

Queensland Report

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At the time of writing, APLA had not yet seen the new WorkCover Bill.

Although the Queensland workforce can be thankful for the abolition of the Worker's Compensation Board and the absence of any bodily injury impairment threshold upon their right to sue reckless employers for injuries, there are other serious and pernicious features of the new legislation.

The legislation is expected to contain a radical provision which will allow workplace compensation for only those injuries where employment is the "major significant contributing factor". The big losers from this provision will be those workers who suffer progressive injuries or injuries arising from a non-work related predisposition.

It has been estimated that a high proportion of the workforce does in fact suffer from some predisposition to a physical injury or disease. These are persons who would be considered by their employers and by physicians as healthy and able-bodied. Nevertheless they contain some predisposition which means that they will suffer symptoms of an injury beyond those which the ideally constituted worker would suffer and are likely to be excluded from compensation under the new regime.

This and other provisions like it are an outrageous capitulation by government to the elements of employer groups whose members often put profit before safety.

Other anti-rights provisions of the Bill include:

- Carer (Griffiths v. Kerkemeyer) awards to be abolished.
- Contributory negligence findings to be mandatory in many circumstances.
- Future economic loss to be allowed in fewer cases.
- Interest on damages virtually eliminated.
- Existing 20% bodily injury threshold for costs recovery and irrevocable election requirements to remain (Goss Government amendments).
- Stress claims to be further restricted.

It is important for all members to continue to be vocal about the injustices of these parts of the package.

Many APLA members were outstanding in their contribution to the 1996 workplace injury campaign. Over \$40,000.00 in donations were raised. Gold



Peter Carter, Queensland President and Conference Committee Chair

Coast members deserve special mention for their strong support in terms of financial donations.

Other contributions included political activity, letter and phone campaigning, attendances at rallies, distribution of brochures and posters and liaising with community groups.

The campaign has been a long one – 5 months, following the 3 month involvement with the Kennedy Commission itself.

The work to date is however just one battle in a longer war given the Government's signalling of making the 15% threshold an election issue when the opportunity arises.

Queensland workers can be thankful and proud of your contributions.

One can foresee a time when APLA has the need in Queensland for its own paid public/political affairs officer to ensure that the energy and commitment of these sorts of campaigns can be maximised.

Aircraft Passenger Damages Limit

From 1 December 1996 passengers on Queensland intrastate commercial (airline, commuter and charter) flights will at last get the benefit of an increased damages cap on passenger injury and death claims. The new limit of \$500,000 has operated federally since October 1994 on international and interstate flights.

There has been some doubt as to the applicability of the new limits for intrastate flights for various periods.

APLA had raised the matter with the State Minister for Transport to seek early passage of legislation which has now been passed in the form Civil Aviation (Carriers' Liability) Amendment Act 1996 and Civil Aviation (Carriers' Liability) Regulation 1996.