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## OPENING STATEMENT TO THE STANDING COMMITTEE ON LAW & JUSTICE

I thank the Committee for the opportunity to appear this morning. I do hope the information I have provided in my submission is of assistance for you.

At this stage of this Inquiry may I respectfully suggest that it is appreciated that the current design of the Scheme is an adversarial one with employers represented by insurers whose interests are not always aligned with the wants of the injured worker.

It is not social insurance. The insurers are under a fiduciary obligation to the employers. They have no duty to injured workers other than to ensure that payments to injured workers are made in accordance with the legislation.

It is the terms of the legislation which causes the difficulties. It is complex, confusing and often with direct conflicts internally within individual sections.

I instituted the Parkes Project for the principal purpose of assisting Government to understand how the Scheme could be mended.

The WIRO office is unique and unlike the Nominal Insurer or SIRA actually deals with injured workers directly through the Solutions Group and with their lawyers through the funding service. Someone in my office actually reads the information about what has happened to an injured worker and where appropriate looks for a solution.

No other group in one office undertakes this consideration of the circumstances of the worker other than case managers scattered through the offices of the insurers.

It is the WIRO experience that despite the complexity of the rules which govern the Scheme which are confusing, ambiguous and difficult to manage that the conduct of claims by insurers is generally of a very high standard.

One systemic issue which I regret that I have been less than successful in is encouraging insurers to cease the practice of referring workers for permanent impairment assessments to

medical specialists whose conservative approach is well known and inevitably leads to a contested dispute with generally poor outcomes for the insurers.

A second similar systemic issue is again the reference of a request by the worker's doctor for surgery to a doctor who does not familiar with current medical practice and theory. One highly respected medical specialist put it in these terms:

"I welcome having an insurer seeking to obtain the opinion of another specialist on the proposed surgery. It is good practice but seeking to have a doctor who is not one of my recognised peers is offensive".

Why icare continues to permit this practice is a mystery.

**KA Garling**  
**Workers Compensation Independent review Officer**  
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