurance which covered my husband's life, and who are still holding it, though it's seven months since the accident occurred which caused my husband's death. This 50 pounds I was supposed to receive at, death. As they knew, my straitened circumstances, I think it very hard and unfeeling on the society's part. Again thanking the Coal miners' Association and apologising for troubling you—I am, D. KESWICK.

That letter was from the widow of Eldred, who was seeking compensation for her husband from the employer, which it did not stump up. It must have been incredibly difficult for that person at that time. I can only imagine the circumstances that his widow went through at that moment.

In looking further into this issue, the miners memorial page goes further to say —

The whole of the moneys collected from men like Keswick on this colliery went to pay the premium for a general policy insuring the company not the men ... against accidents. In other words, the men paid the premiums, and the company got the policy, and then after the men paying the whole.

The company itself was not responsible for workers compensation in this case; the men were paying the insurance for all workers on the site so that if anyone was catastrophically injured or died on the worksite, their widows or families would receive compensation. That did not happen in this case. If I had more time, I would go through and read the whole article, because it is an incredible read in terms of the circumstances. Essentially, they were forced to pay up. That really displays the difference between how workers compensation incidents were treated and the changes we are looking to make, and why it is important for workers compensation to be brought forward with these changes and updates.

The example of Eldred Henry Keswick, who passed away in the Collie coalfields, starkly reminded me of the amazing painting by Australian painter John Longstaff called *Breaking the news*. The last time I saw it, it was housed in the Art Gallery of Western Australia; I am not sure whether it is still there or on rotation. The painting shows the interior of a mining cottage on the Victorian goldfields, with an old man breaking the news to a woman of her husband's death in a mining accident. The woman holds an infant in her arms, and two miners appear in the doorway, carrying the body of her husband on a stretcher. Behind them in the distance stands the mine's head frame. *Breaking the news* became etched in the popular imagination and, by the 1890s, was known through reproductions in every mining township in Australia, such was the impact of that painting. That painting was completed when Longstaff was still an art student. He won the National Gallery of Victoria Art School's first travelling scholarship in 1887. Only one month after the painting was first exhibited in Melbourne, 81 coalminers perished in a gas explosion at the Bulli mine in New South Wales. Australia's worst below-ground goldmine disaster occurred on 12 December 1882, less than 20 kilometres from Longstaff's home town of Clunes. Longstaff's enduring childhood memory of a mining fatality in Clunes was the direct inspiration for *Breaking the news*. As he had followed the tragic cortege from the mine head to the cottage door, he had heard the stricken cry of a young wife at the sight of the stretcher bearer's burden. The painting is incredibly compelling in terms of Australia's mining history and tells the story of the losses of people in communities and families right across Australia. Really, it underlines the importance of these very important changes to the workers compensation scheme.

As I said previously, I have worked in industrial towns and mining communities. They tend to inherently hold more risk. I mentioned that my dad worked at Alcoa in Wagerup and at the Bunnings mill. I taught at Tom Price Senior High School. The mining industry is incredibly important to that region. While I was teaching at Tom Price Senior High School back in the 1990s, there was a fatality on the minefields in Tom Price. I remember that it was incredibly devastating. The person who died had been in the football club that I had attached myself to, as you do when you move to towns like that, and I supported that particular football club. His loss reverberated right through the community. I remember seeing his widow and their very young three-year-old not long after the tragic accident. Needless to say, that family was devastated beyond repair. I outlined the example from the 1890s in Collie, but even in the last decade, there was a loss in the mining industry in Collie as well. As I said, we are dealing with inherently dangerous occupations.

That brings me to mention very briefly the Beaconsfield mine collapse that most of us in the chamber would remember, as it was front-page news and on the television almost all day every day for nearly two weeks, I think, by the time the miners were rescued. It happened on Anzac Day, 25 April, in 2006 in Beaconsfield, Tasmania. Of the 17 people who were in the mine at the time, 14 escaped immediately following the collapse; one miner, Larry Knight, was killed on impact; and the remaining two, Brant Webb and Todd Russell, were found alive on the sixth day by their rescuers. Such danger is implicitly known by the psyche of mining communities, where people are sent into dangerous worksites. That again draws me back to why this bill is so important. Larry Knight, Brant Webb and Todd Russell were unaccounted for until where they were trapped could be located. At the time of the incident, they were obviously involved in coalmining. The cage they were operating in partially filled with rock and the men were buried under the rubble. Two miners were able to survive by drinking groundwater seeping through rock overhead, which they collected in their helmets. Famously, Webb also had a muesli bar with him.

Debate interrupted, pursuant to standing orders.

[Continued on page 1655.]