

**Submission  
No 43**

## **INQUIRY INTO NSW WORKERS COMPENSATION SCHEME**

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**Submission to the New South Wales Parliamentary Enquiry on Workers  
Compensation in NSW  
By Philip Sheehan**

10 May 2012

**Background:**

I was a New South Wales Police Officer from 20 June 1988 until I was Medically Discharged on 2 December 2004. During my service to NSW I was injured a number of times.

**My injuries include:**

1. 1995 Permanent loss of function in my left knee. I have undergone surgery but I still suffer constant pain, swelling and now walk with a limp. Still being treated for injury, with further surgery expected to take place this year (possible knee replacement).
2. 1996 Permanent and total loss of hearing in right ear after being struck in the head with a house brick during a riot in Redfern. I have undergone surgery in an attempt to restore some hearing but this was unsuccessful. I also have tinnitus in the ear as well.
3. 2003 Post Traumatic Stress Disorder as a result of attending the Waterfall Train Derailment. My Workers Compensation claim for this injury was denied.

Due to the nature and extent of my injuries, I was unable to fulfil the duties of a Police Officer and the Police Force was unable to find me any suitable duties, I was then medically discharged.

Since leaving the Police Force I have remained employed but this has been limited due to the nature of my injuries and I receive Section 40 make up payments, which tops up my income to that of a Senior Constable (Level 6).

**Issue:**

I understand that there are issues with the Workers Compensation System. I agree that there are many claims that arise that are not legitimate and that the system needs some sort of reform.

With regards to my own claim, I am currently required to provide a medical certificate annually. My Doctor has been providing these for years, and each time he writes that this is a **final** medical certificate as the injury is permanent. However the current system continues to request these. These yearly visits are charged at a higher rate by the Doctors because they are Worker Comp. Get ride if this requirement, to save money. My injury is **permanent** that should be the end of the matter.

I have also noted that a lot of money is wasted when insurance companies direct claimants to Sydney to see "their" doctors. I'm sure that a lot of money could be saved on travel expenses if regional doctors could be used. Most people know that country Doctors are cheaper than metropolitan Doctors, let alone the costs of full economy tickets and lodging in the city etc.

There are many things in the system that could be simplified and changed to lower costs, but benefits to injured works is one area that should not be sacrificed.

I know there are huge amounts of money that could be saved by changes to how the NSW scheme is administered by the Insurance Companies, perhaps this could be looked at first before attacking injured workers benefits. Since leaving the Police Force my claim has been handled by three different insurers, GIO, ALLIANZ and EML. My unfortunate dealings with Allianz over the years leads me to believe that sometimes the companies that administer the scheme are totally useless and their incompetence is costly to the scheme.

There are many examples given in the Issue Paper as to what NSW workers receive compared to the other states. Yes, workers in NSW appear to be better off and why should our standards of care and compensation be lowered to the same levels of the other states. Are the other states really looking after injured workers?

It takes a huge toll on your life when you are injured and in my case I had to leave I job I loved and it is only fare that a workers income and standard of living should be maintained.

I have a wife, 2 children and a mortgage and if I was to lose my benefits we would be forced to sell our house. I am sure I would not be the only injured in NSW who would suffer the same fait. This is just not or fair!

If the system is going to change will injured workers like me be protected from any changes? Will any changes be back dated? If so how far back will it go?

If existing claims are changed it will take a massive emotional and financial toll on the injured workers and their families.

**Recommendation:**

Before any changes are made that will affect injured workers, perhaps the Government and Workcover should look first at how the current system is administered by the insurance companies.

Everyone can see how the Compulsory Third Party Insurance has gone through the roof since it was deregulated.

If I am cut out of the system and require further surgery on my knee, who will pay for this? I stand to lose approx. \$30000 per year in section 40 payments, and therefore will not be able to afford this myself. Furthermore, it should not be responsibility of my Private Health Insurer to cover this (if they even would).

If the Government is going to start comparing everything to the other states then just about all government fees and charges should be lowered so we can match them, I don't believe the Government would be willing to do that and lose all that revenue.

If change is needed, start looking at the way the system is administered. Any cost cutting measures should not be at the expense of injured workers, and certainly benefits that workers are currently receiving should not be taken away.

Philip Sheehan