

National Workers Compensation and Occupational Health and Safety Frameworks

INTERIM REPORT

The following comments were compiled for INJURIES AUSTRALIA based on the horrendous inhuman treatment within the Government Workcover system experienced, by tens of thousands of work injured employees.

The changes put forward as to how work safety and after injury care are conducted in the future are considered to be absolutely necessary. They are the result of many years of research and discussion in Australia and in other countries and we trust that they will be given the same level of consideration.

THE MEMBERS OF INJURIES AUSTRALIA CONGRATULATE THE PRODUCTIVITY COMMISSION ON THE GENERAL PRESENTATION AND COVERAGE OF THE ENQUIRY TO DATE

IF THERE IS ONE CRITICISM IT IS THE USE OF WHAT MUST **BE** QUESTIONABLE FIGURES AS TO NUMBERS INJURED AND TIME NUMBERS CLAIMED TO BE RETURNED TO WORK. THE METHOD OF RECORDING CASUALTY NUMBERS AND RTW FIGURES VARIES FROM STATE TO STATE THUS MAKING COMPARISON EXTREMELY DIFFICULT. **WE POINTED** THIS OUT BY OUR REFERENCE TO THE ADVERSE COMMENTS ON WORK INJURY FIGURES MADE BY THE NATIONAL MEDICAL RESEARCH FOUNDATION IN ITS 1999 NATIONAL INJURY SURVEY. HOWEVER USING THE FIGURES PRESENTED **WE FIND THAT IF THE** ACTUAL NUMBERS INSTEAD OF PERCENTAGES WERE USED IN THE CHAPTER ON INJURY MANAGEMENT A TOTALLY DIFFERENT PICTURE WOULD BE PRESENTED TO THE PUBLIC IN PARA 6.4 THE ACTUAL NUMBER OF WORK INJURED EMPLOYEES WHO ACHIEVED A DURABLE RETURN TO WORK IS SHOWN AS 73%. ASSUMING THAT THE OTHER 27% WERE NOT RETURNED TO EMPLOYMENT', AND USING THE DATA AVAILABLE ON THE NATIONAL TOTAL NUMBER OF WORK INJURED THIS WOULD TRANSLATE TO UP TO 54,000 INJURED EMPLOYEES WHO ARE PROBABLY DUMPED EACH YEAR ON TO FEDERAL GOVERNMENT FINANCIAL SUPPORT PAYMENTS. A CHECK WITH FACS DATA AS TO THE ACTUAL NUMBER OF PEOPLE WHO ARE ACCEPTED EACH YEAR AND DECLARE WORK INJURY AS THE CAUSE OF THEIR SITUATION WOULD EXPOSE A MORE ACCURATE *PICTURE BUT WOULD NOT SHOW THOSE DUMPED WHO HAD A WORKING PARTNER*. WHAT EVER THE TOTAL FIGURE IS IT IS LARGE AND REPRESENTS AN ENORMOUS ONGOING COST TO THE FEDERAL GOVERNMENT WHICH CAN BE MEASURED IN HUNDREDS OF MILLIONS OF DOLLARS EACH YEAR FOR SOMETHING WHICH IS NOT THEIR RESPONSIBILITY. THEY ARE SUPPLYING A FREE LOAN TO THE VARIOUS STATES WORK INSURANCE SCHEMES AND ENSURING THE CONTINUATION OF A MOST EVIL *RESULT TO THE UNWILLINGLY WORK INJURED*.

INJURIES AUSTRALIA HAS FOR YEARS EXPRESSED THE VIEW TO THE FEDERAL GOVERNMENT THAT WHILE THEY SUBSIDISED THE STATES WORKCOVER THEY, WORKCOVER, WILL NOT CARRY OUT ITS LEGISLATED REQUIREMENT OF REHABILITATING INJURED EMPLOYEES TO A SWIFT RETURN TO WORK. WE ASK THAT THIS POINT BE GIVEN CLOSER EXAMINATION WITH THE VIEW TO REMOVING FEDERAL MONETARY ASSISTANCE UNTIL THE STATES HAVE CARRIED OUT THEIR DUTIES SWIFTLY AND FULLY.

OTHER POINTS ARISING FROM THE INTERIM REPORT

WITH RESPECT, WE WISH TO REMIND THE MEMBERS OF THE COMMISSION THAT NO MATTER HOW MUCH EFFORT THAT THEY PUT INTO THIS ENQUIRY AND NO MATTER WHAT THEY MAY RECOMMEND 'I'U THE STATES THERE IS A 100% CHANCE THAT 'THEY, THE STATES WILL CHOSE TO TOTALLY IGNORE THOSE RECOMMENDATIONS HOWEVER WELL CONSTRUCTED AND USEFUL THAT THEY MAY BE.

FOLLOWING THE INDUSTRY COMMISSION REPORT ON WORKERS COMPENSATION(1993), NOT ONE STATE ACTED UPON ANY ONE OF THE COMMISSIONS RECOMMENDATIONS. THE CHOSE TO IGNORE THE ENTIRE REPORT. SPEAKING FROM A INJURED EMPLOYEES POINT OF VIEW, INJURIES_AUSTRALIA KNOWS THAT MANY OF THOSE RECOMMENDATIONS WERE. JUST WHAT WAS NEEDED TO TURN AROUND THE UNSATISFACTORY AND INHUMAN SITUATION WHICH WORKCOVER HAD DELIBERATELY DEVELOPED TO ROB THE WORK INJURED EMPLOYEES OF THEIR LEGISLATED ASSISTANCE. THERE ADOPTION AS RECOMMENDED BY THE INDUSTRY COMMISSION WOULD HAVE CHANGED FOR THE BETTER THE LIVES OF TENS OF THOUSANDS OF WORKINJURED OVER THE PAST TEN YEARS. IT WOULD MOST PROBABLY HAVE PREVENTED DOZENS OF SUICIDES BY THOSE OF HAD BEEN ILLTREATED BY WORKCOVER AND DISPARED. IT WOULD HAVE MOST DEFINITELY SAVED THE FEDERAL GOVERNMENT SEVERAL BILLION DOLLARS IN SOCIAL SECURITY.

IT IS IMPORTANT THAT WE COMMENT ON ONE PARTICULAR STATEMENT IN THE INDUSTRY COMMISSION FINAL SUMMARY. SENIOR COMMISSIONER SCALES STATED THAT IN THE OPINION OF THE COMMISSION THAT 60% OF ALL COSTS ARISING FROM A WORK CAUSED INJURY WERE BORNE BY THE INJURED EMPLOYEE: AND HIS/HER FAMILY, THIS STARTLING STATEMENT SHOULD HAVE BEEN ENOUGH TO SPARK A HUGE DEBATE YET NOT ONE OF THE STATES NOR ANY OF THE INSURERS OR EMPLOYER GROUPS RAISED A CHALLENGE TO ITS ACCURACY OR TRUTH. INJURIES AUSTRALIA BELIEVES THAT THE FIGURE, OF 60% WAS CONSERVATIVE AS WE HAD CALCULATED THE TRUE FIGURE TO BE 85% OF ALL COSTS. THE COLLECTIVE SILENCE OF *THE STATE* GOVERNMENTS AND THE PROFIT TAKERS ONLY ENDORSED THE TRUTH OF THE STATEMENT.

SINCE THAT TIME (1994), AND ALLOWING FOR THE FURTHER DOWNGRADING OF THE QUALITY OF SAFETY AND CARE WITHIN THE WORKCOVER SYSTEM WE WOULD BE FAIR IN ASSUMING THAT SHOULD THIS MATTER BE REVISITED THAT THE OFFICIAL, FIGURE AS TO THE COSTS TO THE WORK INJURED WOULD NOW BE DEFINITELY 85% OF THE TOTAT.

INJURIES AUSTRALIA WAS DISAPPOINTED AT THE ORIGINAL FRAMEWORK QUESTION ON THE SETTING OF PREMIUMS, THIS ONLY ALLOWED IMPORTANCE TO THE OPINIONS OF INSURERS. "PROFESSIONAL" GROUPS, INDUSTRY ASSOCIATIONS SPOKE-PERSONS AND ANY OTHERS WHO PROFIT FROM THE [SYSTEM. AS](#) WE HAVE REPEATEDLY STATED, WORK SAFETY AND AFTER INJURY CARE IS ABOUT HUMANS NOT MONEY. MONEY IS BUT ONE OF THE POOLS USED TO GET THE JOB DONE, YET THE DISCUSSION ON MONEY FAR OVERSHADOWS THE REAL PROBLEM AS TO HOW HUMANS ARE MISTREATED BY THESE PROFIT TAKERS.

AS WE HAVE JUST POINTED OUT, THE COSTS TO THE UNWILLINGLY **WORK INJURED FAR EXCEED** THAT OF INDUSTRY. A FACT WHICH REMAINS UNCHALLENGED AND UNCHANGED. IF THIS PRODUCTIVITY COMMISSION ENQUIRY WERE TO BRING TO QUESTION AS TO WHY THIS UNJUST SITUATION IS TOLERATED BY THE STATE GOVERNMENTS AND TO PUBLICLY EXPOSE THE SITUATION THERE IS NO DOUBT THAT THE PUBLIC INTEREST WOULD BE SUCH AS TO BRING ABOUT CHANGE.

ALLOW US TO REMIND THE COMMISSION THAT THERE ARE ONLY THREE TRUE STAKEHOLDERS IN WORK SAFETY AND AFTER INJURY CARE. THE STATE GOVERNMENT AS THE RESPONSIBLE LEGISLATORS, THE EMPLOYERS WHO CONTRIBUTE TO PART OF THE COSTS AND THE EMPLOYEES WHO, WHEN WORK INJURED ARE OBLIGED TO USE THE SYSTEM. EVERY ONE ELSE IS NOT OBLIGED TO PARTICIPATE AND WHEN THEY DO BECOME INVOLVED THEY DO SO SOLELY FOR MONEY/PROFIT. *WHAT EVER* THEY HAVE TO CONTRIBUTE TO THIS ENQUIRY IS ALWAYS SHAPED TO EXPRESS A VIEW WHICH WILL PROTECT THEIR PROFITS. WE TRUST THAT IT HAS BEEN NOTED THAT IN ALL OF THEIR VOLUMINOUS CONTRIBUTIONS, BOTH VERBAL AND WRITTEN, THAT THEY OFFER LITTLE INTEREST IN ULTIMATE WELFARE OF THE WORK INJURED. THEIR ARGUMENT IS ALWAYS BASED ON SELF INTEREST AND IS MOST SUSPECT.

THIS BRINGS US TO ASK, "JUST HOW MUCH OF THE COSTLY INCOMPETENCE AND SHEER BASTARDRY NOW RAMPANT WITHIN THE WORKCOVER SYSTEM WOULD BE REMOVED IF THE PROFIT TAKERS WERE THEMSELVES REMOVED"? AS ALREADY RAISED, THE STATES, AT THE URGINGS OF THEIR AGENTS, WILL AGAIN CHOOSE TO IGNORE ANY RECOMMENDATIONS WHICH WILL EFFECT PROFITS. THEREFORE MAY WE SUGGEST THAT ALL RECOMMENDATIONS BE ONLY DIRECTED TO THE CURRENT SITUATION AS IT EFFECTS THE FEDERAL GOVERNMENT, ESPECIALLY FINANCIALLY.

L

PRODUCTIVITY
COMMISSION

National Workers'
Compensation and
Occupational Health
& Safety Frameworks

PRESENTED BY THE MEMBERS OF INJURIES AUSTRALIA

Workplace safety and after injury care is NOT A MARKET TRANSACTION. It is a SOCIAL CONTRACT between Elected Governments and all of the people in industry, be they Employer or Employee. This is clearly defined in the legislation passed by the parliament. The sole purpose of legislation is to express the POLITICAL INTENT of the PARLIAMENT which in this case is to;

1. See that all death and injury in the workplace is prevented and;
2. When there is a failure to comply with the safety legislation, and employees are injured, that medical and social assistance to all of the injured employees, is delivered swiftly, fully and without question. This has always included return to employment.

INTRODUCTION

A GIANT TEST OF DEMOCRACY IS NOW TAKING SHAPE WITH THE ESTABLISHMENT OF THIS PRODUCTIVITY COMMISSION INQUIRY. INJURIES AUSTRALIA WELCOMES THE SUGGESTION OF A NATIONAL STANDARD WORK-SAFETY AND AFTER INJURY CARE SYSTEM PROVIDED IT WOULD GUARANTEE RETURN TO WORK FOR INJURED EMPLOYEES. ANYTHING ELSE WOULD BE JUST MORE OF THE SAME FAILED WORKCOVER SYSTEM. THE INFORMATION SUPPLIED IN THIS PAPER AND THE SUGGESTED LEGISLATIVE CHANGES PUT FORWARD HAVE RESULTED FROM THE APPALLING EXPERIENCES OF TENS OF THOUSANDS OF UNWILLINGLY WORK INJURED PEOPLE WHO ARE NOW, THROUGH NO FAULT OF THEIR OWN, UNEMPLOYED AND WRONGFULLY CONSIDERED UNEMPLOYABLE, AND THE FAMILIES OF THOSE THOUSANDS OF EMPLOYEES WHO WERE SENSELESSLY AND NEEDLESSLY SLAUGHTERED IN THE WORKPLACE.

IT HAS OFTEN BEEN SAID THAT THE CHEAPEST COMMODITY IN THE WORKPLACE IS HUMAN LIFE. IT IS THE INTENTION OF INJURIES AUSTRALIA TO SHOW THAT THIS EVIL ATTITUDE IS NOT ACCEPTED BY SOCIETY AND THAT THE RESPECT FOR HUMAN BEINGS AND THE DIGNITY OF THEIR WORK WILL BE ELEVATED TO THE RIGHTFUL PLACE.

WE SHOULD NOT LOSE SIGHT OF THE FACT THAT EVERY SINGLE TIME AN EMPLOYEE IS KILLED OR INJURED IN THE, WORKPLACE THE WHOLE WORKCOVER/INSURANCE SYSTEM HAS FAILED, AND EVERYONE WORKING IN THE SYSTEM, FROM THE MINISTER DOWN, HAVE FAILED TO CARRY OUT THE DUTIES WHICH THEIR OWN LEGISLATION REQUIRES OF THEM.

