



Minister for Education and Minister for Industrial Relations

31 MAY 2018

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Email: tableoffice@parliament.qld.gov.au

1 William Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia
Telephone +61 7 3719 7110
Email: education@ministerial.qld.gov.au
Email: industrialrelations@ministerial.qld.gov.au

Dear Mr Laurie *Neil,*

I refer to Petition 2920-18, tabled in the Legislative Assembly on 1 May 2018, which requests an amendment to the *Workers' Compensation and Rehabilitation Act 2003* (the Act) with respect to timeframes and procedures for the lodgement and management of psychological injury claims.

I appreciate the commitment shown by Ms Gail Reeves in organising this petition.

Experiencing an injury and then making a workers' compensation claim can be a confusing experience, at a potentially difficult time for the injured worker and their family. This process can be particularly stressful for workers who make a claim for compensation for a psychological or psychiatric injury resulting from bullying or harassment in the workplace. It is important that an individual's circumstances, including the nature of their psychological or psychiatric injury, are taken into account during the claims process to ensure the best outcome can be achieved.

Workers' compensation claims for psychiatric or psychological injuries present unique challenges and are complex to investigate and resolve. Under the Act, claims for work related psychological and psychiatric injuries require that the injury must not have arisen out of reasonable management action taken in a reasonable way. Whether the management action was reasonable is often a point of contention for the relevant parties to a claim, and coupled with the complexity of these injuries may lead to longer decision making times.

The Act provides a robust independent administrative review mechanism through the Workers' Compensation Regulator where a decision of an insurer to accept or reject a claim can be scrutinised based on the evidence provided by the parties.

Following this review, a party may lodge an appeal with the Queensland Industrial Relations Commission, an independent tribunal. The purpose of an appeal is to have the merits of the review decision independently heard and assessed by the Commission. An appeal is a rehearing of the entire matter afresh, meaning that witnesses can be cross-examined and competing evidence given under oath can be tested. The Commission can also be presented with any new evidence obtained in preparation for the hearing.

I acknowledge Ms Reeves' concerns regarding the claims process, including the potential impact on witnesses. It should be noted these will be considered as part of the current statutory five yearly review of the operation of the Queensland workers' compensation scheme. This review provides an opportunity to look at issues impacting on the scheme, including what improvements can be made to the claims management process, especially in relation to those workers who have psychological or psychiatric conditions. The independent reviewer, Professor David Peetz, has consulted and involved key stakeholders as part of this review.

The review will be finalised by 30 June 2018 and I look forward to tabling Professor Peetz's report.

I am also pleased to advise that a tender process has recently closed in relation to appointing a skilled and independent provider for free support service for workers' with psychological injuries. It is expected this service will be in place in late 2018.

If you require further information or assistance, please contact Ms Sharon Durham, Chief of Staff, on (07) 3719 7110.

I would like to thank the petitioner for raising this matter, and I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grace', is enclosed within a large, loopy, hand-drawn oval shape. A long horizontal line extends from the bottom right of the oval.

GRACE GRACE MP
Minister for Education and
Minister for Industrial Relations

Ref: 18/234709; R00000045487