

TRANSCRIPT

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023

Melbourne – Thursday 14 December 2023

MEMBERS

Georgie Purcell – Chair

David Davis – Deputy Chair

John Berger

Katherine Copsey

David Ettershank

Bev McArthur

Tom McIntosh

Evan Mulholland

Sonja Terpstra

PARTICIPATING MEMBERS

Gaelle Broad

Georgie Crozier

Michael Galea

Renee Heath

Sarah Mansfield

Rachel Payne

WITNESS

Paul Guerra, Chief Executive, Victorian Chamber of Commerce and Industry.

The CHAIR: I declare open the Legislative Council Economy and Infrastructure Committee's public hearing for the Inquiry into the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands we are gathered on today, and paying my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee.

Before we begin, I will just get committee members to introduce themselves, starting down this end with Ms Copsey.

Katherine COPSEY: Katherine Copsey, MLC for Southern Metro.

Gaelle BROAD: Hi. I am Gaelle Broad, Member for Northern Victoria.

David ETTERS HANK: David Ettershank, Western Metropolitan Region.

Bev McARTHUR: Bev McArthur, Western Victoria Region.

Evan MULHOLLAND: Evan Mulholland, Northern Metro.

The CHAIR: Georgie Purcell, Northern Victoria.

John BERGER: John Berger, Southern Metro.

Sonja TERPSTRA: And Sonja Terpstra, North-Eastern Metro.

Tom McINTOSH: Tom McIntosh, Eastern Victoria Region.

The CHAIR: Thanks, members. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following this hearing, and then transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, can you please state your full name and the organisation you are appearing on behalf of.

Paul GUERRA: Paul Guerra, Chief Executive, Victorian Chamber of Commerce and Industry.

The CHAIR: Beautiful. We now welcome your opening comments but ask that they are kept to around 10 minutes to allow time for questions.

Paul GUERRA: Sure. The WorkCover scheme is broken and no longer fit for purpose. It needs to change in order to survive. The system is an insurance scheme where businesses pay additional fees on top of their payroll tax bill to ensure the medical care of injured workers. The Victorian chamber has put the business perspective on the workplace Bill currently before state Parliament to both the government and the opposition. Slugging businesses with eye-watering increases to WorkCover premiums at an average of 42 per cent, as occurred this year, is the definition of bill shock and cannot be repeated. The state is now faced with a choice: reform the WorkCover system or provide cash from state budgets to prop it up. Business will be unable to

cover massive increases next year, and many will shutter if the system continues without change. That is not good for Victorian business and it is not good for Victorian workers.

We are advocating for a well-administered and sustainable system that limits any required premium increases and are awaiting details on the state government's new Return to Work Victoria entity. It must support Victorians currently in work as well as those who may be on the WorkCover scheme. It should focus on prevention as well as providing support for injured workers. It should also be renamed 'At Work Victoria' to cover everybody, whether you are at work or on the WorkCover scheme.

The Victorian chamber is working with the Victorian Trades Hall Council to establish programs that assist in prevention of injury and give employers the tools to further cultivate mentally healthy workplaces for all staff. It is imperative that a revamped system eliminates all fraudulent claims by ensuring that frivolous applications for compensation are quickly reviewed. There is no doubt there is system abuse. The tightening of the scheme might be seen as unpopular for those who do not understand business, but fraud is fraud. Business has a right to know the money is well spent to protect those who need it, not those who want to scam it.

The scheme could also do better in managing high-risk and/or high-stress sectors of first responders – police and emergency services workers – nurses, teachers and corrections staff. The Victorian chamber is resolute in wanting WorkCover reformed and modernised. The government and the opposition hopefully will come together and agree on the reforms required for a sustainable solution. The Victorian chamber is prepared to play its part. Merely raising premiums on business, who already contribute to additional funding via the mental health levy on payroll tax, will not cut it. All Victorians deserve safer, healthier and happier workplaces, but we will have significantly less workplaces if the WorkCover bill shock continues. Thanks.

The CHAIR: Wonderful. Thanks, Paul. For members who were not in the room, Paul needs to leave by 9:40 at the latest, so I am going to do one question each as tight as possible and then we will go around again if time permits. I will start. How do you think we can fix the WorkCover scheme?

