

**Submission
No 339**

INQUIRY INTO NSW WORKERS COMPENSATION SCHEME

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Joint Select Committee on the NSW Workers Compensation Scheme
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Dear Committee Members,

I welcome the opportunity to make some brief general comments on the NSW Workers Compensation Scheme for your consideration.

1. I acknowledge the concerns re the financial sustainability and understand that it is one focus of the inquiry. I am not competent to comment on the legitimacy of any investment losses or the administrative cost structure of the scheme. I would say that I have seen a very entrenched attitude among service providers and medical assessors that see workers compensation as a golden egg so to speak as far as cost structure goes. (The desire to protect their access to the golden egg also causes a disturbed level to the playing field for injured workers). The focus seems equally directed by scheme agents in a culture which is about "points" for them and thus maintaining their connection to the golden egg. I have observed a lot of waste of financial resources which is hard to wear when the injured worker and family are impoverished and indicates a loss of focus of the reasons the scheme exist.
2. I acknowledge and appreciate the indicator within the Issues Paper of reform principle 5 (pg 3). The issues are not new and are not unknown – I refer to the attached letter (Attachment 1) of 14th October 2008 from WorkCover NSW as an example of their efforts to address identified problems and even initiate "new ways to help long-term injured workers return to an improved quality of life". An initiative foiled by the allocated funds being swallowed in the advancing debt. One of the key areas of focus beyond setting a path to financial resurrection would I hope be to determine what to do to achieve reform principle 5 because those injured workers face the longest period of incarceration in workers compensation and are not well so have the least capacity to cope. One of the debilitating and demeaning current

culture attitudes pervading the scheme is total lack of recognition of injured workers integrity including those with a desperate desire to get well and return to work (and a life) who cannot because their injuries prevent it happening. Instead they are made to feel failures, even criminals. It would be proactive to provide these injured workers an advocate if they do not have a family member or friend to provide such help.

3. I am horrified to read of the suggestion within the Options for Change at pg 22 to restrict reforms to improve the benefits for severely injured workers to those with an assessed WPI of > 30%. I know you can have an assessed WPI < 30% and never be able to return to work, require lifetime medication and treatment and be restricted in daily living activities as a result of your workplace injury. How anyone could suggest such discrimination is a gutting reminder that the current culture requires correction.

4. With regards Options for Change no's 10 & 11 pg 27 relating to assessment for WPI, I am aware that obtaining an "objective, fair and consistent" (Foreword : WorkCover Guides for the Evaluation of Permanent Impairment 3rd Edition 1 February 2009) evaluation of level of WPI is not easily achieved because of the variance in expertise of medical assessors and the pervading culture for some, particularly it seems, in the twilight of their medical careers of guarding the golden egg. No-one who has experienced the process would need it explained further. Whilst it may be that some trick assessors as suggested at no. 10 that can never be the justification for denying genuine people proper assessment – and it begs the question how were these assessors so tricked. Instead, spare some consideration for people who are incorrectly assessed which happens and is why no-one should be limited to one assessment. The suggestion that multiple reports contributes to the injured workers feeling of being injured is as far from our experience as it is possible to be. As an aside, given that the primary document for WPI assessment is AMA5, try obtaining a copy as a reference even to read an WPI report.....yet another non-transparent aspect of a very unlevel playing field. The other aspect of WPI, particularly given the suggestion at no. 11, which warrants revisiting is that whilst all physical injuries incurred as a result of a workplace injury can be combined as per the AMA 5 combined values chart to determine WPI, a primary psychological injury also sustained as part of that single workplace injury cannot be assessed together with the physical injuries for the purposes of the WPI yet I am aware in the real circumstance they are all part of a whole and cannot be separated which means further discrimination due solely to a workplace injury.

A workplace injury was our initiation to workers compensation. As we met problems we attempted to find the solutions – assuming the solutions would be contained in the philosophy and hence the framework of an Act that purports to assist injured workers.

There are many words one could use to attempt to describe our experience of a system which provides no safeguards to innocent victims of workplace injury locked in a prison called workers compensation.

We cannot rid ourselves of the burden of the workplace injury. It is some relief to be rid of the burden of the NSW workers compensation system despite the cost but it is a sad indictment on a scheme which is not just broken but destructive. It behoves those responsible for its legislation and operation to reform the rules and the culture.

Thank you for your consideration. It is my genuine hope to see improvement to the workers compensation scheme and am willing to contribute.

Yours sincerely,

Gai ROBINSON