

Standing Committee on Law and Justice

Tuesday 24 July for the 2018

2018 Review of the Workers Compensation Scheme

Mr David Shoebridge: Given how awful section 39 is for the individual, is there any additional information that you would like to give the Committee on notice about section 39?

Ms Flores: I will come back to the Committee definitely with a particular concern around section 39 and the possibility of transitioning to a disability pension.

Response: Since raising this concern I have sought out information about applications to Centrelink for the disability pension and have a greater understanding of the requirements under s94 of the Social Security Act 1991 and the Social Security (Tables for the Assessment of Work-related Impairment for Disability Support Pension) Determination 2011 under the Social Security Act 1991. I have had legal training and am better placed to find such information. Most injured workers are not in this position and often have limited internet access or no internet access.

Therefore Unions NSW remains concerned that injured workers who have lost their income support as a result of s39, and have applied for the disability pension, have a limited understanding of the requirements that need to be met to qualify for this pension, and do not appear to be receiving the necessary information or help required to assist them to better understand the process from Centrelink.

In one particular matter an injured worker who asked about the requirements to reach the 20 points or more impairment was verbally informed by Centrelink that this information was too complex and could not be provided.

This particular injured worker began the application process in November 2017. It is now August 2018 and she is no closer to a resolution. Her application was refused initially with limited information as to why, other than to inform her that she had not met the 20 points or more impairment requirement. The letter she was sent informing her of this was barely legible and had the appearance of a letter typed on an old typewriter with insufficient ink. The injured worker spoke to her general practitioner who confirmed that Centrelink had not contacted her. She has lodged an appeal.

Unions NSW remains deeply concerned about the welfare of these injured workers who remain injured and unable to work and are now forced to endure a life of ongoing pain and poverty. We are of the view that should s39 remain, these workers should quickly qualify for a disability pension. Unions NSW continues to strongly oppose s39. A society as wealthy as ours is very adequately able to care for those who need support. A report conducted by The Australia Institute clearly shows that NSW has the capacity to continue to care for these injured workers. <http://www.tai.org.au/content/rebuilding-nsw-workers-compensation-system>

Sincerely

Natasha Flores

Industrial Officer (WH&S & WC)

Unions NSW