Paul GUERRA: Our view is really simple: talk to the people that know about the scheme and talk to the people that are working with it every day. I think a significant step forward would be to bring the Victorian chamber and its membership and other organisations that we work closely with together with the Trades Hall Council and together with the CEO of WorkCover to work a way forward. We know what the issues are. We can then put forward the solutions, as we have been doing in the background, and that will give a very clear path forward.

The CHAIR: Wonderful. Thank you. I will go to Ms Terpstra.

Sonja TERPSTRA: Thanks, Chair. Good morning, Paul, and thanks for joining us.

Paul GUERRA: Pleasure.

Sonja TERPSTRA: I note your contribution was very similar to an article in the *Herald Sun* that appeared on 16 November, and I think you clearly articulated what the views of the chamber are, but I am just wondering what advice you are giving to your members about how they can potentially improve things in their workplace. Like, one of the things we are seeing is that there is an increase in mental injury claims arising from stress or burnout. Some of those are in the public sector, and I know your members principally are not in that sector, but what sort of advice are you giving to employers that you represent about how they can improve workplace health and safety in their businesses?

Paul GUERRA: Look, I think every business wants to make sure that their employees return home in at least the same condition that they turn up to work in, and that covers both physical and mental in terms of the condition of the employee at the end of the day. Businesses have been very adept at providing programs on mental health, like EAP, employee assistance programs, and that is widely utilised across Victoria. In terms of the physical side, I think businesses have come a long way and continue to perform in that area as well. Our advice to all businesses is really straightforward: look after your employees as best as you properly can and make sure that the workplace environment is something that is conducive to good work.

There is frustration, though, out there with businesses in terms of the claims that have been accepted by WorkCover and the frivolous nature that some employees are able to then access the WorkCover system by.

WorkCover should be there for the right reasons, and that is to look after workers that are genuinely injured, not those that perhaps are looking for ways to scam the system.

Sonja TERPSTRA: Thanks, Chair.

The CHAIR: Thanks, Ms Terpstra. Mr Davis.

David DAVIS: Paul, thank you for your evidence. In 2020 the Victorian government commissioned the Finity report. It received it in December 2020. It says:

WorkSafe is currently facing claims management pressures essentially ‘across the board’ – growth in claim numbers, worsening claim durations, less effective termination provisions and an increasing risk of common law pressures ...

Were you consulted on that report? Were you provided with that information? Were you given that information, given the government has known – well, it will be for three years now?

Paul GUERRA: Thanks, David. No, we were not. The ‘consultation’ – and I will put inverted commas around consultation – we were invited to a meeting in February, I think it was 8 February this year, and that was the first time that we were engaged to start looking at the WorkCover system. It was clear at that point in time that there were issues around it, and it was clear that the government wanted to do something about it, but I do not have the Finity report, and the first time that we started consulting on this was 8 February.

David DAVIS: And were you consulted on the details of the Bill? Did you see the Bill before it came out, because very few people seem to have seen it?

Paul GUERRA: No, we did not. We engaged as actively as we could with the government through the consultation – again, ‘consultation’ – process, but no, we did not see the Bill before it was presented. In conversation we knew the basic mechanics that they were going to put in place, but there is still detail that we do not have on the Bill; for example, Return to Work Victoria. I have a two-page brochure on it, which I was given a couple of weeks ago. In our view that is not adequate for a system that is going to spend \$50 million.

The CHAIR: Sorry, Mr Davis, that is three questions almost. Mr Ettershank.

David ETTERS HANK: Thank you for your evidence this morning. I am really pleased to hear you talk about the possibility of bringing yourselves and Trades Hall and WorkSafe together. Looking at the current Bill, what would you see as the major changes that you would like to see to that Bill?

Paul GUERRA: We need to understand what it is first of all, David. We clearly understand the direct connection between less people going on to the system and therefore less people on the longer tail, and we understand that making it more difficult for people to get onto or stay on the system for longer is going to mean that there are less payouts on the system, and that is what the WPI is intended to do. There are no details on Return to Work Victoria, despite having started the consultation back in February. The first time we knew about that was very late in the process, and despite asking for detail, there is still no detail around that. It is very hard to provide support for something that you do not fully understand. There are questions that we have beyond the parts that we do have in terms of how much this will really suit employees and suit businesses as well.

