

28 May 2026

Mr Glenn Ferguson AM and Mr Gary Black
Independent Reviewers

Review of the *Industrial Relations Act 2016* and *Workers' Compensation and Rehabilitation Act 2003*

Submitted to: ActReview@oir.qld.gov.au

Dear Mr Ferguson and Mr Black,

2026 Review of the Industrial Relations Act 2016 and Workers' Compensation and Rehabilitation Act 2003

The Australian Psychological Society (APS) appreciates the opportunity to respond to the Review of the *Industrial Relations Act 2016* and *Workers' Compensation and Rehabilitation Act 2023*. As there are Review Terms of Reference that are beyond the scope of the APS, we have contained our response to selected issues relating to the Queensland Workers' Compensation Scheme (the Scheme).

The APS supports the Scheme which aims to deliver quality care to injured workers in Queensland to facilitate their recovery and return to work participation. We recognise that rising costs and the financial viability of workers' compensation schemes have been longstanding concerns for many Australian jurisdictions, including Queensland^{1,2}. While recognising these constraints, the APS is concerned that the introduction of stricter scheme eligibility conditions, including for workers experiencing psychological injury, as has occurred in other Australian jurisdictions, risks unintended consequences. Such consequences may include preventing injured workers from obtaining the psychological support they need to facilitate their recovery and return to work participation.

In making this submission, we have consulted with members who are experienced at providing services within the Scheme. Should any further information be required from the APS, please do not hesitate to contact me on (03) 8662 3300 or at z.burgess@psychology.org.au.

Yours sincerely,

Dr Zena Burgess FAPS FAICD
Chief Executive Officer

APS response to 2026 Review of the Industrial Relations Act 2016 and Workers' Compensation and Rehabilitation Act 2003

Selected Terms of Reference:

The reviewers will consider and report on any emerging issues impacting the operation of Queensland's workers' compensation scheme, in particular:

The growth of primary and secondary psychological claims and its impact on injured workers, employers and the scheme.

The APS recognises that rising costs and the financial viability of workers' compensation schemes have been longstanding concerns for many Australian jurisdictions, including Queensland¹⁻³. In response, some Australian jurisdictions have introduced legislative and policy measures that tighten workers' compensation scheme eligibility, including for workers who have experienced psychological injury, and restricted access to treatment. While the APS recognises the financial constraints that governments face in managing workers' compensation schemes, we reiterate concerns raised regarding other jurisdictions' reforms^{4,5}, that introducing stricter eligibility requirements risks unintended consequences, such as preventing injured workers from obtaining the support they need to facilitate recovery and return to work participation. Rather than reducing costs, implementing restrictions such as these likely shift costs to individual injured workers.

APS members have reported that for workers with primary psychological injuries, particularly those who are regularly exposed to traumatic events due to their working conditions, exposure to unreasonable management action can often exacerbate their injuries. This indicates that continued investment is required to prevent and reduce factors that contribute to work-related psychological harm, such as workplace harassment, bullying and violence, to ensure that organisations facilitate psychologically safe working conditions for Queensland workers³.

Growth in primary and secondary psychological claims adds complexity to claims management and access to early psychological treatment is required by injured workers with primary and secondary psychological injuries. The APS commends, for example, the introduction of obligations under the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2024* that insurers must take all reasonable steps to minimise the risk of a worker with a physical injury developing a secondary psychological injury⁶. This includes providing reasonable services such as medical treatment, counselling, and support services⁷.

APS members have reported that workers who have developed significant pain conditions, which are not well understood, may wait 6-8 months to see a pain specialist. In turn this exacerbates their secondary psychological injury and extends their recovery time. This delay is due partly to an inadequate supply of pain specialists to treat people with chronic pain conditions in Queensland and a reluctance by some pain specialists to participate in the Scheme due to remuneration and administrative requirements.

The use of generative Artificial Intelligence (AI) was identified by members as an emerging issue that may potentially impact work-related psychological injuries in future. While more research is required, evidence indicates that the way generative AI is used to complete tasks impacts the meaningfulness that workers derive from their work⁸.

Consider measures to ensure Queensland's workers' compensation scheme is fair, sustainable, and protected, delivering confidence for workers, employers and taxpayers.

The APS recommends that a broad, systemic and holistic approach is taken to ensure that the Scheme is fair, sustainable and protected. Specifically:

- **Promote psychologically safe workplaces and psychological injury prevention:** Continued investment by the Queensland government to develop organisational/employer capability to identify, prevent and manage psychosocial risks, such as workload, bullying and poor organisational culture, will help to reduce psychological injury and claim incidence.
- **Strengthen early intervention and access to treatment:** Expanding timely access to evidence-based psychological treatment for workers with both primary and secondary psychological injuries is critical to improving recovery, reducing claim duration and long-term costs. Early, coordinated intervention is consistently identified as a key driver of better outcomes⁹.
- **Maintain fair and appropriate access to benefits and treatment:** Reforms that overly restrict eligibility or access to treatment risk unintended consequences, including delayed recovery and poorer return-to-work outcomes. Facilitating access to clinically appropriate care supports both fairness and confidence in the Scheme.
- **Engage with key stakeholders to minimise unintended consequences, particularly for injured workers:** The APS participated in a Stakeholder Reference Group following the last review of the Scheme in 2023. We recommend that similar engagement with Scheme stakeholders to consider proposed changes arising from this current Review will assist to achieve Scheme objectives, including minimising any detrimental impact on injured workers.

The APS would like to acknowledge and sincerely thank the members who so kindly contributed their time, knowledge, experience and evidence-based research to the development of this submission.

References

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