

**Submission  
No 24**

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

**Name:** Mr James Hind

**Date received:** 17/01/2014

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# Submission into the Review of the Exercise of the Functions of the WorkCover Authority (Inquiry) by James Hind

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I was injured whilst working as a self-employed bricklayer on 11 November 2011. My experience of the NSW Workers Compensation system has been a nightmare, characterised by:

1. Financial difficulty;
2. Personal harassment;
3. Inappropriate Interference in Medical Assessments by representatives of insurance companies; and
4. Ignoring complaints.

My most recent claim was made on 6 November 2013. The claim has been accepted by the insurer but, as of 17 January 2014 I have not been paid compensation payments despite repeated complaints by my union representative.

## **Background**

I have been employed as a bricklayer all my life. I left school at 14 years of age and I have been working on my own since then for the next 48 years. Most recently I was Hind Bricklaying Pty Ltd, a company I owned and directed.

I have always been very fit. I have never been unwell previously and I have never had time off before. Bricklaying is all I have done and I have no other professional skills or abilities.

## **Injury**

I was injured working on a construction site whilst lifting 20kg concrete blocks. I had pain in my arms and I could not lift any additional weight.

I had scans and medical assistance and I was diagnosed with a rotator cuff tear in my right shoulder. One medical report has described my body as 'worn out'. I have been assessed as having the capacity to lift just 1kg of weight.

## **Financial Difficulty**

My most recent claim was made on 6 November 2013. The claim has been accepted by the insurer but, as of 17 January 2014 I have not been paid compensation payments despite repeated complaints by my union representative. To cope with my life expenses I have been forced to use my credit card.

My previous claim was lodged on or about 11 November 2011. It took four months and a ten page letter from my accountant to receive any payment from the insurer.

At no stage has there been a dispute about the insurer's liability in respect of my claim.

## **Personal Harassment**

The insurer's behaviour has been. The details are outlined in the attached letters:

1. Letter of complaint dated 8 March 2013 from \_\_\_\_\_, Chartered Accountant, to QBE Workers Compensation Australia Limited.
2. Letter of Concern dated 14 November 2013 from \_\_\_\_\_, CFMEU Workers Compensation Officer to QBE Workers Compensation (Australia) Limited.

As a result of the insurer's behaviour I feel helpless. I no longer feel confident in dealing with others. I have felt completely overwhelmed when dealing with the insurance company's representatives. They have had a free run with me. I do not have the knowledge or skills to respond to the aggressive approach adopted by them.

## **Inappropriate in Medical Assessments by Representatives of Insurance Companies**

On 19 December 2013 I had a medical case conference with my treating doctor and a representative of the insurance company.

My doctor read a letter from my surgeon that said "Mr Hind is at a stage where he has worn his body out. Not only his shoulder, but his elbow and his knees. Everything is gone." The representative of the insurance company refused to accept this position and insisted that there were duties that I would be capable of doing. Although my doctor refuted this, the representative would not leave until I had a certificate of capacity that indicated that I had some capacity to work.

My previous certificate of capacity indicated that I had no current capacity to work. My doctor was intending to prepare a new certificate of capacity with the same assessment. However due to the harassment and interference of the insurance company's representative he issued a new certificate of capacity that stated that I was fit for duties provided I did not lift more than 1kg.

Attached for reference:

1. Certificate of Capacity 19 December 2013 covering the period up until 31 January 2014.
2. Certificate of Capacity 4 November 2013 covering the period up until 31 January 2014.

## **Complaints Not Being Responded To**

Through my representatives I have made two separate complaints to the insurer about their conduct. Attached for reference:

1. Letter of complaint dated 8 March 2013 from \_\_\_\_\_, Chartered Accountant, to QBE Workers Compensation Australia Limited.
2. Letter of Concern dated 14 November 2013 from \_\_\_\_\_, CFMEU Workers Compensation Officer to QBE Workers Compensation (Australia) Limited.

Despite these complaints, the insurer's conduct has not improved. I cannot directly deal with the representative of the insurance company; who has not been changed despite my request. This is making it very difficult for me to progress my rehabilitation.