The bottom line is we want it to work, and we want it to survive. We do believe that there will be multiple changes and probably multiple phases that will be required to do that, but it is important that we get at least the first step right. It is important that those that know, and I come back to Trades Hall and I come back to the Victorian chamber and the reach that we have – I could not think of anything better than our two organisations getting in a room with the WorkSafe CEO to actually work through what it could look like. We will bring the rest of the industry, as required, to it. We will bring the claims agents to it as well, we will bring the voice of business and we will bring the voice of the employees via Victorian Trades Hall. We believe we can provide solutions through that way. That is what has been missing through the consultation: the ability to provide active solutions. A case in point is the Victorian Trades Hall Council and we work closely to put solutions together which we believe can have a meaningful impact on the state of the WorkCover system.

David ETTERS HANK: Excellent. Thank you.

The CHAIR: Thanks, Mr Ettershank. Mr Berger.

John BERGER: Thank you, Paul, for your appearance this morning. Do think it is important for your members to have a WorkCover scheme that is financially viable?

Paul GUERRA: Absolutely. It is fundamental. Victorian business pays a lot in this state. We not only pay the WorkCover premium now but we pay a mental health levy on top of that. So if you are a business with a payroll of, I think it is, \$10 million or above, you are paying over and above that. It is interesting that some of the reason for the increase that we have heard this year was around mental health, yet it is business that is already paying for a mental health levy on top of that. We know – my background having been in health for five years, running the largest mental health practice in Asia-Pacific – most of the presenting issues through EAP, which is largely the mental health side, four out of five of those top five presenting issues are not workplace related. Yet they manifest in the workplace. So it is important to get on top of how we help people with mental health. It is important we get on top of how we help managers and the like in the workplace with mental health. It is fundamental that the WorkCover system survives because we need to be looking after the employee at every step, and we need to make sure that the businesses, as they try and do the right thing, know that there is a safeguard mechanism in there for workers as well.

John BERGER: Thanks.

The CHAIR: Thanks, Mr Berger. Mrs McArthur.

Bev McARTHUR: Thank you, Chair. Thank you, Mr Guerra. Minister Pearson has told Parliament that:

... if this bill does not pass or it is watered down ... the premium order next year will start with 2.

Would you consider this blackmail?

Paul GUERRA: Our response – and I have spoken to Minister Pearson about this – is that it is clear that there will need to be more money put into the system if this Bill does not go through. It is also clear that business is unwilling to spend on another 42 per cent, or the like, increase, as occurred this year. It is not fair on business. So I think the government have a very clear opportunity here: either get some reforms in place, which would be supported by the workers as well as business, or fund it out of government coffers.

Bev McARTHUR: So do not subscribe to blackmail?

The CHAIR: That is a second question. Ms Copsey.

Katherine COPSEY: Thank you. What additional support would business require from government in order to provide mentally safe workplaces and prevent mental injury?

Paul GUERRA: It is a great question. Again, I touch on the fact that business is already paying for the mental health levy, over and above. That is a contribution we make to make sure that mental health across the state is being supported. If the contention is correct that most of the mental health injury in the workplace is generated from issues outside of the workplace, you would think some of that would be picked up there. We have got no question, though, that some of the mental health issues manifest in the workplace, so adequate training of managers and staff in relation to mental health injury, we think, would be important. We think there should be an opportunity for essentially a quick release, so if there is an issue in the workplace, there is a helpline that either the employee or the manager can ring to say, 'Look, this has just occurred. How do I rectify the situation pretty quickly?' So it is about getting help in the moment and help at hand. We know the last few years have been difficult for everybody, and we expect to see the rise of mental health issues as a result of that, but we cannot just sit there and wait for something to happen. We think putting preventative support in place – that is through training – and then appropriate mechanisms in place that allow that release valve will be instrumental in helping some of those mental health claims come down.

The CHAIR: Thanks, Ms Copsey. Mr McIntosh.