COMPARISON OF 'CITE: FIGURES ON WORK CAUSED DEATH AND INJURY IN AUSTRALIA WITH OTHER O.E.C.D COUNTRIES EXPOSES THE APPALLING STATE OF WORKPLACE SAFETY. ADJUSTING FOR THE DIFFERENCE IN POPULATION, WORK CAUSED DEATH AND INJURY IN AUSTRALIA EXCEED THAT OF THE UNITED KINGDOM BY A FACTOR OF 2. EXCEED THAT OF THE UNITED STATES BY A FACTOR OF 3 AND EXCEED THAT OF JAPAN BY A FACTOR OF 10. YET IN ITS 2000/2001 ANNUAL REPORT THE NEW SOUTH WALES WORKCOVER HAD THE GALL TO PRINT THE LIE THAT "NSW WORKPLACES BEING AMONG THE SAFEST OF THE WORLDS MODERN ECONOMIES" AND THE NSW LABOR COUNCILS OHS EXPERT (SIC) MARY YAGGER, TOLD THE INQUIRY BY THE FEDERAL PARLIAMENTRY STANDING COMMITTEE ON COMPENSATION THAT "NSW HAS A WORLDS BEST PRACTICE OH&S SYSTEM". IT IS WORTH COMMENTING THAT THESE SAME "BEST PRACTICE" WORKCOVER PEOPLE LOST OVER \$1.2 BILLION OF WORKCOVER FUNDS GAMBLING ON THE OVERSEAS STOCK MARKET. THAT MONEY WAS TAKEN FROM EMPLOYERS TO ENSURE THE POLICING OF A SAFE WORKPLACE AND FOR THE COST OF THE MEDICAL AND SOCIAL CARE OF THE WORK INJURED.

ALL OF THAT MONEY IS NOW LOST FOREVER AND THE CARE FOR THE WORK INJURED WAS DRASTICALLY REDUCED. W E ASK, SHOULD THESE PEOPLE BE ALLOWED TO CONTINUE TO BE RESPONSIBLE FOR WORK-SAFETY AND AFTER WORK INJURY CARE IN NSW?

FORMATION

INJURIES AUSTRALIA WAS FORMED WITH THE AMALGAMATION OF SEVERAL INJURED PERSONS ORGANISATIONS, NOT JUST THOSE WHO WERE WORK INJURED. IT IS IN THE ARENA OF WORK SAFETY AND WORK INJURY THAT WE HAVE POUND THE MOST APPALLING INHUMAN TREATMENT AND DELIBERATE NEGLECT OF INJURED PEOPLE. IT IS AS 'THOUGH THERE IS A SECRET ARRANGEMENT BETWEEN GOVERNMENTS, INSURERS, "PROFESSIONALS" AND) SOME EMPLOYERS TO TOTALLY DISREGARD THE REQUIREMENTS OF THE WORK SAFETY AND AFTER INJURY CARE LEGISLATION.

ANYTHING GOES, AS LONG AS THEY CAN AVOID SPENDING MONEY ON THE WORK INJURED. MONEY BEING MORE IMPORTANT THAN EMPLOYEES AND THE WELL BEING OF THEIR FAMILIES. IN THEIR LUST FOR MONEY THEY HAVE OVERLOOKED A MOST IMPORTANT PRINCIPAL OF SUCCESSFUL BUSINESS MANAGEMENT. THAT WORK IS A FUNDAMENTAL DIMENSION OF OUR HUMAN EXISTENCE AND THAT CONTENTED, APPRECIATED AND SAFE EMPLOYEES ARE THE MOST VALUABLE ASSET IN ANY BUSINESS.

SURELY TO HE DENIED LEGISLATIVE PROTECTION TO BE EMPLOYED IN A SAFE AND STRESS FREE ENVIRONMENT IS UNTHINKABLE IN A MODERN DEMOCRACY. YET DESPITE A WIDE RANGE OF "SAFETY" LEGISLATION, HIGHLY DANGEROUS WORKPLACES AND LETHAL WORK-PRACTICES DO EXIST IN AUSTRALIA. THE RESULTS CAN BE SEEN IN ANY PUBLIC HOSPITAL. CASUALTY WARD AND MORGUE, OR IN PSYCHIATRISTS ROOMS.

COMPARISON OF WORK CAUSED DEATH AND INJURY STATISTICS.

OVER MANY YEARS THERE HAVE BEEN CONTINUAL ADVERSE COMMENTS ON THE POOR STANDARD OF AND INACCURACY OF STATISTICS RELATING TO WORK CAUSED DEATH AND INJURY. NOT THE LEAST BEING THAT OF THE NATIONAL MEDICAL RESEARCH COUNCIL WHO, IN THEIR 1999 REPORT ON ALL INJURIES, COMPLAINED THAT IT WAS DIFFICULT TO COMPILE ACCURATE WORK CAUSED INJURY FIGURES BECAUSE OF THE INCONSISTANCY OF THE DATE AVAILABLE. THIS DOCUMENT QUESTIONED THE ALTERING OF CASUALTY FIGURES OF INDIGINOUS PEOPLE. IS THE TRUTH DELIBERATELY HIDDEN?

BEFORE ATTEMPTING TO ADDRESS THE TERMS OF REFERENCE WE WISH TO OFFER OTHER STATISTICAL COMPARISONS. DURING AUSTRALIA'S 11YEAR INVOLVEMENT IN THE WAR IN VIETNAM, 510 AUSTRALIAN SERVICEMEN WERE KILLED. EACH YEAR IN AUSTRALIA OVER 500 EMPLOYEES ARE SLAUGHTERED INSTANTLY AT THEIR PLACE OF WORK FIVE TIMES THAT NUMBER WILL DIE FROM WORK CAUSE!) INJURY OR DISEASE. DURING THE JUST CONCLUDED WAR IN "DANGEROUS" IRAQ OUR SERVICEMEN WERE FORTUNATE NOT TO SUSTAIN CASUALTIES. WHILST THIS WAR WAS BEING WAGED, AN ESTIMATED THIRTY SIX

AUSTRALIAN EMPLOYEES WERE SLAUGHTERED AT THEIR PLACE OF WORK IN "SAFE" AUSTRALIA. ANOTHER 20,000 WERE WORK INJURED AND 200 DIED FROM WORK CAUSED INJURY AND DISEASE. IN THE WORKPLACE, LIFE IS A VERY CHEAP COMMODITY INDEED!
ISSUES FOR DISCUSSION

NATIONAL FRAMEWORKS

INJURIES AUSTRALIA WOULD WELCOME A NATIONAL STANDARD OF WORKPLACE SAFETY AND AFTER INJURY CARE WHICH IS MAINTAINED THROUGH A CENTRAL DEATH/INJURY REGISTER, WHICH INSISTS ON INVESTIGATION OF EACH DEATH/INJURY INCIDENT WITH THE SOLE AIM OF ELIMINATING SIMILAR INCIDENTS IN THE FUTURE. THAT ALSO TRACKS AND MONITORS THE PROGRESS OF MEDICAL AND VOCATIONAL REHABILITATION AND GUARANTEES RETURN TO WORK FOR ALL WORK INJURED EMPLOYEES. EMPLOYEES WHO HAVE BEEN SEVERELY INJURED AND CLASSED AS TOTALLY & PERMANENTLY INCAPACITATED (TPI) USING THE DEPARTMENT OF VETERANS AFFAIRS GUIDE LINES WOULD BE SERVICED DIFFERENTLY. A NATIONAL SYSTEM WILL PREVENT THE CURRENT WASTE AND DISCRIMINATION BY RECOGNISING THE WORTH OF ALL EMPLOYEES AND THAT WE ARE, ALL AUSTRALIANS SO THERE CAN NOT BE ANY REASON NOT TO VALUE ALL OF THE WORK FORCE EQUALLY.

THE CURRENT SHAMBOLIC WORKCOVER SYSTEM THRIVES ON MONEY, POWER., LIES AND SECRECY. WE MUST REMEMBER THAT WORKCOVER CAME INTO BEING BECAUSE THE PRIVATE INSURANCE COMPANIES HAD SO RAPACIOUSLY AND INHUMANLY GROUND DOWN THE THEN WORKERS COMPENSATION SYSTEM THAT GOVERNMENT INDUSTRY AND THE TRADE UNIONS CRIED ENOUGH. WORKCOVER, WHICH PROMISED FINANCIAL AND SOCIAL RELIEF FAILED TO DELIVER AND IF ANYTHING, IT MADE RESULTS 100% WORSE.

UNDERSTANDING PAST MISTAKES

WITH THE ESTABLISHMENT OF WORKCOVER THE FIRST CATASTROPHIC MISTAKE WAS TO ALLOW THE PRIVATE INSURERS TO BE INVOLVED AS THE "CASE MANAGERS" AND THE "FUNDS MANAGERS". IN NSW, WHERE THE GOVERNMENT WAS CONSIDERING SEVERAL OPTIONS, THE INSURANCE COUNCIL OF AUSTRALIA STOOD OVER THE ELECTED GOVERNMENT AND THREATENED TO CAUSE FINANCIAL CHAOS UNLESS WORKCOVER WAS INTRODUCED THE WAY THAT THEY WANTED. (SEE APPENDIX) THE THEN UNSWORTH GOVERNMENT CAVED IN TO THESE THUGISH DEMANDS AND THE INSURERS BECAME THE PAID AGENT OF THE NSW GOVERNMENT. ALL COSTS AND LOSSES BELONGED TO GOVERNMENT WORKCOVER. WITH SUCH A COMPLICATED ARRANGEMENT THE SYSTEM WAS DOOMED TO COSTLY FAILURE AS THE INSURER/AGENTS CONSISTENTLY DELIBERATELY FAILED TO CARRY OUT THEIR PAID DUTIES AS PRESCRIBED BY LEGISLATION. THE VARIOUS WORKCOVERS FAILED IN THEIR DUTY BY NOT PROSECUTING THE INSURERS FOR FRAUD. THEY TOOK WORKCOVERS MONEY AND FAILED TO CARRY OUT THEIR PAID CONTRACTED DUTIES.

HAVING GOT THEIR WAY TO BE IN CONTROL OF THE MONEY AND THE WORK INJURED EMPLOYEES THE INSURERS SO INCOMPETENTLY MISHANDLED THE MONEY SIDE OF AFFAIRS THAT "FUNDS MANAGEMENT" WAS SOON REMOVED FROM THEIR CONTROL AND PLACED WHERE IT BELONGED, WITH THE: GOVERNMENT WORKCOVER. REGRETABLY WORKCOVER PROVED TO BE MORE INCOMPETENT' IN HANDLING MONEY THAN THE INSURERS. ALTHOUGH THE INSURERS ALSO INCOMPETENTLY MISHANDLED THE "CASE MANAGEMENT" OF THE UNWILLINGLY WORK INJURED, THE WORKCOVER MANAGERS (SIC) ALLOWED THE INSURERS TO RETAIN THE MORE IMPORTANT ROLL. OF HUMAN "CASE MANAGERS" FOR WHICH THEY WERE PAID MI [..LIONS OF WORKCOVER DOLLARS EACH YEAR. THIS WAS TOTALLY THE WRONG THING TO DO AND LENTNO DOUBT THAT NSW GOVERNMENT WORKCOVER MANAGEMENT (SIC) CONSIDERED THAT CONTROLLING THE .MONEY WAS MORE IMPORTANT THAN CONTROLLING THE CARE OF WORK INJURED PEOPLE. THE WELFARE OF PEOPLE IS THE ROLE OF GOVERNMENT AND THE SOLE POLITICAL INTENT OF THE ORIGINAL WORK SAFETY AND COMPENSATION LEGISLATION IN THE FIRST PLACE. INSURANCE COMPANIES EXIST FOR PROFIT, NOT THE WELFARE OF PEOPLE.

WORKCOVER ALLOWED THE INSURERS, AS THE "-CASE MANAGER", TO OWN AND OPERATE THEIR OWN REHABILITATION COMPANIES THROUGH WHICH INSURES COULD EARN BIG MONEY BY CHARGING WORKCOVER (\$120/HOUR +) ATTEMPTING TO REHABILITATE WORK INJURED EMPLOYEES TO RETURN TO WORK WHICH THEY DID NOT SEE AS A PRIORITY. IT WAS TO THEIR ADVANTAGE TO NOT PRACTICE RETURN TO WORK AND THEY WERE PAID IN FULL EVEN THOUGH THEY HAD FAILED IN THEIR DUTIES. THIS IS A CLEAR CASE OF A CONFLICT OF INTEREST AND SHOULD NOT HAVE BEEN ALLOWED TO BE PRACTICED. COMPLAINTS BY TENS OF THOUSANDS OF WORK INJURED EMPLOYEES OF THE NIL OR VERY POOR SERVICE WERE IGNORED BY TO NSW WORKCOVER MANAGERS (SIC). FOR YEAR AFTER YEAR WORKCOVERS OWN FIGURES SHOW A DISMAL RESULT FOR RETURN TO WORK BY THESE INSURANCE COMPANY "CASE MANAGERS". AND THE INSURERS WERE NEVER DISCIPLINED. MOST LONG TERM INJURED EMPLOYEES IN THEIR CARE WERE DUMPED ON TO THE DOLE----MANY FOR LIFE--UNEMPLOYED AND UNEMPLOYABLE AND RELYING ON CHURCH CHARITIES FOR HANDOUTS. WORKCOVERS OWN REHABILITATION FIGURES EXPOSE THIS UNACCEPTABLE SITUATION. THESE SAME INSURERS WILL USE EVERY TACTIC TO PRESENT ARGUMENTS TO THIS COMMISSION OF INQUIRY TO PREVENT ANY CHANGE TO HOW WORK SAFETY AND AFTER INJURY CARE IS CONDUCTED UNLESS THEY (THE INSURERS) ARE IN SOLE CHARGE. THE SECOND MISTAKE WAS TO SEPARATE THE RESPONSIBILITY OF WORK SAFETY FROM AFTER WORK INJURY COMPENSATION. THESE TWO IMPORTANT SUBJECTS ARE ABSOLUTELY JOINED, AS ONE COMPLEMENTS THE OTHER.

