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**From:**  
**Sent:** Tuesday, 16 July 2002 7:22 PM  
**To:** ewr.reps@aph.gov.au  
**Subject:** Inquiry into Aspects of Worker's Compensation

House of Representatives  
Employment and Workplace Relations Committee  
Inquiry into Aspects of Worker's Compensation

Dear Sir/Madam,

After enduring a compensation claim (not Workcover but similar) from a work accident in 1994 I believe I can make a contribution to the enquiry into Aspects of Worker's Compensation. My points are:

At the request of either side here should be made available an independent Government enquiry into each work related accident as to the cause and resultant compensation case with both sides (claimee and company) having the freedom to speak of their experiences.

If this becomes the case I believe the confidentiality clause in the release signed by the claimee should be eliminated. At the moment, as was my experience the confidentiality clause should be renamed the "getting away with murder clause" because the business is presently allowed to cheat and generally insult the injured person without any fear of further accountability. I will quote two comments made to me over the phone by two company representatives:

- (a) "We cannot set a precedent and pay you so other people in the industry can pull stories on us", and
- (b) "We cannot be seen paying someone no one else can see what we are paying for".

To explain this I suffered a critical Acquired Brain Injury but was fortunate to be blessed with no obvious physical scarring. As in my case the injured person signs this release simply to put an end to the prolonged distress they are enduring at a time where their physical and emotional being is at its weakest. After a serious injury every person has to re-establish his or her new character and lifestyle, which is an exhausting and confusing process in itself without detrimental influences from the outside. A new illness could be named the "post compensation traumatic disorder".

An enquiry option would also hopefully place Occupational Health and Safety in its correct position as a priority workplace attitude.

To explain this, I know my accident was caused by company negligence, which was covered up in the inquiry. I guess it comes down to accountability of all sides.

Lawyers should also be made accountable to the independent enquiry as to their actions. My lawyer personally covered the cost of my specialists' reports in the initial few months of my claim but then allowed proceedings to drag out a further 3 years before settlement. My belief is that my lawyer was not generous but he knew my case would be resolved in my favour. So I ask why was he allowed to let my case drag on for three years?

Why are insurance companies and businesses allowed to discredit the wonderfully skilled specialists of the medical profession in this country? Some of the specialists I received reports from were considered of world standard but it seemed the insurance companies and business still doubted their judgements simply because I could walk and talk.

Because most work related compensation payments are of the minimum amount compared to public liability claims, I also believe Centrelink should be included in this enquiry. After receiving the compensation I repaid a large amount of it back to Centrelink and all I could purchase with the remainder was a house to live in. I am now totally dependant on the Disability Support pension. I have been diagnosed by specialists and received compensation for a PERMANENT DISABILITY. So I ask why does Centrelink require reassessments on my disability at regular times? Or is Centrelink also allowed to dispute the judgements of these specialists? To me PERMANENT means PERMANENT and I have to spend the rest of my life adjusting to and surviving my disability. If I were bedridden as all the specialists commented I should be and therefore a larger drain on government finances, would I go through such treatment? But because I was blessed and am able to walk and talk I now face a lifetime of being

watched over by not only the business I was in, but also Centrelink.

When my case was settled and I was paid, my lawyer said the business still did not believe me. How could they be so contradictory?

Also on the release I signed it was stated that I would never work in the industry again, which I accepted quite realistically. But at a time I was trying to come to terms with my disability and understand it, I unwittingly said to my lawyer I might use my experience from the compensation trauma to enter a new direction in employment (such as counselling). My lawyer answered "do not ever work again or the business will sue you for the compensation back". I considered this a petty threat until two years after my payout when I was doing three or four hours **per week** of volunteer work, I was taken to court by the industry in a supposed case against the insurance company. However the court case appeared to me to be a case solely about proving my disability false. In court the barrister asked me the question "is there any physical reason why you cannot work?" Doesn't the brain control every physical action the body makes?

I have tried working so I speak from experience and say it is impossible for me to undertake more than two hours of work at any particular day.

**I have tried to be positive in re-establishing my life but three years of being cheated and the insinuations levelled at me that I was a liar, did enormous emotional damage to me and I am still trying to recover from this.**

I do not know if I have given you the information you have asked for but I believe my story needs to be told. Please consider the points I have raised.

Yours sincerely,

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