Tom McINTOSH: Thank you for coming. There has been a lot of evidence provided about the importance of return to work and that being done in a timely manner. Can you just talk about how important that is to your members and also what initiatives you think should be put in place to assist that to occur?

Paul GUERRA: Yes. Return to Work Victoria is a concept. I have no details aside from a two-page –

Tom McINTOSH: What I am asking is: what are the practical examples that you think could be put in place to assist workers to return to work quicker?

Paul GUERRA: It is interesting, Tom. Your question is a good one. The question I ask is: why have we been consulting since February and now we are at the solutioning phase, right at the end? And that has been the frustration through the 'consultation' phase. We have heard a lot about the issues, but we have not been invited at any point to start working through the solutions on it.

Tom McINTOSH: But your members have not discussed with you ideas of the proposal?

Paul GUERRA: Yes, we have.

Tom McINTOSH: Okay. Are there any would like to put forward?

Paul GUERRA: There are, and I do this at a headline level, but know there is some background to it. We believe assessing the claims quicker and therefore getting help to the individual once the claim is accepted will accelerate, obviously, the help to the individual and their ability to return to work and therefore stay in the system a lot less than what they are currently are. We believe there need to be prevention programs put in place, particularly around the mental health side, to make sure that the employee is getting the support that they need but the manager, the employer, is getting the support that they need to make sure that the workplace is as good as it can be from the mental health side. We believe there are opportunities to bring the claims agents in, to start working through some of what we classify as the frivolous claims in there. We believe there needs to be an opportunity for an employer to put their case forward when a claim has been accepted by WorkCover in a way that they can put the input that they have and have that input accepted and then considered so that before the claim goes any further it can be reviewed. Hopefully that will ensure that some of the claims that are in the system that are frivolous can start coming off. We believe bringing Trades Hall Council and the Victorian chamber together to work on these will actually cut through and cut through very quickly, because we have the reach into businesses and workers across the state.

Tom McINTOSH: Great. Thank you for that.

The CHAIR: Thanks, Mr McIntosh. Mr Mulholland.

Evan MULHOLLAND: Thank you. You seem to be quite critical of frivolous claims being accepted. Could you just expand a bit on that, with examples? Are you confident the changes in the Bill would stop them?

Paul GUERRA: I will answer the second question first. No, we are not, because we do not understand Return to Work Victoria. There is no detail around that. Is there potential for that to occur? Hopefully. But again, that is why we want to be part of the solution part in there. I will give you an example which was raised by a business with me: they had an employee who had a conversation with a manager. That employee went off on WorkCover and the claim was accepted. That employee is now studying full time whilst they are on the WorkCover system. Now, to us that would appear – it was an office-based role – to be a frivolous claim that was accepted, and that person is now supported on the WorkCover system at the expense of the taxpayer and ultimately business, being the taxpayer in that relation. Our view is that that should have been reviewed and should be reviewed, and that individual – if they are well enough to study, perhaps they are well enough to return to the workforce as well.

The CHAIR: Thanks, Mr Mulholland. Ms Broad.

Gaëlle BROAD: Thank you very much. Do you see any value in setting up a legislated advisory body with broad representation by employer groups?

Paul GUERRA: Great question. I have not thought about it. We certainly have thought about what the structure of WorkCover could be. It is our view that, from a board of directors of WorkCover, it should start to look at where the superannuation industry started out – having employer representation and employee representation. Our view is WorkCover would be strengthened by having a representative from the Victorian chamber on the board; a representative from Trades Hall Council on the board; and ultimately, if you needed others, the Australian Industry Group representing business on the board as well. Match that with union

representation and then have government representation and independent representation. We think that would start to get the right input into the board of WorkCover, which would ultimately help redirect where the management of WorkCover should focus as well.

The CHAIR: Thanks, Ms Broad. We do have time for another round. Let us keep it tight again, though, because we have got 19 minutes. You have spoken to us a little bit about consultation, and we have had previous witnesses describe it as not consultation but being ‘consult-told’. Can you please tell us a bit more about your involvement and the different stages that you have had input into.