LET US NOT FORGET THAT THIS IS HOW THE COMMONWEALTH CONDUCTS ITS OWN AFFAIRS THROUGH THE "SAFETY AND REHABILITATION ACT". IT WAS THIS SEPARATION, ALONG WITH THE HANDS OFF SELL OUT ATTITUDE OF WORKCOVER, WHICH RESULTED IN SO MUCH CONFUSION, PHYSICAL & MENTAL STRESS AND FINANCIAL LOSS TO TENS OF THOUSANDS OF WORK INJURED PEOPLE_

THE FRAMEWORKS MENTIONS POSSIBLE DUPLICATION BY THE WORKPLACE RELATIONS MINISTERS COUNCIL AND 'THE HEADS OF WORKPLACE SAFETY AND COMPENSATION AUTHORITIES'. WHILST THESE TWO GROUPS MAYBE WELL INTENTIONED, WE HAVE BEEN UNABLE TO FIND ANYTHING CONSTRUCTIVE OR ORIGINAL WHICH THEY HAVE PRODUCED. This IS BECAUSE THEY ARE SO REMOTE FROM THE CULTURE AND DYNAMIC OF AN INDUSTRIAL SITUATION THAT IT IS DOUBTFUL IF THEY WOULD HAVE EVER MET OR WOULD RECOGNISE A WORK INJURED PERSON, LET ALONE HAVE SOUGHT THEIR OPINIONS BASED ON THEIR EXPERIENCES, TO HELP IMPROVE THE SYSTEM. WORK SAFETY IS ALL ABOUT PEOPLE, NOTHING ELSE---AND IT IS WORKING MEN AND WOMEN WHO ARE UNQUESTIONABLY IN THE PRIME POSITION TO CONTRIBUTE TO THE BEST WAY THEIR WORK IS CARRIED OUT SAFELY. THEY HAVE NEVER RECOGNISED, LET ALONE ADMITTED, THAT THE DUTIES REQUIRED BY TILE SAFETY AND COMPENSATION LEGISLATION ARE NOT BEING CARRIED OUT BY THE PEOPLE WHO ARE PAID TO SEE THAT THEY ARE SWIFTLY AND FULLY PERFORMED. TO 1)O SO HONESTLY, THEY WOULD HAVE HAD TO CONDEMN THEMSELVES AND THAT IS NEVER GOING TO HAPPEN. AS WITH MOST THINGS IN THE FAILED WORKCOVER SYSTEM THEIR ROLE IS TO BE SEEN TO BE SEEN TO OF, DOING SOMETHING, NOT TO DO IT. THEY ARE: PART OF THE FAILURE. THE USE OF THE MINISTERIAL COUNCIL SHOULD BE RETAINED BUT WITH AN EXPANDED ROLE OF BEING MORE HANDS ON AND BEING I N CONTROL. THE HEADS OF WORKCOVER COMMITTEE SHOULD BE TERMINATED.

IN THEIR PLACE, WHAT IS KNOWN AS A "REVIEW AND OVERSIGHT COMMITTEE" SHOULD BE ESTABLISHED. THIS IS NOW COMMON PRACTICE IN OTHER JURISDICTIONS. THE DUTY STATEMENT FOR SUCH A COMMITTEE IS INCLUDED FOR THE COMMISSIONS INFORMATION.

PRESENTLY THERE IS NO OUTSIDE REVIEW OF THE RESULTS OF WORKPLACE SAFETY AND AFTER INJURY CARE; IN NSW. THE WORKCOVER IS ITS OWN JUDGE AND JURY AND WE CAN ALL SEE THE DISASTEROUS RESULTS OF' THAT COSY ARRANGEMENT. IN THEIR ANNUAL REPORTS THE WORKCOVER ONLY PUBLISH THE FIGURES WHICH THEY WANT US TO SEE. *THE TRUE NUMBER OF WORK INJURIES IS NOT SHOWN. NOR IS THE FIGURE OF THE TENS OF THOUSANDS OF WORK INJURED EMPLOYEES WHOM THEY (WORKCOVER) FAILED TO RETURN TO EMPLOYMENT AS REQUIRED BY THEIR OWN LEGISLATION. THESE ANNUAL REPORTS ARE A REVELATION OF DISHONEST REPORTING WHICH IS UNACCOUNTABLE.*

INJURIES AUSTRALIA IS CONVINCED THAT ANY REVIEW OF WORK PLACE SAFETY AND AFTER INJURY CARE MUST INCLUDE AN APPRAISEMENT BY OUTSIDE INTERESTS WHO ARE NOT MAKING MONEY FROM THE SYSTEM AND ARE NOT APPOINTED BY THE I.R MINISTER. ANYTHING LESS WOULD BE AS DECEITFUL AS THE WORKCOVER METHOD OF DOING THINGS.

DEVELOPMENT OF AN ALTERNATIVE NATIONAL FRAMEWORK FOR WORKERS
COMPENSATION AND OILS.

THE FIRST QUESTION SHOULD BE--- WHY IS O.H&S SO INEFFECTIVE?
THE ANSWER IS IN THE HISTORY. HISTORY IS NOT A SENSIBLE SEQUENCE OF EVENTS BUT IT WILL EXPLAIN PAST MISTAKES AND WE MUST TREAT THEM AS LESSONS AS THERE IS NO FUTURE IN THE PAST.

IF IT WAS WRONG FOR THE WORKCOVER TO ALLOW THE INSURERS TO BE INVOLVED AND THEIR ADOPTION OF AN ILLEGAL PONTIUS PILATE ATTITUDE TOWARDS WORK INJURED EMPLOYEES, IT WAS ALSO WRONG TO ALLOW THE CONTROL OF THE WORK SAFETY SITUATION TO BE HIJACKED BY VESTED INTERESTS IN INDUSTRY_ WITH THE BLESSING OF WORKCOVER, THEY PROCEEDED TO TAKE CONTROL OF WORK SAFETY SO THAT COSTS WOULD BE CONTAINED REGARDLESS OF RESULTS AND SO THAT IT COULD PRESENT A FALSE IMAGE OF BEING SEEN TO BE DOING GOOD THINGS, WHEN OF COURSE THEY WERE NOT. OILS HAS BECOME A MULTI-BILLION DOLLAR INDUSTRY WHICH IS NOT PAID ON RESULTS, IS ANSWERABLE ONLY TO ITSELF AND CONTROLLED BY SELF-APPOINTED WELL PAID "SAFETY PROFESSIONALS". IN A TIME OF HIGH UNEMPLOYMENT OHS AS PRACTICED IS A FAILURE AS THE NEVER ENDING HIGH CASUALTY FIGURES CLEARLY SHOW. HOWEVER IN ALL FAIRNESS, INJURIES AUSTRALIA MUST STATE THAT WITHOUT THE GENUINE EFFORTS OF MANY EMPLOYERS AND EMPLOYEES TO MAINTAIN A SAFE WORKPLACE THE SITUATION WOULD BE MUCH GRIMMER THAN IT IS, WITH LITTLE CREDIT TO THE "SAFETY PROFESSIONALS".

AS STATED, IT IS ABSOLUTELY IMPERATIVE THAT WORKSAFETY AND AFTER INJURY CARE LEGISLATION BE WRITTEN AS A SINGLE ITEM AS IS THE COMMONWEALTHS COMCARE LEGISLATION.

HOWEVER THE MODEL WHICH WOULD HAVE TO BE CONSIDERED TO ACHIEVE THE REQUIRED POSITIVE OUTCOMES EXIST BUT HAS NOT BEEN INTRODUCED. IT IS A PRODUCT OF THE SHEER FRUSTRATION OF INJURED EMPLOYEES WHO WERE NO LONGER PREPARED TO BE TREATED AS SECOND CLASS CITIZENS BY GOVERNMENT WORKCOVER, THEIR INSURANCE COMPANY TODAY AND THE ABSOLUTELY RUDENESS AND IGNORANCE OF THE WORKCOVER MANAGERS (SIC). ALLOW US THE SPACE TO EXPLAIN HOW WE SEE IT WOULD BE STRUCTURED AND HOW IT WOULD WORK EFFORTS TO EVEN DISCUSS THIS ALTERNATIVE PROPOSAL WITH THE NSW INDUSTRIAL RELATIONS MINISTER HAVE BEEN REBUFFED.

THE INJURED EMPLOYEES STUDY ON SUCCESSFUL WORKSAFETY AND INJURY CARE.**HUMAN SAFETY AND WORK INJURY INDEMNITY**

THE MEMBERS OF INJURIES AUSTRALIA REALISED THAT THE WORKCOVER SYSTEM WAS NEVER GOING TO WORK AND NOR WAS IT GOING TO COVER. ALONG AND THOROUGH RESEARCH PROCESS WAS ENTERED INTO WHICH STUDIED METHODS IN JURISDICTIONS OVERSEAS WHICH COMPARED THE GOOD AND BAD ASPECTS OF EACH. THERE WERE FLAWS IN ALL SYSTEMS AND THIS KEPT POINTING TO THE INVOLVEMENT OF COMMERCIAL INSURERS. IT BECAME, QUITE CLEAR THAT ANY NEW METHOD WOULD REQUIRE THE REMOVAL OF THE INSURERS AND THEIR INSISTENCE ON INSURING HUMAN BEINGS AS A COMMODITY WHICH HAS A COMMERCIAL REPLACEMENT VALUE. THIS METHOD MAY BE CONSIDERED SATISFACTORY FOR .INANIMATE OBJECTS SUCH AS TOOLS, MACHINERY, VEHICLES, LIVE STOCK AND BUILDINGS BUT IS UNACCEPTABLE FOR THE DIGNIFIED AND FAIR TREATMENT OF WORK INJURED EMPLOYEES. TO GRASP WHAT IS TRYING TO BE ACHIEVED WILL REQUIRE OPPOSITE THINKING. FIRST REMOVE THE TITLES OCCUPATIONAL HEALTH & SAFETY---WORKERS COMPENSATION---INSURANCE. THEY ARE REPLACED WITH THE WORDS HUMAN SAFETY--EMPLOYEE/WORK INJURY INDEMNITY. THINK ABOUT IT, AS THERE IS A BIG DIFFERENCE.

THE ESSENTIAL CHANGES.**LEGISLATION.**

THE REPLACEMENT LEGISLATION WILL BE IDENTICAL IN ALL STATES AND TERRITORIES, WILL BE WRITTEN IN PLAIN LANGUAGE AND FOLLOW THE SIMPLE CLEAR CUT METHOD USED IN THE MOTOR TRAFFIC ACT. ONE MAJOR DEPARTURE FROM THE CURRENT LEGISLATION IS THAT THERE IS NO PROVISION FOR OR NEED FOR LITIGATION BY THE INJURED EMPLOYEE. THE WHOLE HUMAN REPAIR AND RETURN TO WORK PROCESS WILL PROCEED WITHOUT THE HINDERENCE OF FIRST OBTAINING PERMISSION FROM SOME "CASE MANAGER" WHO IS ONLY CONCERNED AS TO HOW MUCH MONEY THE INJURED EMPLOYEE WILL RECEIVE IN DAMAGES FOR NEGLIGENCE.

INJURED EMPLOYEES MEDICAL COSTS

INSTEAD OF THE EMPLOYER PAYING A PREMIUM TO THE STATE GOVERNMENT WORKCOVER OWNED INSURANCE SYSTEM THE MEDICAL COSTS ARE NOW TO BE COVERED BY THE EMPLOYER PURCHASING FOR EACH EMPLOYEE, TOP COVER WITH A PRIVATE MEDICAL INSURANCE COMPANY. THIS WILL ALLOW WORK CAUSED INJURIES TO BE TREATED SWIFTLY AND UNHINDERED BY-CASE MANAGERS", THE SAME AS IF THE INJURY

MINOR INJURIES WOULD BE TREATED IN HOUSE OR BY THE INJURED PERSONS OWN MEDICAL PRACTITIONER AND COVERED BY MEDICARE.

NOTE. THE USE OF MEDICARE FOR WORK CAUSED INJURIES WOULD REQUIRE SERIOUS NEGOTIATIONS WITH THE FEDERAL HEALTH DEPARTMENT.

INJURED EMPLOYEE INCOME MAINTENANCE.

TO ENSURE THE UNINTERRUPTED CONTINUITY OF INCOME PAYMENTS TO THE WORK INJURED PERSON AN INCOME MAINTENANCE INSURANCE CONTRACT IS ENTERED INTO BY THE EMPLOYER AND THE EMPLOYEE WITH BOTH PARTIES CONTRIBUTING HALF OF THE COST. THIS WILL ELIMINATE THE CURRENT DREADFUL DELIBERATE DELAYS BY WORKCOVER/INSURERS WHERE INJURED EMPLOYEES ARE OFTEN MADE TO WAIT MONTHS FOR THEIR WAGES ENTITLEMENTS, WITH DOZENS OF BEGGING PHONE CALLS TO WORKCOVER AND THEIR INSURER/AGENTS. THIS WILL REMOVING A SERIOUS IMPEDIMENT TO THEIR MEDICAL RECOVERY WHICH THIS CRUEL DELIBERATE DELAY CAUSES. TO THOSE PEOPLE WHO DECRY ANY COST INPUT BY THE EMPLOYEES WE MUST SAY THIS. AS THINGS STAND THE WORK INJURED EMPLOYEE DOES NOT HAVE THE STATUS OF A CONSUMER AS THEIR TREATMENT CLEARLY SHOWS. THE EMPLOYER OWNS THE INSURANCE POLICY AND IS THE CONSUMER AND HAS ALL THE SAY.

WORKPLACE SAFETY

AS STATED, IT WILL REQUIRE OPPOSITE THINKING TO TACKLE THE HORRENDOUS CASUALTY FIGURES NOW OCCURRING IN THE WORK PLACE. THE ENORMOUS COSTS OF THE MULTI- BILLION DOLLAR OHS INDUSTRY HAS TO BE REIGNED IN BY REMOVEING IT. TO ACHIEVE THIS, EVERY SINGLE PERSON IN EACH PARTICULAR WORKPLACE, FROM THE CHAIRMAN DOWN, ARE TO BE HELD RESPONSIBLE FOR THE OPERATION OF A SAFE WORKPLACE. THE UNDERSTANDING AND THE CONTROL OF SAFETY IS TO BE NO LONGER THE SOLE RESPONSIBILITY OF MANAGERS. ACCOUNTABILITY FOR SAFETY WILL REST WITH ALL EMPLOYEES. THE METHOD OF PRACTISING HUMAN SAFETY IS IN THE PROCESS OF COPY RIGHT SO IT IS NOT POSSIBLE TO FULLY EXPLAIN ITS WORKINGS AT THIS TIME.

