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Corporate Health, Safety and
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Human Resources

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Senate Employment, Workplace Relations and
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Dear Committee Secretary

Inquiry into the Safety, Rehabilitation and Compensation and Other Legislation
Amendment Bill 2006

Telstra Corporation Limited's (Telstra) responses to the questions taken on notice at
the hearing on 31 January 2007 are set out below.

1. What proportion of all claims do Telstra's journey accidents cost?

Having reviewed the transcript, I do not understand the question.

Assuming Senator Marshall was referring to the relative costliness of claims,
on average, commuting claims cost \$8800 per claim compared with \$7208
for other types of claims.

2. What is Telstra's view in relation to coverage during a lunch break for an
employee who works on the road? Would Telstra make provision for them
to be able to return to its premises to have lunch so they are covered during
their lunch period or not? Would you expect them to take their lunch out on
the road?

The Safety, Rehabilitation and Compensation and Other Legislation
Amendment Bill 2006 proposes, inter alia, the repeal of subs 6(1)(b) of the
Safety, Rehabilitation and Compensation Act 1988 (the SRC Act) and the
substitution of the following as circumstances in which an injury to an
employee may be treated as having arisen out of, or in the course of,
employment:

(a) while the employee was at the employee's place of work, including
during an ordinary recess, for the purposes of that employment; or

- (b) while the employee was temporarily absent from the employee's place of work undertaking an activity:
 - (i) associated with the employee's employment; or
 - (ii) at the direction or request of the Commonwealth or a licensee; or;
- (c) while the employee was, at the direction or request of the Commonwealth or a licensee, travelling for the purpose of that employment; or
- (d) while the employee was at a place of education, except while on leave without pay, in accordance with:
 - (i) a condition of the employee's employment by the Commonwealth or a licensee; or
 - (ii) a request or direction of the Commonwealth or a licensee; or
 - (iii) the approval of the Commonwealth or a licensee; or
- (e) while the employee was at a place for the purpose of:
 - (i) obtaining a medical certificate for the purposes of the SRC Act;
 - (ii) receiving medical treatment for an injury; or
 - (iii) undergoing a rehabilitation program provided under the SRC Act; or
 - (iv) receiving payment of compensation under the SRC Act; or
 - (v) undergoing a medical examination or rehabilitation assessment in accordance with a requirement made under the SRC Act.; or
 - (vi) receiving money due to the employee under the terms of his or her employment, being money that, under the terms of that employment or any agreement or arrangement between the employee and the Commonwealth or a licensee, is available, or reasonably expected by the employee to be available, for collection at that place.

All claims made by Telstra's employees are managed in accordance with the terms of Telstra's licence. The licence requires that, among other things, decisions are to be made with equity, good conscience and having regard to the substantial merits of the case without regard to technicalities.

The scenario envisaged by Senator Marshall appears to be covered by subpara (b).

3. Are you going to ensure that people are able to come back to your premises for their rest breaks?

This would be unnecessary as an employee temporarily absent from his or her place of work undertaking an activity associated with employment or at the direction or request of the employer would be covered by the SRC Act.

4. Provide the inquiry with references to support the assertion that workers' compensation coverage (or absence of coverage) does not affect employees' decisions to cycle or walk to or from work.

The Industry Commission inquiry report, Urban Transport, was signed on 15 February 1994, and subsequently released in two volumes, Volume 1: The Report and Volume 2: Appendices, by the Commonwealth Government. The report contains the findings of the Industry Commission public inquiry, in response to a request from the Commonwealth Government, to examine the institutional, regulatory and other arrangements affecting transport operations in Australia's major metropolitan areas and larger cities and towns which lead to inefficient resource use.

The report makes no mention of workers compensation coverage affecting the choices of transport users.

The report can be found at:

www.pc.gov.au/ic/inquiry/37urbant/finalreport/37urbantv1.pdf

and the appendices at:

www.pc.gov.au/ic/inquiry/37urbant/finalreport/37urbantv2.pdf

5. Provide the reference for the information provided regarding other workers' compensation schemes and the restriction of liability for journey claims

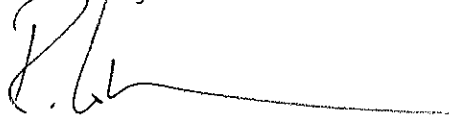
A copy of the report was provided to Senate Barnett on the day of the hearing. A copy of the document may be found at www.hwca.org.au/documents/comparison2005.pdf

6. What percentage of claims does Telstra challenge? Is it below or above the average?

Telstra is a licence holder under the SRC Act. The licence authorises Allianz Australia Insurance Ltd to, inter alia, manage, on behalf of Telstra, claims under the SRC Act made by Telstra employees who are covered by the scope of the licence. Telstra does not challenge decisions made by Allianz on its behalf. Pursuant to the SRC Act, employees may request a reconsideration of a determination and if they are dissatisfied with the decision made on reconsideration, they may have the decision reviewed by the Administrative Appeals Tribunal (AAT).

Whether the AAT reviews more or less decisions made by Allianz on behalf of Telstra than the average is irrelevant. Determinations are made according to the requirements of the SRC Act and the licence.

Yours faithfully



Richard Coleman
Director
Health, Safety and Environment