Paul GUERRA: Yes. We were invited to attend a meeting – I think it was 8 February – at the start of this year, and I think we met roughly every two weeks. We got a good understanding of where the WorkCover system was at through the actuarial lens in terms of the ongoing claims. We understood the financial predicament that the WorkCover system was about to go through. But that is pretty much where it stopped for us. There was no opportunity to provide input with the experience and the extent that we have in terms of what possible solutions could be put forward and then, through the group that was there, debated through and then put solutions on the table. Was it consultation? I guess that depends on your definition. Did we walk away from there saying, ‘Well, we actually didn’t get a chance to put solutions in place’? Rather than sit there and complain about it, we actually worked closely with Trades Hall Council to come up with potential solutions that we knew would have meaningful impacts to them. We have views in terms of what could go into Return to Work Victoria, and that is why – to Tom’s question earlier – we have done some work in relation to that. We would love an opportunity to actually put appropriate solutions forward to be debated and hopefully then implemented either directly or with appropriate changes.

The CHAIR: Thank you. Ms Terpstra.

Sonja TERPSTRA: Thanks, Chair. I just want to follow on that line of questioning from Ms Purcell about consultation. The documents that I have read in preparation for this hearing indicate that VCCI was on the consultation steering committee, which consisted of four peak bodies, which were the AIG, Australian Lawyers Alliance, yourselves and Trades Hall Council. That is correct, isn’t it?

Paul GUERRA: That is correct.

Sonja TERPSTRA: Yes, that was the initial steering committee there was set up as part of a targeted consultation process.

Paul GUERRA: That is correct.

Sonja TERPSTRA: Yes, and there has then been broader consultation in regard to that. I just note that there has been some conjecture about what you have been consulted about, but you were on that steering committee.

Paul GUERRA: That is correct. The comments I made earlier, Sonja, were around the fact that we have heard a lot about where the system was at, but we did not get a chance to put a solution in. We came with the intention of evaluating and creating outcomes. We heard the issues from government on WorkCover, but the opportunity to provide solutions was very limited, if at all. There is no surprise from us then that we are now looking at a dead cat in terms of the Bill on the table.

Sonja TERPSTRA: But the question was around the consultation steering committee, which you accepted. Then, as I said, broader consultation happened after that. Thanks, Chair. I have nothing further. Thank you.

The CHAIR: Thanks, Ms Terpstra. Mr Davis.

David DAVIS: Paul, the government has refused to commit to freezing premiums if this Bill passes. Would this commitment give confidence to business and workers?

Paul GUERRA: The concept of using business as a credit card has to stop. Business has been hit consistently over the past couple of years with either increases in payroll tax, increases in WorkCover levy, increases in mental health levy or the introduction of new levies with the mental health levy and the now the COVID debt levy. Business cannot withstand any more increases. So if the WorkCover system needs more money, that money needs to come out of the government. It cannot come out of business.

The CHAIR: Thanks, Mr Davis. Mr Ettershank.

David ETTERS HANK: Thank you, Chair. At the risk of being unsubtle here, would you be recommending – or would VCCI be recommending – that this Bill not proceed until such time as those discussions you flagged between Trades Hall and you and WorkSafe, and clarity around Return to Work Victoria, have occurred?

Paul GUERRA: Yes. There are two parts to it, David. Certainly we cannot give any support through our membership to the Bill until we understand what Return to Work Victoria actually is. There are other subtle changes that we would want to understand further, particularly the WPI – and not in its entirety, but we think particularly that emergency services and at-risk professions deserve to be treated differently than what has been put on the table at the moment. So that would be the first part.

The second part, David, is that we know the system has to change, and we think that that change is probably best done incrementally – as we put changes in, we see how they work; do they need to be amended, do they need to be added to? We can see a path where hopefully, if we get the details of Return to Work Victoria and it lines up with what we think can work, and we get some changes to the WPI, we think that will take us a step further, but this has to be an ongoing process. It cannot be a ‘Let’s make one change and let’s all hope it goes away.’ The WorkCover system seems to be in a dire predicament, and certainly the actuarial forecasts that we have been privileged to see represent that as well. We need the system to survive, not just for business but for the workers as well, so we would like to see ongoing input and we are prepared to provide that input. There is a variety of ways of doing it. Our view is that if we are closer to it by virtue of a board position, we will be able to direct that as well. We are not shying away from the fact that we need to be engaged and we want to be engaged. We are more than adequately capable of putting solutions forward, and that is why, despite not having the opportunity to put solutions forward through the committee, we have done it in the background with Trades Hall.