HOW WOULD IT BE POLICED?

THE LEGISLATION WOULD REQUIRE THE INSTANT REPORTING AND INVESTIGATION OF ALL INJURIES, HOWEVEH;R MINOR, TO A CENTRAL POINT CONTROLLED BY GOVERNMENT. IF A BREACH OF SAFETY BY WHOEVER HAS BEEN RECOGNISED THAN PROCEEDING WILL BE INSTIGATED IN THE LOCAL COURT AS WITH ANY OTHER BREACH OF THE LAW. ALL MATTERS OF FRAUD ASSOCIATED WITH THE WORK SAFETY SYSTEM WILL BE TURNED OVER TO THE POLICE FRAUD SQUAD WHO ARE BETTER EQUIPED TO INVESTIGATE AND PROSECUTE IF NECESSARY. NO LONGER A SECRET INDUSTRIAL COURT WHERE DRAWN

OUT LEGAL NICETIES ALLOW THE GUILTY TO ESCAPE. TREAT A WORK SAFETY LEGAL BREACH JUST AS WE WOULD ANY OTHER CIVIL MATTER WHERE LAWS ARE BROKEN.

AS WELL, THE ESTABLISHMENT OF A RESEARCH AND OVERSIGHT COUNCIL CONSISTING OF ONLY EMPLOYER ^{(ACTUAL} OPERATORS OF A BUSINESS) AND EMPLOYEE (ACTUAL SHOP FLOOR STAFF) REPRESENTATIVES IS A PROVEN WAY TO OVERSEE THE PERFORMANCE OF SAFETY AND AFTER INJURY LEGISLATION TO ASSIST THE COMMISSION WE HAVE ATTACHED A COPY OF THE MAKEUP OF SUCH A COUNCIL AND ITS **DUTIES IN ANOTHER COUNTRY.**

IT HAS BEEN SUGGESTED THAT A SIMPLE ANSWER TO THE WORKCOVER MESS IS TO DRAW A LINE ACROSS THE LEDGER AND INTRODUCE THE COMMONWEALTHS COMCARE SYSTEM FOR THE WHOLE OF AUSTRALIA. THE MAJOR PROBLEM WITH THIS PROPOSITION IS THAT THE COMCARE SYSTEM IS NOT DESIGNED I'O HANDLE THE SAFETY IN HEAVY INDUSTRY--THE VERY PLACE WHERE A LARGE PROPORTION OF WORKCOVER DUTIES NOW EXIST. ALSO, COMCARE IS NOT SUCH A PROBLEM FREE PERFORMER. INJURIES AUSTRALIA MEMBERSHIP INCLUDES SEVERAL COMCARE CUSTOMERS, ONE OF WHICH HAS BEEN DRAGGING ON FOR 8 YEARS. IF THIS IS THE PREFERRED OPTION THEN INJURIES AUSTRALIA SUGGESTS THAI' THERE RE FIRST AN EXTENSIVE OUTSIDE REVIEW OF THE PERFORMANCE AND EFFICIENCY OF COMCARE AND ITS FRIENDS IN THE COMMONWEALTH REHABILITATION SERVICE.

CONCLUSION

TIME NOR SPACE ALLOWS US TO EXPOSE MORE OF THE FAILINGS OF THE WORKERS COMPENSATION SYSTEMS AND THE VARIOUS GOVERNMENT WORKCOVER. HOWEVER IN CLOSING MAY WE ADD THIS. WHATEVER THE CHANCES, HOWEVER THEY ARE BROUGHT ABOUT, THE SINGLE MOST IMPORTANT ITEM WHICH NEEDS TO BE ADDRESSED WITH HONESTY AND VIGOR IS THE IMPORTANCE OF THE LEGISLATED REQUIREMENTS OF SWIFT RETURN TO WORK OF THE INJURED EMPLOYEE. NO MORE SHOULD THE EMPLOYER/WORKCOVER/INSURER BE ALLOWED 'TO USE THE: EXCUSE THAT **THERE ARE NO** ALTERNATIVE DUTIES AVAILABLE AND PROCEED TO DUMP THE INJURED PERSON, AND THEIR FAMILY ONTO SOCIAL SECURITY FOR SUBSISTENCE. ONCE THE WORK INJURED PERSON IS IN ANY WAY MOBILE IT MUST BE BACK TO THE WORKPLACE, EVEN ON RESTRICTED HOURS.

ACCOUNTABLE AND POLICED **SAFETY AND SWIFT RETURN TO WORK PRINCIPALS ARE THE KEYS** TO A SUCCESSFUL AND ECONOMICAL WORKPLACE.

THERE CAN BE NO POSSIBLE EXCUSE TO ALLOW FOR DISCRIMINATION AGAINST WORK INJURED EMPLOYEES. WE OFFER 'THIS QUOTE FROM "THE THIRD WAVE" BY ALVIN TOFFLER. "BY THE TIME HENRY FORD STARTED MANUFACTURING MODEL T'S IN 1908 IT TOOK 7,882 DIFFERENT OPERATIONS TO COMPLETE ONE UNIT. IN HIS AUTOBIOGRAPHY, FORD NOTED THAT OF THESE 7,882 SPECIALISED JOBS, 949 REQUIRED STRONG AND ABLE BODIED AND PRACTICALLY PHYSICALLY PERFECT MEN" **MOST OF THE REST COULD BE** PERFORMED KY WOMEN OR OLDER CHILDREN AND HE CONTINUED COOLY. "WE FOUND THAT 670 JOBS COULD BE FILLED BY LEGLESS MEN, 2,637 BY ONE LEGGED MEN, 2 BY ARMLESS MEN, 71.5 BY ONE ARMED MEN AND 10 BY BLIND MEN. AND HE THEN WENT OUT INTO THE STREET AND RECRUITED THESE DISABLED PEOPLE FOR HIS AUTO FACTORIES.

IF IN 1908 HENRY FORD COULD SEE THE VALUE TO INDUSTRY OF PEOPLE WITH DIFFERING DEGREES OF DISABILITY, WHY DOES GOVERNMENT WORKCOVER CONTINUE TO DISCRIMINATE AGAINST THE WORK INJURED BY NOT INSISTING ON THE LEGISLATED REQUIREMENT OF SWIFT RETURN TO EMPLOYMENT FOR THE WORK INJURED AT THE EMPLOYERS EXPENCE.

IF INJURED EMPLOYEES HAD ALWAYS HAD THEIR LEGISLATED RIGHT TO **REMAIN IN THE** WORKFORCE ENFORCED BY THE STATE GOVERNMENT WORKCOVER AUTHORITIES, TOGETHER WILL AN EFFICIENT **AND HONEST METHOD OF INVESTIGATING EACH AND EVERY DEATH OR INJURY THERE IS NO DOUBT THAT** THERE WOULD BE AN IMMEDIATE AND UNIVERSAL CHANGE TO A SAFER AND MORE PRODUCTIVE WORKPLACE. AND THERE WOULD BE LITTLE NEED FOR THIS PRODUCTIVITY COMMISSION ENQUIRY.

RISK MANAGEMENT = RISK PEOPLE NOT PROFITS.

THE MEMBERS OF INJURIES AUSTRALIA ARE APPALLED THAT ELECTED GOVERNMENTS AND THEIR SERVANTS SHOULD EVEN CONSIDER DISCUSSING THE "ADVANTAGES" OF COMPARING MONETARY COSTS AGAINST THE POSSIBILITY OF THE RISK OF KILLING AND MAIMING EMPLOYEES IN THE WORKPLACE. SUCH BEHAVIOUR BY AUSTRALIAN INDUSTRY SHOULD NOT BE PRACTICED AS IT WOULD BE CONSIDERED BARBARIC. THIS BECOMES ESPECIALLY SO WHEN WE CONSIDER THAT THE PEOPLE ATTEMPTING TO JUSTIFY THE USE OF GAMBLING WITH PEOPLES LIVES AGAINST MONETARY RISK ARE THE NEW SOUTH WALES GOVERNMENT WORKCOVER. THESE PEOPLE ARE PAID TO SEE THAT EMPLOYEES ARE NOT KILLED OR INJURED IN THE WORKPLACE AT ALL.

THEY RESIDE IN AIR-CONDITIONED IVORY TOWERS AND KNOW FULL WELL THAT THEY WILL NEVER BE EXPECTED TO BE EXPOSED TO THE VERY RISKS THAT THEY ARE PONTIFICATING OVER. HOW DARE THEY! IF EVER ANYTHING POINTS TO THE NEW SOUTH WALES GOVERNMENT WORKCOVER HAVING LOST THE PLOT (ASSUMING THEY EVER HAD IT), THAN THIS IS IT.

IT IS URGENT THAT WE EDUCATE THESE PEOPLE, AS '1 'O HOW EMPLOYEES FEEL ABOUT HAVING THEIR LIVES AND THEIR FAMILIES FUTURE WELLBEING DELIBERATELY PLACED IN JEOPARDY FOR THE SAKE OF A FEW LOUSY DOLLARS PROFIT BY SOME OBSCURE "MANAGER" FOR THE BENEFIT OF SOME NAMELESS/FACELESS INVESTOR. EVERY DAY INJURIES AUSTRALIA HAS TO DEAL WITH THE RESULTS OF THE EVIL PRACTICE OF KILLING AND INJURING EMPLOYEES, AND BELIEVES IT BREACHES THE SILENT CONTRACT BETWEEN VOTERS AND THEIR DEMOCRATICALLY ELECTED REPRESENTATIVES, THE POLITICIANS. THE WORD POLITICS IS DERIVED FROM THE ANCIENT GREEK AND IT MEANS THE WELFARE OF PEOPLE. NOT THE PROFITS OF COMPANIES.

IN HIS BOOK "POLITICAL ESSAYS," HUGH STRETTON ARGUES THAT POLITICS, MORALS. AND ECONOMICS ARE INSEPARABLE.

AS WELL, MICHAEL YOUNG MAINTAINED IN "THE RISE OF THE MERITOCRACY" FOR THE EQUALIT OF OPPORTUNITY AND AGAINST THE ESTABLISHMENTS (GOVERNMENTS, PUBLIC SERVICE, INDUSTRY) PECKING ORDER WHICH HE CLAIMED WAS MORE DIVISIVE THAN IN HERATED POWER AND PRESTIGE OF THE PROPERTY BASED CLASS SYSTEM.

THE POINTS RAISEDINTERNATIONALLY ACCLAIMED AUSTRALIANS, ASSIST IN UNDERSTANDING SOME OF THE CAUSES FOR THE OUTSTANDING FAILURE OF THE WORK SAFETY PRACTICES AND THE WORKERS COMPENSATION SYSTEMS IN AUSTRALIA, AND ARE INSEPARABLE FROM THE CURRENT APPALLING WORKPLACE NUMBER OF THIRD WORLD LEVEL OF DEATH AND INJURY RESULTS, AND AFTER INJURY NEGLECT OF EMPLOYEES

IT WAS POLITICS. "THE WELFARE OF PEOPLE," WHICH ESTABLISHED SAFETY LAWS WITHIN THE WORKPLACE ALONGSIDE THE INJURED WORKERS COMPENSATION LEGISLATION. THE POLITICIANS OF THE DAY INTRODUCED THE LEGISLATION AT THE REQUEST OF THE ELECTORATE, NOT INDUSTRY. THE LAWS CLEARLY DEFINE THE RESPONSIBILITIES OF GOVERNMENT AND ITS SERVANTS TO OVERSEE THE RESULTS SO THAT THEY DO NOT FAVOUR A PARTICULAR PERSON OR ORGANISATION AT THE EXPENSE OF THE OTHERS_

MORALS WHICH ARE PART OF ACCEPTABLE AND EXPECTED HUMAN BEHAVIOUR, SHOULD SEE THAT THE REQUIREMENTS OF A SAFE WORKPLACE AND A FAIR AND EQUITABLE AFTER INJURY SERVICE ARE MET AND THAT INDIVIDUALS AND THEIR FAMILIES ARE NOT DISADVANTAGED OR DISCRIMINATED AGAINST. ECONOMICS SHOULD ENSURE THAT THE SERVICE COSTS ALWAYS REMAIN AFFORDABLE TO INDUSTRY AND THAT THE MAJORITY OF COSTS (80%) ARE EXPENDED ONLY ON DIRECT SERVICES TO THE MEDICAL AND SOCIAL NEEDS OF THE WORK INJURED AND THEIR FAMILIES. NOT ON OVER GENEROUS FEES TO THE LEGION OF CAMP FOLLOWERS WHO MAKE HUGE PROFITS FROM THE SYSTEM AT THE EXPENCE OF THE DEAD AND INJURED AND THEIR EMPLOYERS.

IN PRACTICE, WORKPLACE SAFETY AND INJURY COMPENSATION HAS NEVER ACHIEVED THESE EXPECTED STANDARDS. WORK SAFETY WAS VIRTUALLY LEFT TO SELF-REGULATION AND A WHOLE: NEW, AND VERY EXPENSIVE, NON-ACCOUNTABLE INDUSTRY EMERGED UNDER THE BANNER OF OCCUPATIONAL HEALTH AND SAFETY. SELF-PROCLAIMED INSTANT EXPERT "SAFETY PROFESSIONALS," LONG ON THEORY AND SHORT ON *PRACTICAL* INDUSTRY EXPERIENCE, ARE NOW THE NEW GODS OF THE WORKPLACE SAFETY.

THEY ARE NOW RUSHING FROM SEMINAR TO SEMINAR, READ TALK FEST, PREACHING THE LATEST INSURANCE INDUSTRY FOOLISHNESS ---- "RISK MANAGEMENT."

THE MACQUARIE DICTIONARY INFORMS US THAT "RISK" IS THE EXPOSURE TO THE CHANCE OF INJURY OR LOSS.

