

IN REPLY PLEASE QUOTE: BH:SH
Ref: 16/1076

29 November 2016

Ms Shaza Barbar
Council Officer Assistant – Upper House Committees
Parliament of New South Wales

email: shaza.barbar@parliament.nsw.gov.au

Dear Ms Barbar

Re: Response to questions on notice

We refer to your email dated 10 November 2016 requesting responses to questions taken on notice during the Association's appearance before the Standing Committee on Law and Justice's first review of the workers compensation scheme.

Questions

The questions taken on notice are as follows;

The Hon. LYNDIA VOLTZ: Perhaps you could take this question on notice. I am interested in the impact of journey claims. The Committee has recently reviewed the compulsory third-party scheme. People would previously have been entitled to make a journey claim. Nurses in particular raised this issue at the time of the changes. Have there been any subsequent cases where what would previously have been a journey claim now no longer provides any benefit? As we know, it is an at-fault benefit arrangement under the compulsory third-party scheme. Mr Holmes, would you have any examples of that?

Mr HOLMES: Not in front of me, we obviously provide insurance for our members around that, but it does not match the workers' comp or third party insurance, and, of course, we have to make sure that when we are providing assistance to our members that all of the other opportunities are used first before the insurance scheme that we have for journey claim. There are significant numbers of our members who would have been ruined financially, losing their house whilst they have been injured, and some of them have had a claim that has been extended for up to two years. So significant injuries have occurred and the minimal amount of insurance that is able to be provided to them does not replicate the workers' compensation, so medical cover and so forth is not there, but we do have a long list of our members who suffer injury.

The Hon. LYNDIA VOLTZ: If you can take that on notice and give us some cases that have previously been covered.

Answers

Following the 2012 legislative changes to the NSW workers compensation scheme, the Association took out journey accident insurance to cover members who suffer injuries on their way to or from work.

Since then the Association's journey accident insurance scheme has dealt with a number of cases which would otherwise have resulted in workers compensation benefits had the 2012 legislative changes not been made. The total number of such successful claims since 18 September 2012 (when we first took out such insurance) are as follows;

Year	Number of successful claims
2012 (from 19/9/12)	7
2013	32
2014	26
2015	23
2016 (until 7/11/16)	16
Total	104

The total amount paid under the Association's journey accident insurance between 18 September 2012 and 7 November 2016 is **\$2,171,719.68**.

The Association has around 62,000 members, all of whom travel to and from work. Whilst for individuals these situations can be devastating, the number of claims is relatively low. In our view, this demonstrates that the removal of journey claims was in no way justified.

As requested, attached are some case studies of successful claims made under the Association's scheme. If you have any further queries please contact Stephen Hurley-Smith, Lead – Southern Team, Member Industrial Services Team.

Yours sincerely

BRETT HOLMES

General Secretary
NSW Nurses and Midwives' Association

Attach...

Journey Accident Insurance Case Studies

Richard R

Richard was cycling home from work when he swerved out of the way for a car. Richard sustained multiple traumas including a head injury, fractured scapula and fractures of multiple ribs and laceration of spleen. He did not have a CTP claim because the car did not hit him directly. Richard was off work for almost five months as a result of his injury and required intensive ongoing physiotherapy in order to recover. Richard received a total of \$34,101.90 under his claim.

Martin C

Martin was driving to work and swerved to miss a Kangaroo. He veered off the road, hit three trees with the car flipping. Martin ended up in ICU suffering from multiple fractures and could not return to work on pre-injury duties for 18 months. Martin received a total of \$50,878.27 under his claim.

Jennie C

Jennie arrived at work and was walking up the car park stairs when she slipped on wet leaves and fell. She sustained three disk bulges and required intensive ongoing physiotherapy. Jennie had to move to new employment which did not involve heavy lifting such as lifting patients. She was left to rely upon the Association's insurance scheme for two years and was paid a total of \$50,000.

Shirley C

Shirley had finished night duty and walked out of work to catch a bus home. As she was crossing the street she tripped and fell. She was taken to hospital with a dislocated hip and a femoral head fracture. Shirley was off work for 3 months and received a total of \$24,212.58 under her claim.

Susan J

Susan fractured her foot getting out of the car in the medical centre car park on her way to start a night shift at Coffs Harbour Hospital. Susan parked in the medical centre car park within the Coffs Harbour Health Campus because the boom gate to the hospital car park was not working. Susan was off work for almost two months and received \$7,413.79 under her claim.

Monica S

Monica was cycling to work when she was hit by another cyclist. She broke her clavicle and required an operation and ongoing physiotherapy. Monica was unable to return to work on full duties for seven months and received \$32,622.42 under her claim.

Rhonda S

Rhonda was walking to her car in the hospital car park when she tripped on a speed hump and fractured her hand. It was dark and there was no lighting in the car park. Rhonda was off work for almost two months and received \$3,876.76 under her claim.