David ETTERS HANK: And it would not be appropriate for the Bill to proceed until that has occurred?

Paul GUERRA: Well, I do not know how you can support the Bill if you do not understand the full details of it, and without understanding Return to Work Victoria and what is in it, it is hard to take that forward.

David ETTERS HANK: Thank you so much.

The CHAIR: Thanks, Mr Ettershank. Mr Berger.

John BERGER: Thank you, Chair. We have heard in recent submissions about prevention and early intervention. I have not heard a lot about that in this discussion. I just wanted to get a view from your members: are there discussions about some of the workplace issues that arise that might help in people not moving on to that next step of being on the WorkCover side of it?

Paul GUERRA: Yes, absolutely. And that comes through the EAP programs that are in place for businesses. The mental health levy, which business pays, is meant to support the mental health of the broader community. Well, a worker is part of the broader community anyway. Our view is with most of the mental health claims emanating from non-work-related issues, they could be dealt with through that other component.

The prevention piece is what I talked about early on, and it was in not only the article that Sonja referred to earlier but the speech I made at the opening there. We believe prevention in mental health is the most adequate way forward, because if we can eliminate an issue before it manifests into something where the individual has to go off, that is a much better outcome. We believe in appropriate training, appropriate environments for people to come into, but also an acceptance that if you have a difficult performance management conversation in the workplace, that should not automatically constitute your ability to go onto the WorkCover system and be supported for it. We need to walk that fine balance in terms of what is a mental health injury and perhaps what is a resilient moment in the workforce. We need people back in the workforce. We need appropriate workplaces to provide that as well, and there will probably be always tension, as there always has been. But appropriate support will make sure that we do not end up with people on the WorkCover system and particularly the long tail of the system as well.

The CHAIR: Thanks, Mr Berger. Mrs McArthur.

Bev McARTHUR: Thank you, Chair. Trades Hall have described this as a dog of a Bill. You have said it is a dead cat. You have said it should not proceed.

The CHAIR: I hate those terms.

Bev McARTHUR: Let us be clear – you are recommending that this committee recommend that this Bill not proceed.

Paul GUERRA: Our recommendation is really clear – until we know the details, particularly around Return to Work Victoria, we are not sure how it can proceed.

Bev McARTHUR: And you have not been able to get those details – neither have we as members of Parliament – so therefore it should not proceed?

Paul GUERRA: That is what we have on what is meant to be somewhere between a \$50 million to \$100 million investment on Return to Work Victoria.

Bev McARTHUR: What is the cost to your –

The CHAIR: Sorry. That is a second question. Ms Copsey.

Katherine COPSEY: It is my turn, Ms McArthur. We have had previous witnesses raise concerns around the tightening of arbitration availability and raise concerns that this could result in more complex matters going to litigation and therefore increased frequency of litigation. Does the business community have a concern about costs associated with that?

Paul GUERRA: Yes, absolutely. The simple proposition is that every business needs workers and workers need business. It is a marriage that is undeniable. Business wants to make sure that the environment for the worker is as good as it can be. We do not want to be spending money on claims that are outside the workplace. The better the business can make the environment for the worker, the better that is going to be, and the better engaged the worker is in the workplace, the better the outcome business is going to get from that as well. There needs to be an end to the frivolous and there needs to be an end to the fraud, but there also needs to be increased support in terms of prevention as well. That looks like, from our side, training. It looks like areas where you can get assistance in the moment so that if a situation is escalating you have an ability to de-escalate it quickly before it becomes an even bigger issue in the workplace. Anything that can be done to eliminate more appearances in court or more money spent on things other than improving the workplace is something that absolutely business would support.

The CHAIR: Thanks, Ms Copsey. In the limited time we have left I just wanted to say to members that there is no issue with clarifying what your question is to the witness, but we are just trying to cut out going to whole new areas. You can submit questions on notice. Mr McIntosh.