TEL:

THE KEY WORD IS "CHANCE" LEAVING THINGS TO CHANCE IS TO GAMBLE ON RESULTS. SURELY TO GAMBLE WITH HUMAN LIVES IN THE WORKPLACE IS CRIMINAL. POLITICAL NEGLIGENCE; SOMETHING WHICH IS UNACCEPTABLE IN A CIVILISED AND DEMOCRATIC SOCIETY. THIS "RISK MANAGEMENT" ATTITUDE WAS NEVER INTENDED BY OUR EARLY LEGISLATORS AND SHOULD NOT BE USED NOW.

THERE ARE TWO MAIN TYPES OF INDUSTRY RISKS:

- (1) RISK, WHICH WHEN TAKEN CAN IMPROVE EFFICIENCY AND PROFITABLY AND IS MEASURED IN MONETARY TERMS. AN EXAMPLE BEING, EXPANDING TO INTRODUCE NEW PRODUCTS OR MOVES TO ACQUIRE A COMPETITOR'S BUSINESS. THESE ACTIONS ARE MANAGED TO AVOID OR MINIMISE FINANCIAL LOSS AS A RESULT OF THAT RISK. THIS IS THE SYSTEMATIC RISK INHERENT IN THE OVERALL BUSINESS ENVIRONMENT.
- (2) RISK WHICH CANNOT BE ENTERTAINED ARE THOSE WHICH HAVE A DIRECT BEARING ON THE SAFETY AND WELLBEING OF EMPLOYEES, UNLESS SUCH EXPOSURE TO INJURY IS A PART OF THE WORK TASK SUCH AS WITH SERVICEMEN. FIREMEN OR POLICE ETC.

WITH THE FIRST ITEM, THE AIM OF THE GAME *FOR ALL*, ENTERPRISE IS TO MAXIMISE RETURNS ON INVESTMENT. THIS INVOLVES BALANCING FINANCIAL RISK, EXPECTED RETURNS AND ULTIMATE COSTS. SUCCESSFUL BUSINESS DOES NOT FOCUS ON RETURNS; IT MANAGES THE FINANCIAL RISK.

SO THE AMOUNT OF BUSINESS RISK THEY ARE PREPARED TO TAKE IS CONTROLLABLE PROVIDED THEY MANAGE THEIR BUSINESS AFFAIRS CORRECTLY. IT IS RISK WHICH THEY SHARE WITH THEIR COMPETITORS. SHOULD THINGS GO WRONG THEN THE WORST THAT HAPPENS IS THEY LOSE MONEY AND/OR THE BUSINESS CEASES TO FUNCTION. NOBODY IS KILLED OR INJURED AS A RESULT OF THE RISK TAKEN.

THIS SECOND RISK FACTOR IS NON-NEGOTIABLE. INDEED INJURIES AUSTRALIA CANNOT UNDERSTAND HOW FINANCIAL RISK AND HUMAN SAFETY CAN BE LINKED ONCE THE RISK OF KILLING OR INJURING AN EMPLOYEE WITHIN THE WORKPLACE IS RECOGNISED. IF THERE IS A RISK OF KILLING OR DISABLING EMPLOYEES WHICH HAS BEEN RECOGNISED IN A PARTICULAR WORKPLACE THEN THE SOCIALLY EXPECTED AND ETHICAL ACTION WOULD SEE THAT THE TASK SHOULD CEASE UNTIL THE RISK IS REMOVED. THE STAKES ARE TOO HIGH FOR EMPLOYEES, ESPECIALLY WHEN WE CONSIDER THE SHAMBLES OF THE CURRENT SO-CALLED "WORKERS COMPENSATION" SYSTEMS.

ASK YOURSELF, WOULD A FACTORY MANAGER CONTINUE OPERATIONS IF HE/SHE KNEW THAT BY DOING SO THAT THERE WAS A RISK THAT THE COMPANIES PLANT AND MACHINERY WOULD BE DESTROYED OR SEVERELY DAMAGED AND THE BUSINESS FORCED TO CEASE WORKING? SUCH BEHAVIOUR WOULD BE CONSIDERED MOST IRRESPONSIBLE AND WOULD WARRANT THE MANAGERS DISMISSAL. SO WHY, IN THE NAME OF RESPONSIBLE GOVERNMENT, SHOULD WE LOWER THE DIGNITY OF HUMAN BEINGS AND THEIR WORK BY MEASURING EMPLOYERS FINANCIAL RISK AGAINST THE SAFETY OF HUMANS EMPLOYED TO PRODUCE THE PROFITS?

THE CURRENT POPULAR BUZZ WORDS "RISK MANAGEMENT", AS NOW BEING APPLIED TO HUMAN SAFETY BY NEW SOUTH WALES GOVERNMENT WORKCOVER "EXPERTS", OFFERS AN EXPLANATION AS TO WHY DEATH AND MUTILATION WITHIN THE WORKPLACE IS ACCEPTED BY GOVERNMENT EMPLOYEES AND SOME IRRESPONSIBLE SECTIONS OF INDUSTRY, AND WHY THE CASUALTY FIGURES CONTINUE TO RISE.

THE USE OF THE WORDS "RISK MANAGEMENT" FIRST APPEARED IN 1974 AS AN ACCOUNTANT'S TOOL AND HAS PROVED USEFUL TO THOSE MANAGERS CAPABLE OF HANDLING THE PRECISE AND COMPLICATED PROCEDURES REQUIRED TO GAIN THE BEST RESULTS ON THEIR INVESTMENT. KNOWING ACCOUNTANTS WILL ALWAYS STRESS THAT THE IRON RULE OF RISK MANAGEMENT IS FINANCIAL DIVERSITY. THE MORE YOU CONCENTRATE RISK THE MORE YOU COMPOUND IT! LET US ASK THE NEW SOUTH WALES GOVERNMENT WORKCOVER SAFETY PROFESSIONALS "HOW DO WE DIVERSIFY HUMAN SAFETY RISKS"?

RISK MANAGEMENT WAS NEVER INTENDED TO ALLOW, OR TO MEASURE FINANCIAL RISK AS APPLIED TO HUMAN SAFETY.

FOR THE NEW SOUTH WALES GOVERNMENT WORKCOVER AUTHORITY DIRECTORS AND STAFF TO BE TOUTING FOR THE USE OF "RISK MANAGEMENT" IN HUMAN SAFETY AS SOMETHING NEW AND WORTHWHILE IS DEPLORABLE.

HOWEVER. ALLOW US TO ASK THIS QUESTION. IF "RISK MANAGEMENT HAS BEEN USED IN THE FINANCIAL WORLD FOR NEARLY THIRTY YEARS, AND IS NOW CONSIDERED TO BE THE PANACEA OF ALL THE WORKSAFETY PROBLEMS WHY HAS IT TAKEN SO LONG FOR THE NEW SOUTH WALES GOVERNMENT WORKCOVER EXPERTS TO WAKE UP TO IT AND NOT INTRODUCE IT EARLIER?

DOES IT MEAN THAT ALL THOSE UNFORTUNATES KILLED AND INJURED IN THE WORKPLACE OVER THE PAST THIRTY YEARS HAVE A CASE OF NEGLIGENCE AGAINST THE NEW SOUTH WALES GOVERNMENT FOR NOT INTRODUCING RISK MANAGEMENT MANY YEARS EARLIER?

IT DOES CONFIRM WHAT AUSTRALIA HAS LONG SUSPECTED. THAT IS THAT THE NEW SOUTH WALES GOVERNMENT WORKCOVER AUTHORITY DIRECTORS AND MANAGEMENT HAVE NO CONCEPTION OF THE ENORMITY OF THE DEATH AND INJURY PROBLEMS BEING INFLICTED EACH YEAR ON TENS OF THOUSANDS OF EMPLOYEES AND THEIR FAMILIES AND THE COMMUNITY AS A WHOLE. OTHERWISE, WHY WOULD THEY INSULT EMPLOYEES INTELLIGENCE AND WASTE TAXPAYERS MONEY PREACHING A FINANCIAL ADVANTAGE BY USING INTOLERABLE "RISK MANAGEMENT" PRINCIPALS IN THE IMPLEMENTATION OF WORK SAFETY?

ALLOW US TO PRESENT THIS CASE SCENARIO.

XYZ COMPANY PRODUCES 1,000 WIDGETS/ DAY USING MATERIAL AND 10 EMPLOYEES AT A NET COST OF \$10,000. NET COST/ WIDGET IS \$10.00. SALE. PRICE/WIDGET IS \$20.00.

NET PROFIT/DAY IS \$10,000. FACTOR IN "RISK MANAGEMENT" FOR INJURED EMPLOYEES AT 10% CASUALTY RATE =ONE EMPLOYEE ALWAYS ON COMPO. AT ANY ONE TIME AT A COST OF 5200/DAY.

NET PROFIT REDUCED TO \$9,800/DAY. ESTIMATED COST TO REMOVE CAUSE OF INJURY=\$400/DAY. "RISK MANAGEMENT" DICTATES MAINTAIN MAXIMUM PROFIT BY IGNORING THE CAUSE OF THE INJURIES.

DON'T SCOFF. THIS IS HOW SOME EMPLOYERS DO OPERATE, AND ALTHOUGH EVIDENCE TO THE SAME HAS BEEN PASSED ON TO THE NEW SOUTH WALES GOVERNMENT WORKCOVER BY INJURIES AUSTRALIA, THEY (WORKCOVER DIRECTORS, MANAGERS AND EMPLOYEES) CHOSE TO IGNORE THE PROBLEM. "RISK MANAGEMENT" IS ONLY ABOUT I' HE RISK TO PROFIT!!!! TO ADD TO THE DILEMMA, THE NEW SOUTH WALES GOVERNMENT WORKCOVER EMPLOYEES DO NOT POLICE SAFETY LEGISLATION AS REQUIRED BY THE LEGISLATION AND AS PROMISED TO ELECTORS.

AS WELL THE INJURY COMPENSATION SYSTEM WAS HIJACKED BY THE NEW SOUTH WALES GOVERNMENT AND THE INSURANCE INDUSTRY. THIS HAS HAD A SEVERE AND LASTING DETRIMENTAL EFFECT ON BOTH EMPLOYERS AND EMPLOYEES AND MOST DEFINITELY ACCOUNTS FOR THE EVER ESCALATING COSTS AND EVER DEMINISHING SERVICES TO INJURED EMPLOYEES.

THE POLITICIANS IN THE PAST, IN DESIGNING THE LEGISLATION INTENDED THE USE OF A MIXTURE OF PUBLIC AND PRIVATE ENTERPRISE RESPONSIBILITY. THE PUBLIC,

NEW SOUTH WALES GO..... WORKCOVER, EFFORT HAS CONTINUALLY FAILED TO RECOGNISE ITS RESPONSIBILITY TO SAFETY AND AFTER INJURY RETURN TO WORK AS CLEARLY OUT LINED IN THE LEGISLATION. IN ORDER TO DO CORRECTLY THE WORK FOR WHICH THEY ARE GENEROUSLY PAID, THE NEW SOUTH WALES GOVERNMENT WORKCOVER HAS TO BECOME CLOSER TO EMPLOYERS AND INJURED EMPLOYEES AND THEIR FAMILIES. IT MUST LEARN TO BE MORE CREATIVE AND ADAPTABLE TO THE REAL METHODS OF HUMAN SAFETY AND THE NEEDS OF THE INJURED IF THE POLITICAL INTENTION OF THE LEGISLATION IS TO BE REALISED. MORAL ISSUES REMAIN WITH AN INDIVIDUAL'S CONSCIENCE. BUT SURELY IT IS STRETCHING THE BOUNDS OF EXPECTATIONS WHEN ORGANISATIONS AND PEOPLE WHO MAKE A COMFORTABLE LIVING FROM THE PAIN AND MISERY OF INJURED EMPLOYEES AND THEIR FAMILIES WITHOUT HAVING TO DELIVER SATISFACTORY RESULTS, ARE ALSO THE ONLY DECISION-MAKERS AS TO WHAT THOSE RESULTS WILL BE WHERE WORK SAFETY ISSUES ARE CONCERNED, INSURERS ARE NOTORIOUS FOR NOT BEING CONCERNED. THEY ARE NOT INTERESTED IN MAKING A CONTRIBUTION TO SAFETY. DEATH AND INJURY ARE THEIR BREAD AND BUTTER. YET THEY CLAIM THAT THEY ARE A MAJOR STAKEHOLDER IN THE SAFETY/COMPENSATION SYSTEM. WHEN LOOKING AT RESULTS, PERHAPS IT COULD BE SAID THAT MANY OF THE INDIVIDUALS AND ORGANISATIONS COLLECTING CONSIDERABLE PAYMENTS FROM THE MULTI BILLION DOLLAR INJURED WORKER INDUSTRY ARE MORALLY BANKRUPT?

THE ECONOMICS OF THE CURRENT SYSTEM CONTINUE TO FAVOUR THE CONTROLLING ELITE, WHO CREATE A LIVING FOR THEMSELVES FROM WORKPLACE DEATH AND INJURY WITHOUT THE WORRY OF ACCOUNTABILITY. THIS HAS REMOVED THE LEGISLATIVE POLITICAL INTENT OF SOCIAL PURPOSE FROM THE SYSTEM. FOR CHANGE TO OCCUR IT WILL REQUIRE ADAPTION OF OPPOSITE THINKING AND CAN ONLY COME ABOUT IF GOVERNMENT INSTRUCTS OUR PUBLIC SERVANTS TO ADMIT THEIR MISTAKES. WITHOUT ANY PLACE FOR EMBARRASSMENT ABOUT THEIR CHANGING POSITIONS. BY DOING SO THE PUBLIC SERVICE WILL DEMONSTRATE A SIGN OF AUTHENTIC JUDGEMENT.

ALLOW US TO DEAL FIRSTLY WITH INJURY INDEMNITY.

BECAUSE THE PUBLIC SERVICE IS AWFULLY GOOD AT SETTING UP INITIATIVES BUT AWFULLY BAD AT ENSURING THAT THEY ARE CARRIED OUT, THE CHANGES NEEDED, AND THE OUTCOMES EXPECTED HAVE TO BE LED BY INDUSTRY. THAT IS, THOSE WHO ARE REQUIRED TO PAY FOR THIS SOCIAL MESS. INDUSTRY LEADERS ARE AWARE OF THE PROBLEMS TO THEIR EMPLOYEES AND RECOGNISE THAT THEIR PRODUCTIVITY WILL BENEFIT BY THE RESULTS OF THE CHANGE TO A SAFER AND HUMANE SYSTEM. OTHERWISE NOTHING WILL CHANGE.

