

Correspondence to the Premier of Queensland and Minister for the Arts

Send, post or fax to:

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The Hon Anna Bligh MP
Premier of Queensland and Minister for the Arts
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The Hon Anna Bligh MP
Premier of Queensland and Minister for the Arts
PO Box 15185
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Dear Premier

EMPLOYERS SHOULDN'T PAY FOR WORKERS COMP PROBLEMS

I am writing to express my increasing frustration with the abuse of the common law provisions of Queensland's workers compensation scheme and the negative impact this might have on my premium.

There is no dispute that if a worker is genuinely injured in my workplace that they should receive appropriate compensation. In most cases, I believe the statutory claims process administered by WorkCover delivers the right outcome. However, I am concerned by the increasing levels of abuse of the common law process and the impact this will have on my premium.

The best way to fix the system is to put rules around who can use the common law process and who can't. If a worker is very seriously injured then I can accept that they might want to use the courts to seek compensation appropriate to their injury. It seems entirely reasonable that a 15 per cent or greater impairment threshold should be set for someone to be able to prosecute a common law claim.

Right now, every worker can access the system with most claims being sorted on the steps of the court for in excess of \$50,000 because both parties know that's the typical cost for an employer to mount a case against the claim. In making the change it means that people who might have minor back or neck injury can still be dealt with, fairly, through the statutory process. It also means that the cost of administering the scheme is reduced significantly, without affecting those with genuine claims.

Queensland is hardly the first to move in restricting this access to common law. In fact, it's the only State in the nation that allows the common law system to be abused in this way. New South Wales made the change after a review in 2001 which originally argued for a 20 per cent or greater impairment threshold. They settled on 15 per cent. The same applies in Western Australia. In Victoria and Tasmania they have a 30 per cent threshold. In South Australia they restrict access altogether. Every economy arrives at this point because to do otherwise would be to feed the legal community at the expense of business growth.

Premier, this is not a time to be hitting business with another increased cost. The economic environment remains a challenging one. More costs convert to less growth and less jobs. Importantly, it also does nothing to improve workplace safety.

I sincerely hope you will choose the path that supports business and the worker instead of the one that puts more fees in the hands of the legal profession.

Yours sincerely

<Name>

<Title>