

**FIRST REVIEW OF THE WORKERS COMPENSATION
SCHEME**

Name: Name suppressed
Date received: 12 September 2016

Partially
Confidential

PARLIAMENTARY INQUIRY INTO WORKERS COMPENSATION

SUBMISSION BY

BACKGROUND

- I suffered a work related injury in October 1995 and after initial time off work, returned to and continued to maintain employment until 2010.
- In March 2010, I was unable to continue employment due to deterioration of the injury sustained in 1995.
- Since 2010, I have had to overcome what can only be considered disreputable if not illegal behaviour in the management of my claim by Allianz Insurance Treasury Managed Funds.
- Following three separate Workers Compensation Commission Hearings (all determined in my favour) and a Workcover NSW Merit Review, the Insurer appears to have finally accepted that I have a debilitating and serious injury.
- The Merit Review Findings in February 2014 assessed ' has a present inability arising from an injury such that he is not able to return to work either in his pre-injury employment or in suitable employment'
- The Merit Review Findings confirmed hundreds of pages of independent medical evidence, that ' has no current work capacity and is likely to continue indefinitely to have no current work capacity'.
- The Merit Review Findings also confirmed ' is entitled to compensation after the second entitlement period pursuant to section 38(2) of the Workers Compensation Act 1987 (the 1987 Act)'.

RECOMMENDATIONS TO INQUIRY

- Significantly increased 'enforcement' and regulatory function to ensure due legal process is followed by Insurers, has to be imposed as a matter of urgency. There is little doubt that in my situation, Allianz TMF did not follow the basic rules of natural justice and procedural fairness. Had I not had significant personal and legal support, the illegal and abominable Work Capacity Decisions by the Insurer would have been implemented.
- In a situation where a Workover NSW Merit Review finds that an injured worker 'has no current work capacity and is likely to continue indefinitely to have no current work capacity', this should ensure the injured worker is classified as a 'Seriously Injured Worker' and is treated in accordance with legislative provisions for a Seriously Injured Worker.

This includes (i) that there will be no time cap on weekly payments, except for the Commonwealth retirement age, (ii) that there will be no time limit on payments for reasonably necessary medical and related expenses, and (iii) not having to undergo a

work capacity assessment every two years and not having to produce regular Certificates of Capacity.

Currently, there is a distinct anomaly in the legislation which basically discriminates against an injured worker who has not been assessed with a percentage figure of impairment, however by a 'newly' implemented process such as the Merit Review, the injured worker has been assessed by an independent legal process as having 'no current work capacity and is likely to continue indefinitely to have no current work capacity'.

Thank you for the opportunity to contribute to this inquiry.

Regards