THERE HAS LONG BEEN AN UNCOMFORTABLE FEELING IN INDUSTRY THAT A GOVERNMENT INITIATED COMPULSARY INDEMNITY SCHEMES SHOULD NOT BE IN THE HANDS OF THE PRIVATE OWNED GENERAL INSURANCE. INDUSTRY AND THE NEW SOUTH WALES GOVERNMENT WORKCOVER.

INURIES AUSTRALIA BELIEVES THAT IT IS OBSCENE TO ALLOW INSURERS TO PROFIT FROM THE DEATH AND INJURY OF EMPLOYEES WHO ARE NOT THEIR CUSTOMERS. PEOPLE WHO HAVE NOT PURCHASED A POLICY FROM THEM, AND THEREFORE DO NOT HAVE ANY RIGHTS AS A CONSUMER. THIS TOTAL LACK OF CONSUMER ENTITLEMENTS IS UNDOUBTABLY A REASON AS TO THE CAUSE OF THE CURRENT POOR DELIVERY OF SERVICE TO INJURED EMPLOYEES AND THEIR FAMILIES, AND THE EVER RISING EXPENSES OF THE EMPLOYERS.

RESEARCH CONDUCTED BY INJURIES AUSTRALIA REVEALED THAT IN OTHER JURISDICTIONS, THE POLITICAL BACKLASH WHICH OCCURRED FROM THE CONSTANT FAILURE OF THE PRIVATE INSURANCE INDUSTRY '1 'O DELIVER AN ADEQUATE, AFFORDABLE AND JUST COMPENSATION SERVICE BECAME THE REASON TO REMOVE PRIVATE INSURERS FROM THE SYSTEM. WHAT THEY DID WAS TO INTRODUCE A STATE RUN CO-OPERATIVE SYSTEM OF INDEMNITY FOR WORKPLACE DEATHS AND INJURY, AND GUARANTEE RETURN TO WORK.

THE MANAGEMENT OF THESE SCHEMES INVOLVES INPUT FROM THE ONLY THREE GENUINE STAKEHOLDERS ---- THE STATE GOVERNMENT, EMPLOYERS AND EMPLOYEES. ACCOUNTABILITY IS CLEARCUT, COSTS ARE CONSTANTLY MONITORED AND CAN BE CONTAINED AND ADJUSTED. THE RESULTS ARE ACHIEVED *BY ALL* OF THE STAKEHOLDERS ACTING IN AN HONEST AND RESPONSIBLE MANNER TO PREVENT WORKPLACE INJURIES AND TO ACHIEVE A SWIFT RETURN TO WORK FOR THE INJURED EMPLOYEE.

A SEPARATE PAPER HAS BEEN PREPARED TO FULLY EXPLAIN THE FINER POINTS OF HOW SUCH A SCHEME WOULD BE CONDUCTED IN AUSTRALIA AND IS AVAILABLE ON REQUEST.

A LIKE INDEMNITY SCHEME DOES OPERATE IN AUSTRALIA. THIS IS THE COAL MINeworkERS INSURANCE WHICH DOES NOT USE PRIVATE INSURERS OR NEW SOUTH WAIFS GOVERNMENT [WORKCOVER. IT](#) IS CONDUCTED BY REPRESENTATIVES OF THE MINE OWNERS AND THE MINeworkERS. THEY CURRENTLY INSURES UNDERGROUND MINeworkERS FOR LESS THAN THE NEW SOUTH WALES GOVERNMENT WORKCOVER CHARGE TO COVER STAFF IN A NURSING HOME!

IN MAKING COMMENT AS TO THE PAST PERFORMANCE OF THE COLLECTIVE WORKCOVERS, INJURIES AUSTRALIA IS AWARE THAT THE WORKCOVER PEOPLE DO NOT CARE WHAT WE THINK ABOUT THEM, AS LONG AS WE DO NOT ATTEMPT TO DO SOMETHING ABOUT IT.

LET US MAKE IT QUITE CLEAR, INJURIES AUSTRALIA IS WELL AWARE THAT THE REGULATING OF WORKSAFETY IS A DAMNED FRAUGHT BUSINESS; A MINORITY OF EMPLOYEES WILL CONTINUE TO TAKE RISKS. SOME EMPLOYERS WILL NOT FACE UP TO THE RESPONSIBILITIES WHICH COME WITH THEIR POSITION. AND GOVERNMENT AGENCIES WILL FAIL THEIR DUTIES BECAUSE THEY ARE HOPELESSLY AND HYPOCRITICALLY ADDICTED TO POWER AND CONTROL WITHOUT ACCOUNTABILITY. OVER THE PAST' TEN YEARS VARIOUS GOVERNMENT'S PROMOTED WORK SAFETY CRUSADES WITH THE BEST OF INTENTIONS. THEY ENJOYED SOME SUCCESS BUT ALWAYS BECAME "AUTOMATIC" AND LUST DIRECTION FOR THREE REASONS. THEY LACKED VISION. THE PEOPLE CHARGED WITH THEIR EXECUTION BELIEVED THAT THEY KNEW ALL OF THE ANSWERS WHEN OF COURSE THE DID NOT. AND AS USUAL, THEY WERE IN A POSITION TO JUDGE THEIR OWN RESULTS. THEY WERE NOT SUBJECTED TO OUTSIDE SCRUTINY OF' THEIR PERFORMANCE. THEY NEVER EVER BOTHERED TO ASK INJURED EMPLOYEES FOR AN OPINION.

SAFETY IS A COMPLEX EQUATION, AND AS INJURIES AUSTRALIA HAS ALWAYS MAINTAINED, THE FAILURE TO RECOGNISE THIS COMPLEXITY AND TO SEEK INPUT FROM INJURED WORKERS AND ASSISTANCE FROM WHEREVER IT EXISTS IS THE REASON WHY SAFETY STRATEGIES HAVE FAILED.

INJURIES AUSTRALIA BELIEVES THAT THE ONCE USEFUL APPLICATION OF OCCUPATIONAL HEALTH AND SAFETY HAS NOW RUN ITS COURSE. LIKE SO MANY

OTHER THINGS IN HUMAN SERVICES IT HAS BEEN HIJACKED BY INSTANT EXPERTS. PEOPLE WHO TOTALLY LACK THE NECESSARY DEDICATION, WORK PLACE EXPERIENCE AND ON THE JOB TRAINING TO SUPPLY INDUSTRY AND ITS EMPLOYEES WITH THE LEGISLATED REQUIRED STANDARD OF SAFETY RESULTS. AND THEY ARE ABLE TO GET AWAY WITH THIS POOR PERFORMANCE SIMPLY BECAUSE UNLIKE YOU AND I, THEY ARE NOT PAID ON RESULTS.

THE FINAL BLOW TO THE CREDIBILITY OF OCCUPATIONAL HEALTH AND SAFETY WAS DELIVERED WHEN UNIVERSITIES BEGAN CONDUCTING O.H&S BY "DISTANCE LEARNING." ASK YOURSELF WOULD YOU TRUST YOUR CHILD'S EDUCATION TO A "TEACHER" WHO HAS ONLY HAD TRAINING BY CORRESPONDENCE? OR WOULD YOU ALLOW A PERSON WITH ONLY THEORY INSTRUCTION TO ACT AS YOUR FAMILY *DOCTOR? WE DOUBT IT.* HOWEVER, IN BOTH CASES THE PERSON HAS TO HAVE COMPLETED YEARS OF ON THE JOB TRAINING, AND CONTINUE TO UPDATE THEIR SKILLS TO BE EMPLOYED IN THESE POSITIONS.

SO WHY DO WE CONTINUE TO HAVE TO PUT UP WITH MEDIOCRITY IN THE AREA OF WORKPLACE HUMAN SAFETY? IS IT BECAUSE THE MAJORITY OF "EXPERTS" EMPLOYED BY WORK OVER, ESPECIALLY IN THE MANAGEMENT POSITIONS ARE NOT EVEN TRAINED TO CORRESPONDENCE THEORY LEVEL OF SAFETY AND TOTALLY LACK INDUSTRY WORK PLACE EXPERIENCE? A STUDY OF THE JOB DESCRIPTIONS WHICH ACCOMPANY NEW SOUTH WALES WORKCOVER AUTHORITY O.H&S POSITIONS ADVERTISED REVEAL THAT EXPERIENCE IS "DESIRABLE" NOT ESSENTIAL YET THESE ARE THE PEOPLE WHO "INSPECT" INDUSTRIES WORKPLACES AND ARE AUTHORISED 'TO ISSUE A SUMMONS FOR ALLEDGED BREACHES OF THE LEGISLATION. THEY ARE ALLOWED BY THE GOVERNMENT TO SET POLICY BASED ON THEIR VERY LIMITED

AND KNOWLEDGE. THEY LIKE TO REFER TO THEMSELVES AS "SAFETY PROFESSIONALS".

IF INDUSTRY, WHICH IS REQUIRED TO PAY ALL OF "THE UP FRONT COSTS, WERE TO CHALLENGE THEIR CREDENTIALS AND SUITABILITY FOR THE POSITION, AND DEMANDS THEIR REPLACEMENT BY THE CORRECT PEOPLE, THEN PERHAPS WE WILL SEE CORRECT SAFETY RECOGNISED FOR WHAT U' IS AND INTRODUCED ACROSS THE WHOLE WORK SPECTRUM ----- TO EVERYONE'S ADVANTAGE, BOTH SOCIALLY AND *FINANCIALLY.*

Director,
General Purpose Standing Committees,
Legislative Council,
Parliament House
Macquarie St.
Sydney, N.S.W 2000.

Dear Sir/Madam,

Please find attached a submission to the General Purpose Standing Committee No. 1. Chairman, the Reverend the Honourable Fred Nile MLC ----REVIEW AND MONITORING OF THE N.S.W WORKERS COMPENSATION SCHEME on behalf of the members of INJURIES AUSTRALIA.

Our contribution to this review will be based on the research and inquiries carried out in all states of Australia and overseas by Directors of our board, and which dates back to the inception of N.S.W Government Workcover in 1987. This information is reinforced by the matchless experiences of our national and state membership. Additionally, affiliated injured worker organisations in several countries are constantly supplying us with the latest safety trends, legislative changes and alternate more efficient methods of conducting work injury indemnity. All of our efforts, in the past, to convey this information to the N.S.W Government Workcover were rejected.

These studies are extensive and are available to the Review Committee, and our members are willing to make themselves available to the committee, should they be required to discuss at length, any of the subject matters in this submission, or any information which the Committee may seek.

We wish the Review Committee all the best in its work with this most important matter and we look forward to being of further assistance to Committee members.

Yours Sincerely

G. Cooper

Director.

10/10/2001.

Injuries Australia Limited

ACN 076824569

PO Box 2091

Gateshead Delivery Centre

NSW 2290

This Review Only. Ph.- Fax 02 49811902. Syd,

Ph 02 92622188. Fax. 02 92994488

Mai1@injuriesaustralia.com.au

www.injuriesaustralia.com.au

(a) TO MONITOR THE FINANCIAL POSITION OF THE WORKERS COMPENSATION SCHEME UNDER THE WORKERS COMPENSATION ACT 1987 AND THE WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION ACT 1998. INJURIES AUSTRALIA must first remind Committee Members that the New South Wales Government Workcover Authority is big business ----- a multi billion dollar BIG BIG business and is a key player in the powerful and elite Injured Worker Industry. If it (Workcover) were a private business, it would be among the top companies listed on the stock exchange.

This in itself is not a BAD thing. But it should not be forgotten that NSW Government Workcover was established solely as a human work safety and services provider, NOT as a financial institution. It becomes a BAD thing when the collection, investment, hoarding and manipulation of the Billions of dollars of compulsory insurance premiums collected each year, become the all consuming activity of this N.S.W Government insurer at the expense of workplace safety and the alter injury interests of workers and their employers. Money is just another tool to be used to get the job done. Money management is NOT the prime task which needs to be carried out, but this money madness is undoubtedly the reason why N.S.W Government Workcover is the largest single cause of unemployment in Australia. It is simply incapable of carrying out its legislated duties, much to the sorrow of injured workers who are dumped in their thousands onto the dole--- destitute, unemployed and unemployable.

THE MONEY TRAIL

Regrettably, money and its manipulation has always taken precedence with the Workcover Board and its managers. A perusal of any past Workcover Annual Report discloses countless pages of columns of Figures, most of which are meaningless in the context of the only true task of Workcover. The Annual Report is first presented to the Parliament, sometimes on the very last sitting day of the year, and this all consuming passion with finances occupies never less than 75% of each annual report. The work safety and after injury needs of the employers and employees are omitted or simply glossed over. Important statistics which disclose the work death and injury rate, the numbers of the injured who are not returned to work as the legislation requires of NSW Government Workcover are not included, as is the number of injured and their families dumped onto social security each year. To add to the confusion, each year the figures are presented in a different format making it difficult for anyone not a trained accountant to read and compare results with the previous years.

NON- ACCOUNTABILITY

Monitoring the ongoing true financial position of N.S.W Government Workcover is almost an impossible task. The current method of Reporting to the Parliament has no relationship between the jumble of figures printed in the Annual Report and the legislated required results in safety, medical and vocational rehabilitation and compensation which are often omitted. However, examination of what figures as supplied, indicate that the overall costs of running the scheme are excessive for what is a NO FAULT system. The generosity of the Workcover Board and its managers is boundless when it comes to looking after the legion of camp followers feasting financially on the misery of the work killed and injured. They enjoy privileged fees, without being required to deliver results which assist the physical, mental and financial position of the unwillingly work injured. This includes payments to licenced commercial insurers who are employed simply as the agents of NSW Governments Workcover, lawyers representing NSW Government Workcover defending the indefensible, the "service providers," the project managers and the 850 staff of NSW Workcover, none of whom are held accountable for or paid on results. It is not widely understood that there is not one cent of commercial insurers money at risk in this scheme. NSW Government Workcover is the actual insurer who is required by legislation to police and ensure work safety and service the work injured and their employers. They have chosen to hide behind the skirts of the commercial insurers and pay them generously for doing their dirty work. This ensures that the neglected work injured and their employers blame the commercial insurers for what is the deliberate secret policy and neglect of duty of the Board members and the managers of NSW Government Workcover.

