

**Submission
No 226**

**INQUIRY INTO NSW WORKERS COMPENSATION
SCHEME**

Name: Mr Garry Archer

Date received: 24/05/2012

Dear Mr Borsak,

I have recently become aware of proposed changes to the Workers Compensation Scheme.

On 27 August 2009, I had an accident on my way to work. I was thrown from my motorcycle travelling at 100km/h after colliding with a dead animal that was struck by a vehicle travelling ahead of me. By all accounts I should not have survived this accident. I suffered horrific injuries including broken bones in three of my four limbs, a fractured and displaced coccyx and mutilation to my left hand. I also suffered from concussion.

I was nearing completion of my first year of service with my employer and was looking forward to a substantial pay rise commensurate with my 9 years of experience as an accountant.

Since the accident, my life has changed in the following ways:

1. I suffer from continual pain in the joints that were fractured, making it near impossible to walk on soft or uneven ground. I mention that we live near the beach in a house built on a sloping block. I am unable to perform functions as basic as mowing lawns or trimming edges
2. I suffer from a brain injury and suffer greatly from brain fatigue, meaning my concentration span is greatly reduced and am more prone to making errors - hardly a good quality for a senior accountant
3. The pay rise expected in 2009 did not eventuate and in fact I have not had a pay rise since 2008. I survive on part-time work as an Administration Assistant/Finance Officer and a payment from the insurer, GIO. My income is approximately \$44000. However, research indicates that a 10 year qualified Accountant working in a regional area (as at 2011) should earn approximately \$85000.
4. The injuries I have and their effect on my life will not lessen over time - what I have is what I will have for the rest of my life.
5. So far in lost wages, I have lost \$102000 since the accident. Presuming that I will live to 67 years of age (I am 54) I will lose a further \$533000 - will be more due to wage increases that I will never receive in my chosen field of accounting.
6. After significant experimentation with medication, and various rehabilitation trials organised through a

rehabilitation provider, my GP has concluded that I will never work full time again, and that working for 5 hours per day over 4 days is commensurate with my physical and mental abilities.

Mr Borsak, I ask that you consider the following :

1. Reducing weekly payments and medical benefits - the accident has already reduced my income by approximately \$41000 per annum. My family and I are still trying to save our family home. Whilst I was on considerable medication, I have reduced this on my own accord to minimise costs involved with Workers Compensation. In my case, workers compensation pays for one pain relief - Panadeine Forte. Is it your intention to throw a highly qualified and experienced professional on the scrapheap with reduced payments all in the name of saving money?
2. Reduced lump sum or zero lump sum payments - I estimate that I will lose \$635000 in lost wages and live in pain for the rest of my life - Is it your intention that I survive on \$44000 or even less per annum with no hope of any further financial compensation?
3. Ending protection for travel to and from work - On 27 August 2009, I was travelling to work and never made it. If I wasn't going to work, I would not have been in that location. The accident was caused by a dog which escaped from the owners property. The owner of the claims he has no insurance and will declare bankruptcy if we proceeded with a claim against him. I believe that the road (Pacific Highway) is owned by the NSW Government, which failed in its duty of care to provide a safe road which animals cannot wander on - again I was advised that a claim would in all likelihood be unsuccessful. The compulsory third party policy on my vehicle only covers me if there is another vehicle involved - there was no other identifiable vehicle. So, is it your intention to take away compensation to workers who are involved in an accident to or from work?
4. Reducing help to workers who have died as a result of their work - I should have died, but I didn't. My brother died on his way home from work as a result of a crazed gunman. His widow lost her income producing partner and she has now had to return to work to survive. Is it your intention to make the lives of people such as my sister-in-law more unbearable?

Mr Borsak, I urge you to think carefully about any changes to workers compensation. Please look at any inefficiencies in the way the system operates before reducing entitlements to those who most need assistance.

Thank you
Garry Archer