INQUIRY INTO 2023 REVIEW OF THE WORKERS COMPENSATION SCHEME

Name: Name suppressed

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Partially Confidential

Parliament LC hearing on 2022 Review Workers Compensation Scheme 8th of September 2022–additional submission by dated October 2023

This additional submission is expanding on issues related to SIRA that have been mentioned on the previous submission I sent last year on the document named 'Parliament LC hearing on 2022 Review Workers Compensation Scheme 8th of September 2022– additional submission by post hearing', and that have been scoped under the titles 'Care', 'Compensation', and 'Claims Management'.

Management of Complaints at SIRA

I believe this is an issue that requires urgent repair given the detrimental impact this has on injured workers. This is to do with my experience with SIRA management of my complaints, and it is an experience shared amongst many other injured workers who I met through the 'injured workers campaign network' group that I belong to.

Between the years 2019 and 2022, I have raised four complaints with SIRA that were not resolved, despite many of my follow ups. Upon meeting the SIRA CEO and Executive Director, at a meeting organised by the secretary of Unions NSW, I presented my negative experience with regards to these complaints. The SIRA CEO, who was relatively new at the beginning of 2022, encouraged me to raise these complaints again to ensure a resolution. So, I did raise these again, and unfortunately, and despite my many follow ups, none of these complaints were resolved or outcomes determined.

I want to emphasize again that notwithstanding this being a personal experience lived by someone who had the opportunity to discuss these issues directly with the SIRA CEO, this same experience talks about the experience lived by all injured workers I came across and who have raised complaints with SIRA.

This is how SIRA deals with complaints:

- 1. Injured worker complaints
- 2. SIRA complaints team investigates. They call the injured worker validating the breach happened. They inform that the results of their investigation get passed to another SIRA team dealing with regulatory compliance
- 3. According to the person doing the investigation, the regulatory compliance team 'may' or 'may not' consider taking regulatory action.
- 4. The output of these regulatory actions, as informed by them, is not communicated to the complainant
- 5. Complainants are told to look at their website where they published the regulatory compliance actions. This page of their website has not been updated since 2021. No outcomes have been achieved by any of the injured workers who have complained.

SIRA complaints management issues and findings:

- Complaints at SIRA are not resolved
- Complainants are left to wait for no outcome. Many injured workers stop raising complaints as they are aware that SIRA is not regulating. This SIRA 'lack of action' with regards to resolving complaints, has a detrimental impact on the complainant's mental health, causing further harm.
- Complainants are given an uncertain answer because in reality there is no outcome. They are told to wait for results to be published. SIRA doesn't update complainants about whether the regulatory compliance team will deal with the complaint or not.
- SIRA job as a regulator dealing with complaints is an absolute failure. These complaints made to SIRA relate to Independent medical examiners IME's), rehabilitation providers, insurance companies, claim management agencies (e.g., EML) and SIRA itself. Please note that these IME's

and rehabilitation providers are those engaged by the insurance company or claims management agencies. The outcomes that complainants usually expect with regards to their complaints are simple to get IMEs removed from their SIRA approved list, penalise rehabilitation providers, and penalise insurance companies and claim management agencies. None of these ever occur.

- Complaints made against SIRA decisions that affect injured workers, as for example PIAWE, end up in denial. In my personal experience I spent hours on phone meetings, discussions, creating summary notes after these meetings, agreeing on SIRA action points around backing up their arguments with legislation, and despite shutting down their invalid arguments in a circular and repetitive way, they would point you at legislation that doesn't back up their argument, until they desist without desisting and suggest you escalate the matter to the court of law where they know you are not going to pursue given this costs money and they are aware you can not fight it.
- There is nowhere to escalate SIRA lack of action with regards to complaints.
- There is nowhere to escalate SIRA negative responses with regards to complaints, or any disagreement with their findings or argument.
- SIRA is two years behind publishing regulatory actions on their website, suspecting here there has not been any.
- SIRA does not have a timeline for resolutions of complaints and they happily tell you that. All together I have been following up on my complaints for at least 3 years. This is unacceptable.
- Not even the SIRA CEO can tell us why SIRA doesn't apply the legislation specially written for them to penalise insurers and providers, despite agreeing to find out more and never getting back to us. Unnecessary is to mention how many times I have followed up on this.
- SIRA lack of action with regards to complaints points to the unethical and complicit behaviour with the insurance companies and IME's they are supposed to regulate, but instead, they protect.

Final comments

Thank you for agreeing to review this further submission, I just didn't want my experience and many other injured workers experiences to go unnoticed, given we put so much effort into getting SIRA to do their basic job as a regulator. I did update the SIRA CEO about this experience, suggested changes and received no response.

My experience with SIRA affected me in various ways. It aggravated my injuries as a result of the denial and frustration experienced, and it left me with a sad feeling of unfairness and injustice when I think of NSW government agencies that are supposed to serve and care for its citizens. My finances were also severely affected as a result of their illegal decision with regards to my PIAWE. This left me approximately AUD\$200,000.00 short on the income received on my five years transition within workers compensation. I correctly said it was illegal, as this is the opinion I received after consulting and having my case reviewed by three lawyers, one barrister and even our current senator Hon. David Shoebridge, who is a former personal injury lawyer and probably the biggest injured worker's advocate NSW has had.

Looking back at this experience, it is undeniable that I fought for my rights until the end, through each of these complaints, and I've got nowhere. Now I place my trust on this Committee of Law and Justice to hopefully stop these atrocities happening to injured workers due to SIRA's complete failure as a regulator and as a government agency caring about their citizens.