

**FIRST REVIEW OF THE WORKERS COMPENSATION
SCHEME**

Name: Name suppressed
Date received: 21 September 2016

Partially
Confidential

The Honourable David Shoebridge MP

Tuesday, 27 September 2016

Dear Sir / Madam,

I am relieved to have learned of the New South Wales Parliamentary Inquiry into Worker's Compensation. I have personally been directly involved in the worker's compensation system as an injured worker on several occasions during my employment with the New South Wales Police. There are catastrophic and endemic failures within the operation of the scheme itself. These problems are not confined to the State of New South Wales, nor are they confined to emergency services personnel. These failures affect all people afflicted by injury. There are a number of areas that specifically need independent investigation and inquiry. I will illustrate several of these documented from my own experience. I have noted the scope of the inquiry and perused the template of information you wish to have addressed. I will discuss the issues you have specifically addressed in your template. If you require further information of clarification I am happy to oblige.

(1) "What is the nature of your injury?"

I was stationed at the Lower Hunter command since my attestation in 2000. In 2003 I was counselled by Inspector [redacted] in relation to several violent arrests I had been involved in. He showed me a document from Mr. Scipione's office who was Deputy Commissioner of Field Operations at the time. I was informed that I was statistically the most assaulted police officer in the state. On the 6th December I was involved in a violent arrest of a male person. In the process of the arrest I suffered a significant blood contamination with the prisoner. It was confirmed he was a carrier of Hepatitis B & C. The matter was a complex one that resulted in myself and a number of others being required to give evidence against an off duty Police Sergeant. I became a client of the Internal Witness Support Unit. I suffered great anxiety and depression over the incident. I was diagnosed with PTSD. My claim was accepted by Allianz. I had eight months off work and returned to restricted duties. I faced great ridicule at times by senior management as to my return to work. I was told by my commander that "The NSW Police Service Does Not Revolve Around You." However with the support of my work mates I returned to full operational duties in August.

On the 4th September 2004 I was again injured in the course of my duty. I was admitted to Maitland Hospital with two colleagues with smoke inhalation. We were later awarded the Commissioner's Valour Medal for our actions in saving a family of 5 from their burning home. I returned to work the following shift. In 2007 I was involved in the violent arrest of a drug affected female that was stabbing a man to death in his own home. I was again commended for bravery for my actions. I was diagnosed with Major Depression and PTSD for a second time in 2009. I have been assessed as having a WPI of 26% in regards to a psychological injury. This has been accepted by the insurer EML.

I have another current significant injury that is the subject of another claim I have been assessed as having a Whole Person Impairment of 13% concerning a physical injury I received whilst on duty on the 2nd June 2007. At this time my colleague and I were attempting to remove a Police Vehicle from Cessnock Police Station. All HWP vehicles were found to be immobilised on this morning and as we moved it to a position to jump start it, my partner and I lost control of the vehicle. In attempting to enter the vehicle and secure it, I was knocked down and dragged a short distance. My partner Senior Constable [redacted] (Retired) managed to secure the vehicle. I attended Cessnock Hospital for first aid. I was lucky to have only suffered a slight concussion and bruising. I returned to duty after been given a week off by the Dr. My next shifts coincided with the Newcastle Storm emergency on June 8th. I continued to receive treatment for my physical injuries regularly.

In conclusion, I have twice been diagnosed with PTSD. Both claims have been accepted. I also suffer from a physical impairment.

(2) "When did your injury occur?"

I was involved in a significant critical incident on the 6th December 2003 which led to a diagnosis of major depression and PTSD. On the 2nd June 2007 I suffered physical injury at Cessnock Police Station. On 8th March 2009 I attended a fatal motor vehicle accident in Mulbring. I was diagnosed with a reoccurrence of major depression and PTSD.

(3) "Who is your insurer?"

In 2003 the insurer for the Treasury Managed Fund was Allianz. My current insurer is Employer's Mutual (EML).

(4) "Are you back at work?"

I have had no paid employment since I was discharged by the New South Wales Police Force on the 4th March 2010. I have undertaken no training or remedial work other than vocational assessment that has been requested on two occasions by the insurer EML. This is a crucial issue that I urge the parliament to investigate and inquire. I am classed as "A difficult portfolio." I quote this from a Senior Executive of Employer's Mutual [redacted]. "I am a long term drain on the system. It has been my overwhelming experience that those who share the same fate as I are not treated in the same manner as others. I say this as an all encompassing statement. It has been my experience

that EML suffers from an endemic top down management style that subscribes to a purely economic rationale. There is almost no chance for somebody like me. University educated and hampered by physical injury. A career was my aim in attesting at 20 years of age. I have no trade and have never been involved in secondary employment. There has been no remedial training. It has been accepted by my insurer that I will never work again. I have never accepted the idea that further education was not possible.

(5) “What has been your experience with the Worker’s Compensation Scheme?”

My experience has been profound. It is something that cannot be explained in an essay of 10000 words. It has been the most degrading and humiliating experience of my life. I expected to be exited with dignity. I deserved to be treated with respect and compassion. I have not. My experience with Employer’s Mutual is one that I can never do justice by mere words. I cannot convey what it has done to me. It has taken a part of my life, dignity, and soul that I do not believe I am ever meant to reconcile. All my experience has taught me is resilience. From resilience comes strength.