EXORBITANT LEGAL COSTS.

Much has been made by Premier Carr and Minister Della Bosca, of their claim that lawyers were taking far too much money out of the scheme. Monitor the NSW Government Workcover money paid out in legal fees and we find that if the Board and the managers of NSW Government Workcover were doing their job correctly, ensuring the prevention of work caused death and injury and swiftly returning injured employees to their workplace, as is required of them by the legislation, their would be little need for the employment of lawyers. It should be noted that injured workers mostly only use a lawyer and the courts when they are abandoned by NSW Government Workcover and dumped onto the dole. The fees paid to plaintiff lawyers are regulated and set by NSW Government Workcover and are only paid if the injured worker wins his/her case. No win/No pay!

Page 2

However with defense lawyers employed by NSW Government Workcover, there are no such regulated fees -----they can and do charge their fees at a much higher rate and are paid in full regardless as to who wins. Win or lose, NSW Government. Workcover pays in full.

A good example is the recent passive smoking case which Workcover lost and collected a legal bill of \$1 Million. And none of this is disclosed in the Annual Report tabled in the Parliament.

It is a deliberate red herring to blame the legal system for a perceived blow out in costs when the current financial situation exists through the deliberate policy of not assisting injured workers. All of which contravenes the spirit, the political intent and legal requirements of the legislation. The finger of shame points at the Workcover Board and their managers. And the proof is there for all to see when we study the results being achieved by the self insurers. As far back as 1993, it was disclosed to the Commonwealth Government's Industry Commission Inquiry Into Workers Compensation, that self insurers were able to cover work injury costs for only 40% of the insurance premiums charged by NSW Government Workcover, and that their injured worker return to work ratio was 97% compared to NSW Government Workcover's poor result of 59%. Very few of the work injured employed by self insurers took their injury claims to the courts. There was little need to engage a solicitor, as their injury medical and social needs had been met by their employer, as required by the legislation and they were happily back at work. Not injured, unemployed and unemployable and on the dole as were so many tens of thousands of unfortunate injured workers being managed by the NSW Government Workcover "case managers". This raises the question as to why the NSW Government Workcover Board and their managers failed to investigate the obviously superior management practices of, the self insurers with the aim of introducing similar cost efficiencies into the overall *scheme*?

THE ELUSIVE DEFICIT

During the introduction into the Parliament of the unneeded changes to the legislation, much was made by Premier Carr and Minister Della Bosca of a financial deficit based on figures produced by NSW Government Workcover's own paid actuaries. Our Collins English dictionary explains the meaning of the word "actuary----statistician who calculates insurance risk, premiums etc.." Our dictionary also teaches us that, "deficit---amount by which sum of money is too small."

In a *speech* to the Parliament, Premier Carr stated that the scheme had a deficit of \$2.18 billion and that this deficit is shown in the last NSW Workcover Annual Report on page 79. INJURIES AUSTRALIA has obtained a copy of the NSW Workcover Annual Report for every year of its existence and cannot find the word deficit among *the* jumble of figures in any Report. Perhaps the Premier has been misinformed

This statement of this claimed "deficits" became most intriguing when we were informed by a member of the NSW Government Workcover Ministerial appointed Advisory Council that they had challenged the so-called deficit. Not being prepared to accept the Minister's word, and using the authority given to them by the Minister, they commissioned their own actuarial study of the financial state of the NSW Government's Workcover Authority. The outcome was the opposite to the so-called deficit claimed by Premier Carr.

A SURPLUS of hundreds of millions of dollars was exposed, not a deficit!!!

We have been informed that the reaction of Premier Carr and Minister Della Bosca was to sack the Advisory Council. A new and enlarged Advisory Council was appointed, but with reduced responsibility. 'To the members of Injuries Australia it became another example of N.S.W Government Workcover practicing its normal bully boy tactics. If you don't like the message---shoot the messenger! Comments on this behaviour, as printed in the plaintiff lawyers magazine, is attached for the benefit of the Committee. ATTACHMENT (A). Certainly solvency is necessary for any enterprise to be able to carry out its primary functions, which is in this case, is the correct enactment of the work safety and the after injury care Legislation of injured workers. The obsession with money at the expense of death and injury prevention and returning work injured people to work may be construed as an admittance by N.S.W Government Workcover that they do not understand what is needed nor have the ability to carry out their legal obligations as clearly outlined in the legislation. ESCALATING EMPLOYER COSTS.

Committee members may not be aware that employers are required to immediately pay further hefty payments following a claim, all on top of the already substantial annual premiums paid in advance. This is conveniently known as the "experience" payments. These fees are substantial and are crippling, especially to non profit charitable organisations. The total amount levied can be equal to 70% of the medical /social costs paid by the insurer. At the same time a no-claim bonus is not offered should claims not be made. It is a very one sided arrangement which is bitterly resented by industry.

As an example we offer the experience of a church non-profit aged care facility which call on Injuries Australia for assistance following the unfortunate experience of several claims for back injuries. They have been levied tens of thousands Of dollars, which, though spread over several years has made this care facilities viability very marginal. As their resident fee structure is set by the Commonwealth they are unable, like other industries, to increase their fees to cover increased charges by N.S.W Government Workcover. There is a possibility that they will be forced to close and the old people will have to find alternative care. In monitoring the financial position of N.S.W Government Workcover, we are unable to locate any indication as to the exact amount collected due to "experience" charges, who has to pay them, how long they are to be paid and just what practical action, if anything, was taken by the managers of N.S.W Government Workcover to guide and assist those forced to pay this crushing instant levy. Injuries Australia believes this impost should be thoroughly investigated as it is only used in this Workcover compulsory "insurance".

SECRET MONEY U F A L S

Another example of how the Annual Report presented to the Parliament is not accurate is the omission of information on a secret deal in 1998 between N.S.W Government Workcover and its Commercial insurers acting as their agent. Because the Board, and the legion of extremely well paid managers of N.S.W Government Workcover had continually failed in their legislated duties of preventing injuries and returning injured workers to their workplace as swiftly as possible, the number of court contested claims made by injured and dumped workers grew alarmingly, as did the legal costs. We must not forget that the majority of these injured were forced by this mismanagement to use the court system to obtain what the legislation states they should have automatically received from N.S.W Government Workcover.

Having failed in their duties, the Board and managers of N.S.W Government Workcover concocted, in secret, a deal with the commercial insurers (their agents) to pay them a commission to close cases as quickly as possible and as cheaply as possible so that the backlog of court cases can be reduced along with the ever escalating costs. The agreed commission to be paid to the insurance agents was 8%, of all moneys SAVED. Without any input from the Parliament, this grossly one sided and unfair "money saving" system was introduced. If the information forced out of the Minister by a Green's Upper House Member is to be believed we learn for the first time the full extent of the Commercial insurers financial windfall obtained secretly at the expense Of the neglected work injured.

Page 5

In the first year, extra commissions of \$64million was paid to the Commercial insurers to carry out the hatchet job on the injured workers for the N.S.W Government Workcover. The amount SAVED was stated as a whopping \$840 million.

Certainly this cut price method would reduce legal expenses, but it surely denied the injured much needed medical services, the cost of which would now have to be carried by the public health system instead of being paid for by Workcover. But the vast majority of the SAVINGS would have been directly out of the pockets of the unemployed and unemployable work injured. And all these secret arrangements and the financial SAVINGS are not shown in the annual report presented to the Parliament.

What really exposes the guilt of the Board and the managers of N.S.W Government Workcover is that they were well aware that part of the loot collected by the Commercial insurers for their participation in this confidence trick was paid on to their "case managers" to push injured people off the system. The case manager system is supposed to be the best way to get the work injured back to good health and employment, and is a requirement of the legislation.

Finally, whilst this secret deal was being carried out, the Secretary of the N.S.W Labor Council was a paid Director of the N.S.W Government Workcover, supposedly to look after the interests of injured trade unionists. Make your own decision on the morality of such behaviour.

(B) TO MONITOR AND REVIEW THE IMPLEMENTATIONS AND OPERATION OF TILE WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2001 (NO 2) AS FINALLY PASSED BY THE PARLIAMENT.

Unless there are immediate and drastic changes as to how the N.S.W Government Workcover conducts its affairs than this will be MISSION IMPOSSIBLE.

INJURIES AUSTRALIA makes no secret as to its disappointment in how unfavorably the pathetic performance of N.S.W Government Workcover when compared to those in other states. We make this statement based on figures gathered from the A.B.S and the National Medical Research Foundation AND the actual experiences of our members interstate and which we would be pleased to explain to Committee Members at a later date.

There would have to be a total reversal of the secrecy and fortress mentality which has always been practiced by this failed bureaucracy, the replacement of senior management who have failed miserably to carry out their legislated duties and their replacement with safety/rehabilitation qualified staff with a proven record in industry. Performance monitoring by the users of the scheme would go a long way to ensure that the requirements of the legislation are fully, speedily and correctly carried out. Currently, there is no outside audit carried out on the Board and managers of N.S.W Government Workcover which checks out whether all of the requirements of the legislation have been carried out correctly and in full. They answer only to themselves and performance statistics are compiled by themselves and are not complete. Incomplete figures are statistically useless and present a false result.

One area where important figures are incorrect are those which record the exact number of injuries occurring within the work place. In other better managed jurisdictions such as Queensland and Victoria, injured employees are required to complete a Workcover claim form when injured. Thus ensuring that the responsible body has a early record of the injury which allows them to monitor the performance of the employer and the Commercial insurance agent where medical and return to work legislated procedures are carried out correctly. This restricts the need for legal intervention. At the same time the employer has to complete a Separate form regarding the injury and forward it to Workcover immediately. In N.S.W the injured person is required to obtain a Commercial insurers claim form from his/her employer who is responsible for forwarding it to Workcover. Our experience is that in tens of thousands of cases the claim is not forwarded or is delayed for months. Thus any total injury figures produced by N.S.W Workcover are false.

What will need to also be closely monitored is just how claims are processed, who will do the processing and how long it takes to supply the injured worker with an answer as to whether or not their claim has been accepted or rejected. What must also be confirmed is that while the claim processing is being dragged out, just who will be liable to pay the medical bills? If past Workcover practices are allowed to continue, it will be carried by the Public

Health System and or the injured employee.

One thing is certain, the method of after injury service delivery has now been changed to ensure that only minimum costs will be borne by N.S.W Government Workcover. We state this based on our experiences with the altered Compulsory Third Party system, the architects of which are the exact same people who forced these unneeded changes on a long suffering electorate.

INJURIES AUSTRALIA has been informed by members of the A.M.A that the number of motor vehicle injured people attending doctors surgeries has dropped dramatically. Because they are forced to pay medical bills they are using the casualty ward at the Public Hospitals. First year figures from the changed Motor Accident Authority system show that only 1% of the \$1.2 billion collected through green slips was spent on medical costs. The other 99% or \$1.188 billion is in the bottomless pit of insurance company profits.

As this inadequate system, from which N.S.W Workcover changes were modeled, also uses the draconian and totally inaccurate American Medical Association 4^k schedule "guide to impairment," it is expected that the Public Hospital system will be further loaded with injured people who once had their medical costs covered by work place insurance.

Now we will have to wait and see how much of the medical expenses will be forced onto the taxpayer, and how much will the cash reserves held by N.S.W Government Workcover increase from their present M.8 billion.

(C) TO INVESTIGATE AND REPORT ON THE EFFICIENCY OF THE OPERATION OF THE WORKERS COMPENSATION SCHEME AND THE ADMINISTRATION OF THE WORKCOVER AUTHORITY.

INJURIES AUSTRALIA welcomes the inclusion of this subject and offers the following points.

The efficiency of a injury prevention and medical and vocational rehabilitation scheme can only be measured by the reduction of death and injury in the workplace, by increase in the ratio of injured workers who are swiftly returned to gainful employment as required by the legislation and the reduction of the insurance costs to industry. We doubt if all of the important statistical information concerning work caused death and injury, numbers returned to work and numbers dumped onto the dole would have been kept by N.S.W Government Workcover considering their obsession with collecting finance figures. Regrettably, the work injury figures retained by N.S.W Government Workcover are not accurate as we have expressed in the previous chapter.

On the matter of administration efficiency, we can see no relief whilst the same "head in the sand" people are employed by N.S.W Government Workcover. As well, a open, approachable and honest attitude which only concerns itself with the needs of employers and employees is an absolute must for the administration of the safety and return to work scheme if it is to reach its legislated goals. Until the very philosophy of the organisation is changed it will remain inefficient. The most frustrating point for INJURIES AUSTRALIA is that if the Board and the managers of N.S.W Government Workcover were to just do the job for which they are paid then most problems would not exist. *It is as simple as that.*

COMMON LAW DENIED

The claim by Premier Carr that the traditional use of Common Law was a major cause of the non-existent deficit is untrue. INJURIES AUSTRALIA believes that this discrimination against injured workers is really about covering up the past bad management of N.S.W Government Workcover. With the award made in the recent passive smoking case, all this government wants to do is cover its backside against more such claims and is prepared to sacrifice all of the other disabled work injured employees. Think of this. illegal immigrants, *allegedly* bashed in a detention camp in Sydney are using common law to sue the Federal Government for mistreatment. Legal migrants, Aboriginal people and other native born Australians, injured at their place of work, are denied this right to access common law for employer negligence by the Bob Carr N.S.W Labor Government.

(D) TO MONITOR TIF: IMPACT ON PREMIUMS OF THE BILL.

INJURIES AUSTRALIA has noted that despite all the flowery speeches by Premier Carr and Minister Della Bosca no mention was made of a promise to lower premiums flowing from the "greater efficiency" of the unwanted changes.

The current premium scale is a joke and is wide open to rotting. As an example the Committee should study the behaviour of N.S.W Government Workcover itself. It pays a premium at the lowest scale which is "FINANCIAL INSTITUTIONS".