Tom McINTOSH: Just to change tack a little bit – out of these hearings there seems to be a mood between Trades Hall and business to work together. That seems to be what I am hearing from you. I am just sort of interested to hear – just zooming back a little bit from the Bill and more broadly in general, because we are talking about lots of themes around worker safety and income protection and various things – what you see as the possibilities to work together on things going forward for those organisations.

Paul GUERRA: We were brought together in February, the four groups that were spoken about before. I think Victoria is lucky in that the key advocacy groups – us, AHA, Ai Group – are actually a strong cohort, and there is respect amongst them. I chair an organisation called the Victorian council of employers association. There are about 11 organisations in that. We take WorkCover funding, and through that we are allowed an employee who is funded through that, which helps us, particularly on the WorkCover side. That individual is Jack Carmody, and Jack does some great work for all of those 11 agencies. We have a situation in this state where we are also able to work closely with Trades Hall, so we have an ability for the employer and the employee representations to come together and have meaningful conversations about the best way forward for business and workers in this state. We think that is an opportunity that is there and that should be exploited for the benefit of the state. You have multiple willing parties, primarily driven through the Victorian chamber and the Victorian Trades Hall. Let us use that opportunity to get the outcomes that we need and drive the changes

that we need so that if we come together on this and provide solutions it would be undeniable for government or opposition to say, 'We shouldn't do anything other than what's being recommended.'

The CHAIR: Thanks, Mr McIntosh. Mr Mulholland.

Evan MULHOLLAND: You spoke about the steering committee that you were on earlier. What was the process for involving your members in that to make sure their advice was reflected?

Paul GUERRA: We are constantly in contact with our members. We write to our members on a weekly basis. Our cohort consists of members and clients, and there are about 85,000 of those that we talk to on a weekly basis. We do outreach. We also, because of I guess the position that we have, get a lot of inbound advice on it as well. We also have a workplace relations advisory practice, so we pick up all sorts of input through that as well, and therefore we are able to test ideas that we have got. We are able to see the issues coming through firsthand, and we are able then to construct appropriate solutions as a result of that. We are an organisation that is in constant contact with our members and clients, our network, and we do it because if it comes from a base, our solutions have that evidence piece that is required to make it work.

The CHAIR: Thanks, Mr Mulholland. Ms Broad.

Gaëlle BROAD: Thank you very much. Look, I have spoken to a constituent that was on WorkCover for a couple of years and had up to 20 different caseworkers. None of them assisted with return-to-work advice in that time, and one of them in fact was not sure what a physio was, so it was not a great process for them. But I know that on the WorkSafe website strategic priority 2 is 'Return to work', and dating back to 2021–22 they talk about work in the area, including a returning to work program. Do you have thoughts on how it should be part of the existing system? And what is the impact on business if it is not managed well?

Paul GUERRA: It is a great question. That is why we are hopeful Return to Work Victoria can play a part in it. Our view would be that Return to Work Victoria should be renamed 'At Work Victoria' because if it is truly around prevention and quicker return to work, it should cover both of those under that area. We would like to see less people go on to the WorkCover scheme, and if you can get that through prevention, that is great. Those that do go on to it we would like to see return to work quicker because we know the rehabilitation is much better if they are re-engaged back in with the workforce. That relies on earlier assessment, and that relies on quicker access to the right professional to aid the individual that is in need of that assistance as well. So there is some work to do in that.

We had a good relationship with a previous CEO of WorkSafe Victoria Colin Radford. We have a strong relationship with the now interim CEO of WorkSafe Joe Calafiore, and there are active conversations in relation to what type of prevention programs and how we can close the loop in terms of the time a claim is made to the time the assessment is done and therefore the time that assistance is given to an individual. The type of issue that you raise is not unfamiliar with what we hear through it as well. There are different ways of fixing that, but clearly that is another area within the WorkCover system that needs to be addressed.

The CHAIR: Thanks, Ms Broad. Thank you very much, Paul, coming along today, especially at such short notice, and for your contribution.

Paul GUERRA: Pleasure.

The CHAIR: You might receive some questions on notice from members just because it was a short session, but we have got you done with 1 minute and 20 seconds to spare.

Paul GUERRA: Thank you very much.

Witness withdrew.