

AUSTRALIAN GREENS SENATORS' DISSENTING REPORT

1.1 The Safety, Rehabilitation and Compensation Amendment (Improving the Comcare Scheme) Bill 2015 (the bill) introduced by the government on the 26 March 2015 purports to introduced positive and needed reform to workers' compensation arrangements administered by the Comcare scheme.

1.2 In fact the bill, along with additional legislation currently before the Parliament such as the Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014, represents a significant attack on workers' rights and entitlements.

1.3 The bill, as shown by evidence to the committee, swings the balance too far towards employers at the expense of employees making it even harder for workers with genuine claims to access benefits and legitimate support.

1.4 As such the bill represents a failure to implement genuine reform, which should seek to improve the safety and health of workplaces.

1.5 It is clear the government is not interested in genuine reform as it has failed to implement most of the recommendations of the Hanks-Hawkes review, instead choosing to act only on those recommendations that employers wanted and ignoring those that would improve the situation for injured workers.

1.6 The bill if passed, along with companion legislation, would remove many important rights workers currently have under state based workers' compensation and allow employers to switch schemes and therefore cut costs at the expense of their employees' right to adequate compensation and rehabilitation. Workers in blue-collar industries such as construction are particularly at risk.

1.7 Evidence to the committee also highlighted that there is a danger that employers in the shipping industry might attempt to shift from the Seacare scheme to a weakened Comcare scheme in an attempt to avoid their responsibilities to their workers.

1.8 The Australian Greens also share the concerns of many submitters that there is also a serious risk of a 'race to the bottom' in workers' compensation and health and safety law.

1.9 There is also a very real prospect that the actual operation of the bill could be far worse than the bill would suggest as many key aspects of the bill envisage changes to rules or will only to come into effect via legislative instruments which are currently not available.

1.10 Given the scope and importance of such changes, including the removal or alteration of rights and the exclusion of workers from compensation, such changes should be in primary legislation, not delegated legislation.

1.11 At the very least, it is not acceptable that Parliament should be expected to vote on legislation when the extent of such changes is unclear.

1.12 What is clear from evidence to the committee is that the government intends to again attack the rights of injured workers to adequate compensation and rehabilitation.

1.13 As such the bill represents a continuation of the government's crusade against people's rights at work and should be opposed by the Senate.

Recommendation 1

1.14 For these reasons, and the clear dangers of the bill highlighted by evidence to the committee, the Australian Greens recommend the bill not be passed.

Senator Lee Rhiannon