Where, as we have pointed out it does waste a lot of its time shuffling financial figures, its primary task is work safety and after injury care. One can say that the 250 safety inspectors employed along with the staff at the testing laboratory are not working in a financial institution. Front day one. the Board and the managers of N.S.W Government Workeover have been rotting their own system. What a fine example!!!! This rotting was pointed out to their by their own actuarial staff, in writing, back in 1994 but they chose to ignore the matter.

It is easy to see that the quality of the administration and management leaves a lot to be desired when they deliberately set out to cheat their own system. We have been informed that the SAVINGS from this rip off, over the years, amounts to several millions of dollars. Monitoring the impact of premiums can only be of use if the current shambles is discarded and better methods as in use in other jurisdictions is urgently introduced.

CONCLUSION

INJURIES AUSTRALIA welcomes this Parliamentary Review. It is quite timely in view of the methods used by the. advocates of the new legislation to avoid any inquiry into the workings of N.S.W Government Workcover and the way changes were dragged through the Parliament. Workcover is all about people not money, yet the truth of the real situation affecting people was gaged. All we were subjected to were perceived money problems.

Not once, in his speech to Parliament did Premier Carr mention the plight of the work injured and their families. All he was interested in was money and rorting. As we have shown, N.S.W Government Workcover is the greatest rorter. The greatest annoyance we have suffered with N.S.W Government Workcover is its unaccountability which has bred a culture of arrogance, wastefulness and dishonesty, masked by the public face of integrity.

We know, because some of us have spent 13 years trying to be heard, to obtain the legislated services to which injured employees are entitled. We have tried to contribute information as to the adverse effect on injured employees and their families which these denial of Workcover services has caused----and nobody would listen.

To **INJURIES AUSTRALIA** the real problems with N,S,W Government Workcover are moral. The solutions needed demand honest input and effort by all contributors to concentrate on the prevention of work caused death and injury and swift return of the injured to their work.

INJURIES AUSTRALIA suggests that ALL contributors to this review should prove their sincerity by stating what they were prepared to contribute, rather than only suggesting what others should do.

INJURIES AUSTRALIA has always offered to work with other involved groups, all of whom extract huge amounts of money from the system, but we have always been rudely rebuffed and ignored. However, we once again state that the members of **INJURIES AUSTRALIA** are prepared to work with others provided it is in the best interest of employees and employers and provided we are treated as an equal and it is aimed at producing a better system. It is our sincere hope that such an arrangement will be one of the outcomes of this so necessary and timely review.

TO THE PRODUCTIVITY COMMISSION ENQUIRY

NOT UNEXPECTEDLY, THE FINAL REPORT FOR THIS SO-CALLED INQUIRY, PUBLISHED IN OCTOBER 2002, DID NOT MENTION INJURIES AUSTRALIAS COMMENTS. THE WHOLE PATHETIC CHARADE WAS TYPICAL CARR GOVERNMENT--TO RE SEEN TO BE DOING [SOMETHING. AS](#) WE STATED IN OUR SUBMISSION, THERE IS NEVER ALLOWED TO BE AN OVERSIGHT OR REVIEW OF THE NSW GOVERNMENT WORKCOVER BY NON-GOVERNMENT OUTSIDE PEOPLE. PEOPLE WHO DO NOT HAVE A FINANCIAL INTEREST IN THE RUNNING OF THE WHOLE SORRY MESS.

IT WILL SNOW IN HELL BEFORE THAT WILL HAPPEN.

THE REALLY SAD PART IS THAT THE MISERABLE LOT OF THE UNWILLINGLY WORK INJURED HAS NOW DETERIORATED TO SUCH A POINT THAT THE PUBLIC HOSPITAL SYSTEM IS THE PREFERRED MEDICAL TREATMENT AND THE TRADE UNIONS ENCOURAGE THEIR MEMBERS TO PAY FOR PRIVATE INCOME MAINTENANCE INSURANCE AND NOT CLAIM WORKERS COMPENSATION WHEN THEY ARE INJURED AT WORK. THUS WORKCOVER REDUCES ITS CASUALTY FIGURES AND FALSELY CLAIMS OH&S IS WORKING AND SHIFTS ITS COSTS ON TO THE INJURED WORKER--- AS ALWAYS.

THIS IS SURELY A STRONG CASE FOR THE ESTABLISHMENT OF A NATIONAL STANDARD OF WORK SAFELY AND AFTER INJURY CARE WHICH IS FULLY ACCOUNTABLE, TRANSPARENT AND SIMPLE IN DESIGN AND IS OVERSEEN BY A COUNCIL COMPRISED OF EMPLOYERS AND EMPLOYEES----THE PEOPLE WHO WILL BE

REQUIRED TO PAY FOR IT AND WHO WILL BE REQUIRED TO USE IT.

INJURIES AUSTRALIA 1/6/2003.

TO EMPLOYERS WE ASK THIS

**HOW WOULD YOU REACT IF ANY OR ALL OF YOUR BUSINESS CONTRACTORS WERE TO SAY TO YOU;
PAY ME THE PRICE I DEMAND AND DON'T EXPECT A DISCOUNT, DON'T ASK ME TO ACCOUNT FOR HOW YOUR MONEY IS SPENT, DON'T EXPECT ME TO GIVE YOU ANY ASSURANCE THAT YOU WILL RECEIVE VALUE FOR YOUR MONEY,
IF YOU SHOULD EVER ASK ME TO CARRY OUT THE AGREED CONTRACTED SERVICE FOR YOU, BE PREPARED TO IMMEDIATELY MEET MY DEMANDS FOR FURTHER LARGE PAYMENTS,
DON'T EXPECT ME TO DELIVER A SATISFACTORY RESULT FOR THE MONEY YOU PAY ME.**

**YOU WOULDN'T ACCEPT SUCH AN ARRANGEMENT WOULD YOU?
WRONG!!!**

**BECAUSE THAT IS EXACTLY WHAT YOU DO ACCEPT FROM YOUR WORKERS COMPENSATION INSURER.
THIS ARROGANT BEHAVIOUR BY THE NEW SOUTH WALES GOVERNMENT WORKCOVER AUTHORITY IS UNQUESTIONABLY THE CAUSE OF BOTH THE HIGH COST OF YOUR COMPENSATION PREMIUMS AND THE INHUMAN AND UNCIVILISED LEVEL OF THEIR SERVICE DELIVERY TO YOUR INJURED EMPLOYEES AND THEIR FAMILIES.**

**DONT YOU THINK THAT IT IS ABOUT TIME THAT WE INFORMED THE NEW SOUTH WALES GOVERNMENT THAT THIS POOR PERFORMANCE IS NO LONGER ACCEPTABLE?
LET US SERIOUSLY CONSIDER REMOVING WORKCOVER INSURANCE FROM THE EQUATION BECAUSE OF THEIR CONSISTENT INABILITY TO CARRY OUT THE REQUIREMENTS OF THE RELEVANT LEGISLATION FOR WHICH YOU, THE EMPLOYER, ARE OBLIGED TO PAY THEM TO DO FOR YOU.**

WORKING TOGETHER, IT IS POSSIBLE TO SUPPLY OURSELVES AND ALL OF INDUSTRY WITH THE RESULTS WE ALL DESERVE. A FAR LESS EXPENSIVE SYSTEM WHICH GIVES US A SAFER AND MORE PRODUCTIVE WORKPLACE, AND A SWIFT, EFFICIENT AND HUMANE SYSTEM OF RETURN TO WORK. EVERYONE WILL BENEFIT.

INDUSTRY DENIES REALITY. IT BELIEVES THE LIES PUT OUT BY WORKCOVER AND ITS AGENTS THE INSURERS. IT HAS BUILT MENTAL IMAGES BLAMING THEIR INJURED EMPLOYEES FOR THE COMPLICATIONS AND THE ENORMOUS COSTS OF WORKERS COMPENSATION INSURANCE. WHICH IS INCORRECT, AS THE UNWILLINGLY INJURED ARE NOT CONSIDERED TO BE STAKEHOLDERS BY THE INSURER, WHICH IS THE N.S.W GOVERNMENT WORKCOVER. THE INJURED EMPLOYEES ARE THE ONLY PARTICIPANT IN THE SYSTEM WHO ARE LOCKED OUT OF ANY INPUT INTO THE DECISION-MAKING PROCESS.

CHANGE, FOR MANY REASONS, NEEDS TO BE URGENTLY MADE AND WILL ONLY BEGIN WITH A REAL APPRAISAL AND ACCEPTANCE BY INDUSTRY OF WHAT CHANGES ARE NEEDED. THEN ACTION IS POSSIBLE TO FORMULATE AND IMPLEMENT A REALISTIC, ECONOMIC AND HUMANE SYSTEM OF WORKPLACE SAFETY AND WORK INJURY INDEMNITY.

MAJOR CHANGES IN WORKERS COMPENSATION MEANS MAJOR CHANGES TO INDUSTRY THINKING. INDUSTRY SHOULD REMIND ITSELF THAT IN ANY ARRANGEMENT, IT IS INEVITABLY THE TASK OF THE WEAKER PARTNER TO ADJUST TO THE DEMANDS OF A RELATIONSHIP AND INDUSTRY HAS, WITHOUT QUESTION, ALLOWED ITSELF TO BECOME THE WEAKER PARTNER IN ANY ECONOMIC ARRANGEMENT WITH N.S.W GOVERNMENT WORKCOVER INSURANCE.

BUT WORTHWHILE CHANGE CAN BE ACHIEVED. INDUSTRY MUST FACE THE CHALLENGE SQUARELY, RECOGNISE THAT INJURED EMPLOYEES ARE NOT THE BAD GUYS AND THAT THE COMMERCIAL INSURERS, ACTING AS THE PAID AGENT OF THE TRUE INSURER, N.S.W GOVERNMENT WORKCOVER, ARE NOT THEIR SAVIOUR.

THE COMMERCIAL INSURERS ARE THEIR COMPETITORS AND INDUSTRY SHOULD NEVER FORGET IT.

START TALKING TO YOUR INJURED EMPLOYEES, NOT THE AGENT INSURERS. SUM UP THE POOR RESULTS OF THESE AGENT INSURERS, WHICH WERE OBTAINED BY THE EXPENDITURE OF YOUR MONEY. COMPARE THESE POOR RESULTS WITH THE LEGISLATED REQUIREMENTS. AVOID THE TRAP OF BELIEVING THAT THE BUREAUCRACY IS KNOWLEDGEABLE, EXPERIENCED AND QUALIFIED TO COMMENT.

THE PEOPLE TO IMPROVE THE SYSTEM AND LOWER THE COSTS ARE THE EMPLOYERS AND THEIR EMPLOYEES. AS THINGS NOW STAND THE ONLY PEOPLE CONTRIBUTING TO POLICY, THE ONLY PEOPLE CONTROLLING RESULTS, ARE THE PEOPLE WHO REAP THE PROFITS FROM THE SYSTEM. NOT THE PEOPLE WHO PAY FOR IT OR WHO ARE FORCED TO USE IT.

HOW STUPID IS INDUSTRY TO CONTINUE TO PAY FOR THAT?

IN NEW SOUTH WALES IN THE NEXT THREE (3) YEARS:

480 employees will be violently slaughtered at their workplace.

1250 employees will die, slowly and painfully from work caused illness and or injuries sustained within the previous 24 months. Most without adequate or any compensation payment.

200.000 employees will have a compensation claim accepted for a work caused injury, which will require lost time from work.

50,000 employees will have a work Injury compensation claim rejected or ignored. A persons sex, ethnicity, social class and language spoken will definitely be linked to this high rate of claim denials.

250,000 employees will sustain a work Injury, and will remain on the job OR take sick leave OR annual recreational leave without completing a workers compensation claim or after having an injury claim ignored or denied.

150 employees, (that are known) will commit suicide following a work caused injury because of mistreatment and abandonment by their employer and their employers insurer and the failure of Workcover "managers" to carry out their duties as required by their own legislation.

27,000 PLUS. employees and their families will be dumped onto social security, unemployed and unemployable, following a Workcover work injury compensation claim regardless of the requirements of Workcover legislation to ensure their return to work. Most will be condemned to remain there for life.

60% of the cost of all work injuries will be borne by the injured employee and his/her family. (Industry Commission Inquiry 1993)

\$5.20. Billion dollar* will be paid up by industry as compulsory workers compensation "insurance" premiums. The understanding is that this money will be used to cover all medical expenses incurred by an Injured employee, supply all income maintenance and provide fair and adequate compensation for pain and suffering incurred as a direct result of that work caused injury. Only a fraction of this compulsory payment will *be* used for these purposes.

\$3. Billion dollai will bleed from the Workcover reserves to pay Workcover staff, the insurers, the "professionals" and *the* other camp followers who make a living out of workplace death and Injury, regardless of how poor are the final results that *they* deliver to employers and the injured employees and their family.

The Federal Treasury will hand out \$1.5 Billion as a interest free loan to the N.S.W Government for medical expenses and income maintenance for the tens of thousands of "insured" injured/unemployed people dumped by the Workcover on to Federal Social Security and forced to use the public court system to obtain compensation payments which were extracted from their employer in the first place. Thus *the costs* have been cleverly shifted from the insurer (which is N.S.W Government Workcover) onto the Federal Treasury (Australian taxpayer).

On receipt of a court settlement several years later, the Federal Treasury will retrieve as much as possible (91%) of its financial outlay from the injured person, leaving them with little or nothing as "compensation." Now the Insurer (N.S.W Government Workcover) has shifted its costs onto the unemployed and unemployable injured.

The sad truth is that everyone profits from this shambolic Workeover chaotic mess except the unwillingly injured, their families, their employers and the Australian taxpayer. The extent of the contempt to which the profit takers hold the killed and Injured and their families is broadcast by their insistence that the only people required to use the public court system to receive some compensation payment are the work injured and the families of the work killed. Everyone else Is guaranteed their payment regardless of how unsatisfactory and inhuman their results which do not comply with the requirements of the State compensation legislation.

Is it unreasonable to question the competence and the ethical/moral standards of a government agency, which continually encourages such results whilst falsely claiming to be doing a great job helping the Injured?

Remember we are not here talking about IRAQ. This is what goes on In N.S.W.- EVERYDAY OF THE YEAR. YEAR IN AND YEAR OUT.