

# Queensland branch review

By Adam Tayler

**T**his year has seen a shift in the Queensland workers' compensation scheme, while other regulated Queensland compensation schemes have remained relatively stable.

In November 2009, it became apparent that Workcover Queensland was forecasting financial difficulties if nothing was done to arrest an increase in claims costs and rising claims numbers. This led to a relatively quick-fire reaction from government, and amendments to legislation commenced on 1 July 2010. Among other things, those amendments abolished the statutory right of action for breaches of the *Workplace Health and Safety Act 1995*, as well as restricting the quantum of general damages to an injury scale value similar to that applied by the *Civil Liability Act 2003*. A costs deterrent, which had previously been lacking, was introduced for claims that are dismissed, and more power was given to parties to force third parties to the negotiating table. Premium levels were also altered, with an immediate rise in premiums and the removal of the ability of employers to insure against their deductible, being the first four days of an employee's weekly benefits.

Perhaps in recognition of the speed with which the government tackled the task, further reviews were announced with a structural review to be undertaken immediately and a whole of scheme review in two years' time. The structural review has been completed and, on 15 October 2010, the government put out a call for public consultation about the review, with comment to be finalised in mid-November.

State committee members have been influential in the process of change in the workers' compensation scheme over the last 12 months, and I would

like to acknowledge the tireless work in that regard from Justin Harper, Rod Hodgson and Simon Morrison.

Our other special interest groups have also been busy. In August, Catherine Cheek of the Queensland branch finalised a submission to the Productivity Commission in relation to caring for older Australians. In September, Charles Wilson also put together a submission in relation to the Queensland Law Reform Commission review of jury selection in Queensland.

Peter Hall and Terree English have been active in discussions with the CTP insurers in Queensland, as well as with the Motor Accident Insurance Commission and government.

This financial year, our committee has added a number of new members to its experienced members and I am confident they will serve the branch well. I would encourage all members to play an active role in the Alliance and always to be on the lookout for issues that we can contribute to and make a difference in.

This year, the branch has scheduled the usual range of CLE activities, culminating in the state conference in February 2011. I would encourage as many members as possible to attend this high-class annual event, along with as many other CLE events as possible.

On the agenda for the branch committee this year is the issue of our membership base. We presently do not have a dedicated representative who works in the criminal law area. If there is anyone who is interested in filling this role, then please contact me. We are also looking at encouraging firms and lawyers from the industrial relations and employment law areas to become members and contribute to our work.

One of my goals this year as Queensland president is to ensure that our existing membership gets what



it wants out of the ALA. Over the years, the organisation has broadened its membership base and expanded its interests. I am keen to ensure the existing membership in Queensland is getting something out of its membership and will continue to be a long-term member who contributes to the broad fabric of the organisation.

I would also like to see a greater representation on the committee outside of the South East Queensland area. We have a strong membership in North Queensland, in particular, and I would like to encourage further growth across the state. If any members outside of South East Queensland are interested in joining the committee, please contact me.

I would also welcome feedback from Queensland members. I can be contacted on (07) 3879 4444 (w); mobile 0488 399 333 or via email to [adam.tayler@workersfirst.com.au](mailto:adam.tayler@workersfirst.com.au). ■

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