

**INQUIRY INTO REVIEW OF THE EXERCISE OF THE  
FUNCTIONS OF THE WORKCOVER AUTHORITY**

**Name:** Name suppressed

**Date received:** 1/04/2014

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Partially Confidential

H. M.

1st April 2014

Attention: M/S Teresa McMichael,

Please send confirmation through of the receipt of this Submission.

As per our telephone call last week please find attached my Submission to the Law and Justice Committee Re: Review into Workers Compensation Changes.

**I would like to request my Name and Employer be kept private and confidential**

**Background:**

My Name is \_\_\_\_\_, I am \_\_\_\_\_ years old. I have a wife \_\_\_\_\_ and two children, \_\_\_\_\_ years old. I have undergone two back operations, one in \_\_\_\_\_ and the second in \_\_\_\_\_. I entered the \_\_\_\_\_ as a \_\_\_\_\_ on the \_\_\_\_\_ and was employed at the \_\_\_\_\_.

On the \_\_\_\_\_ I was involved in a workplace accident, a chair I was using broke. Later it was discovered the chair suffered from metal fatigue and the leg broke of whilst I was using it. As a result of this accident I suffered a permanent change to my physical condition being debilitating back pain and constant and unrelenting Sciatica down both my legs. And Other Private Consequences.

I went through a graduated return to Work and rehabilitation process. I was transferred to \_\_\_\_\_ for my return to work and resumed full time hours there in \_\_\_\_\_. My fulltime hours being 3 x 12 hour shifts per Week (35 Hours per week). For over 14 Years I have followed a strict regimen of home Physiotherapy, Hydrotherapy, Exercise program, Analgesics and other Medications, Pain Management with Scheduled rest and recovery periods to be able to continue Working my Fulltime hours.

\* On the \_\_\_\_\_ Liability for my Injury was accepted by \_\_\_\_\_ Insurance and My Employer.

\* Liability was reaffirmed at \_\_\_\_\_ on the \_\_\_\_\_

\* Liability was reaffirmed a Third time by \_\_\_\_\_ Insurance at the Workers Compensation Commission in Sydney on the \_\_\_\_\_.

I had continued to receive make up pay and my Medical (Doctors, Specialists, Physiotherapy, Hydrotherapy and associated costs and services covered as well as my Pharmaceutical Costs re-imbursed. (Pain relief Endone, Oxycontin, Panadeine Forte, Anti Inflammatory and Muscle Relaxant drugs etc) as per the Workers Compensation Agreements.

I was transitioned under the New Workers Compensation legislation brought in by the Liberal State Government in 2012. On the                      I received notification from Employees Mutual Insurance (EML) of their work capacity decision and on the                      my Weekly ongoing payments would reduce to nil. I requested a Review of their decision.

I received confirmation on the                      that even though I have an ongoing inability to return to my pre-injury Employment my Weekly benefits will be terminated on the                      under Sections 44 and 54 of the Workers Compensation Act. And my entitlements to medical expenses will continue for 12 Months then cease under Section 59A of the Amendments of the Workers Compensation Act 1987.

On the                      my Weekly Workers Compensation payments ceased.

Last year I had my first Day off for Workers Comp in 2 years, Under this new legislation Due to the application of a transition rate and the fact at that stage I was the subject of a court award my base wage was deducted \$283.00 for the fortnight. This absence was supported by a Workers Comp certificate.

I have Followed the Chain of command and have requested a Review of the Insurers decision, Then a Merit Review, Then an independent Work Cover review and finally the Review Undertaken by W.I.R.O. (WIRO Findings attached) My current situation is as follows W.I.R.O made a recommendation based on their findings that my Workers Compensation weekly payments be restored, and the Insurance Company undertake another Work Capacity Assessment.

These payments were restored In                      I was informed another Work capacity Assessment was underway at that time. On Monday the                      I was Informed by my new case worker at EML                      that a new decision had been made and My Weekly Workers Compensation payments will cease in 3 Months and 1 Week, as of writing this letter I have not received written confirmation or documentation supporting their decision.

I have made personal representations to my Local Member for Mulgoa Tanya Davies, who has listened and made representations on behalf of myself and other Workers in her constituency to the Hon . Andrew Constance.

## **My Submission to this review**

**The decision by this Government and its Policy makers to retrospectively change Workers Compensation Legislation Whilst being Fiscally prudent is Morally Corrupt. This same Government also retrospectively changed the Victims Compensation Scheme.**

In May 2011 The NSW Government announced that in addition to closing the NSW Solar Bonus Scheme feed-in tariff, would retrospectively reduce the NSW feed-in tariff for those already contractually signed up for the previous scheme's 60c/kWh gross tariff to a 40c/kWh rate effective 1/7/11. Those whose applications were submitted before the 29/4/11 cut off-date but whose applications are still pending will be eligible for a 20c/kWh feed-in tariff.

**This was announced in a press release by the NSW Resources and Energy Minister Chris Hartcher.**

The Minister accuses that the Scheme, whose cost is expected to reach \$1.9B has been mismanaged by the previous Government, and that the responses are a 'fair and reasonable' to reduce the burden on NSW taxpayers. Mr Hartcher said " We acknowledge customers joined the original 60 cent Scheme had certain expectations of financial returns, however the Scheme was never intended to provide windfall profits to a few at the expense of many. These changes will reduce the potential for customers to reap windfall profits while minimising the undue burden placed on non-participating households. The announcements are part of this 'Solar Summit' held by the NSW Government, which wished to fix the 'blowout Scheme'.

**The O'Farrell Liberal Government did not go ahead with the Retrospective changes to the 'Solar Scheme blowout', but instead turned it's Retrospective Cost Cutting towards some of the most vulnerable members of our society. This is the decision I find to be Morally reprehensible.**

**All Members of the Legislature and any Person involved in these retrospective changes have treated the most vulnerable, Injured and sometimes least educated persons with utter contempt. This is a Government that has treated someone's Solar panels with more concern or dignity than it has treated it's fellow human beings.**

**The Government by the Retrospective changes to Worker's Compensation Legislation has removed all Liability by the Employers to the Employees who suffered a Workplace Accident or Injury. It has removed the safety net families had whereby their Medical Bills were covered by the Insurance Companies. Now it has forced these costs, after the 12 month period, be borne by the Injured Persons and their families through no fault of their own.**

**This Government's legacy will be one of 'Panels over People' and removing Liability from Employers and placing financial responsibility back on the families that can least afford it. They have given Insurers full control over the Injured, they even review themselves! No lawyers involved we are on our own. The excuse of fixing the other mob's mess will never equate to the choices this Government has made or be able to be justified.**

**In Summary:**

**We look to our Government and it's Legislators for not only the implementation of fiscally responsible legislation but more importantly the implementation of Morally responsible Legislation that's applied in an Humane and just manner. My family has been affected by the retrospective portion of this Legislation.**

**What I am requesting from this submission is that Members of the Law and Justice Review stand up for us and Repeal the Retrospective portion of this Legislation. It is Wrong. I am happy to attend in person to speak on behalf of myself and others without a voice.**

**Attachments:**

**I have attached a copy of the WIRO review into my case, I have also included the first Point of the Australian Statement of Values that all New Australians Must sign prior to moving here. If you require any further Documentation or Information please don't hesitate to contact me.**

**Australian Statement of Values**

I Understand:

Australian society values respect for the freedom and dignity of the individual, freedom of religion, commitment to the rule of law, Parliamentary democracy, equality of men and women and a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good

(Fair play and compassion for those in need and pursuit of the public good, this has been disregarded by the O'Farrell Liberal Government)

Yours Sincerely