As I stated above, I believe Employer’s Mutual to be systematic and deliberate in the management of worker’s compensation. I have experienced a level of aggressive intrusion and surveillance that I would expect to encounter if I were a sex offender or a domestic terrorist. I have lost friends and family because of the tactics of EML. My family has been harassed to the point of great stress. Vehicles parked intermittently, for days at a time. I myself have had not less than 3 incidents of direct contact with intrusive surveillance. These confrontations have at time been aggressive and hostile. I again remind you that I was discharged from the Police Force in 2010. I have been subject to direct surveillance this year. I recorded the details and passed them to my solicitor who has at times confirmed it was EML. Is this reasonable and fair? I put it to you that it is not. After six years of being an “active” target I have suffered great mental stress. My recovery has suffered. My health has suffered. My family has suffered the most.

For two years I appealed a decision by EML to decline reasonable medical and travel expenses. I conducted the work myself and was represented by my legal team when appropriate. After two years I contacted the State Insurance Regulatory Authority (SIRA). They were empathetic and understanding. Their advice was clear and concise. I confirmed with them the situation and they advised me I was correct. It took the intrusion of SIRA to enable a reasonable dialogue to open with Senior Management of EML. However, the audacity and hypocrisy continued.

On the scheduled date of mediation I was required to fly to Newcastle. I have resided with my elderly father as his carer in Victoria for 4 years. EML were well aware of the date. I had submitted travel authority for reimbursement. On the date of mediation and over 100km from home I did not receive my statutory payment as scheduled. I proceeded to contact EML over the next few hours. I was advised that “human error” was to blame. That my payment and travel had somehow not been authorized. The stress this caused me resulted in my barrister actually noting it. Coincidence or not is irrelevant now. It was unacceptable. I was ridiculed by reception staff who failed to even put me

on hold. I was humiliated. Actions like the above put a strain on already fragile people. It could be a catalyst for a suicide. This mentality has been the norm of my experience with EML.

The business model of EML dictates the day to day operations. The company appears to have very little interest in the welfare of injured workers. I have encountered unethical conduct for an extended period of time. I experienced tremendous stress and great financial hardship because of the decision by an arrogant and unethical case officer. He declined reasonable expenses for 3 years before a negotiation was met. A decision made regarding my case was not reflective of the corporate policy. My case officer made a decision based on personal experience not his requirements to adhere to corporate or legislative obligations. After a lengthy appeal and complaint process the case officer was transferred. I received my entitlements. The onus should not be on the injured worker to facilitate his statutory rights. There is great inconsistency with the actions of EML. It has been my experience that case officers are given a great deal of discretion. There is a definite lack of senior supervision.

Independent Medical Examination's are not what they say. It has been my experience after attending over a dozen of them that many are merely 'cash for comment'. The most offensive and harmful I have encountered has been the testimony of Professor [redacted] of the University of Sydney. This man produced a grotesque report filled with bias and slander without ever meeting me. He produced a dangerously prejudice report that caused a great amount of distress and suffering to my family and I. He reached the conclusion that I did not suffer from PTSD, arguing that the NSW Police had no liability. This is despite the insurer having already admitted liability. Deliberately antagonising and manipulating a situation as such is not currently criminal. I urge you to make to so.

Mr. [redacted] is another 'Independent Medical Examiner' that has earned great financial benefit from a dishonest and UNREGULATED scheme. This man receives handsome remuneration from the Financial Services Council. He has been paid to address insurance services management and explain his system of exposing malingering and exaggeration in injured workers. This man does not have an invested interest in the work cover system other than his own financial gain. There is no scrutiny of Independent Medical Examiner's. As injured workers we attend in good faith, but we are the only ones. There are conflicts of interest everywhere within the system. The ruthless conduct and intent of EML is costing more in lives than we are saving in dollars.

My story is not common. I am ever grateful for the dedication of Mr. [redacted]. His tenacity in exposing the current unfairness of the system has brought the issue into the public light. The current work cover system has very little to offer those with significant injuries. It offers no merit for the long term injured. It is very much a case of death before dignity. It does not have to be.

The New South Wales Police Force has made a progress in dealing with injured workers but it still can do better. I offer the following words which I quote VEBATIM from my Commander [redacted]
" [redacted] , if you do not think you can cut it on the streets anymore than I can find you a nice job in intelligence. Unfortunately, if you chose to discharge it will be a long and humiliating

process.” The insight provided by the Commander is accurate. It could not be more humiliating. It has almost cost me my life. I have never chosen to exit the NSW Police of my own free will. I was deemed medically unfit and have been left to rot. There has NEVER been a possibility of me being trained to a suitable level. I am in the ‘too hard basket’ as expressed directly by EML.

I do not believe that as a long term injured worker I deserve to be subjected to harassment and ridicule. No person deserves to be deliberately manipulated by a company for profit. I refer to the published fact that in 2013 EML received 100 million dollars from the NSW government. In that year it was revealed they administered less than 1 million to injured workers. I have directly experienced financial manipulation by EML. I strongly put it to you that the company is manipulating state funds. Inquiry is needed. Legislation is not easily accessible. It does not allow the injured worker to use initiative and mediate complaints with the insurer. It should. There is a farcical approach to financial management. I was sent business class one way to an appointment when economy was available. There is a total disregard for the allocation and disbursement of resources. It is reprehensible that such practices continue to go on.

The back capture of correspondence between all parties would reveal a staggering amount of inconsistency and questionable actions. There is no uniformity to the adjudication of claims. There is evidence of rouge case officers acting without impunity and contrary to corporate policy. The economic rationale of EML dictates and rewards unscrupulous such behaviour. With parliamentary privilege hopefully some of the internal whistle blowers will be courageous enough to testify. There will be enough testimony and submission available to the committee if it is seeking it. There has been a great injustice occurring for many years and there is now enough awareness within the community for action.

In closing, I thank you for taking the time to read my submission. I trust that your search for truth will reveal a light at the end of the tunnel. There is a tremendous financial cost occurring as well as a human tragedy that is becoming ever more urgent.

Yours Sincerely,