

When phoning  
please ask for: Brad Shanahan  
Direct Line: 0749632013  
Email: BradShanahan@wallaw.com.au  
Our reference: BNS:KH:  
Your reference:

**PARTNERS**  
Terrence J Sheehan  
Bradley N Shanahan  
Brett A Johnson  
Rohan C Coburn  
Silvio De Luca  
Sara M Sugars  
James M Bailey

60 Sydney Street  
PO Box 733  
MACKAY QLD 4740  
Fax: (07) 4963 2099  
Tel: (07) 4963 2000  
Int: +61 7 4963 2000  
mail@wallaw.com.au  
www.wallaw.com.au

**ASSOCIATES**  
Michael J McDevitt  
Angela M Hurley  
Patrick H Heilmeier  
Greg J Smart

**ACCREDITED SPECIALISTS**  
Personal Injuries  
Bradley N Shanahan  
Michael J McDevitt  
Family Law  
James M Bailey



1 August 2012

The Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Email: fac@parliament.qld.gov.au

Dear Committee Members

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**RECEIVED**  
03 AUG 2012  
Finance and  
Administration Committee

We write in relation to your review and inquiry into the operation of the Queensland Workers' Compensation Scheme.

We regularly act for people injured in the course of their employment and assist them in obtaining compensation to allow them to get back on track after injury.

The Queensland Workers' Compensation Scheme is the most financially sound scheme in the country. Its funding ratio is the highest in the country, and over the last 15 years, the premiums in Queensland have been, on average, the lowest in the country as well. The main reason for the Queensland scheme's financial stability is a short tail no fault statutory scheme, balanced with access to common law for meritorious claims. In the past, there have been suggestions made that the ability of an injured person to sue their employer at common law should be restricted by an impairment threshold. Any move to an impairment threshold would put the financial health of the existing scheme at risk. It would, for the first time, make the Queensland scheme a pension-based scheme. That type of scheme has demonstrably failed in other States. The existing common law scheme in Queensland weeds out most unmeritorious claims through:-

- Restrictions on damages and legal costs which mean that only financially viable claims where an injured person has suffered loss of income are likely to be pursued;
- Tough liability provisions bringing a common-sense approach to assessments of liability;
- Tough fraud provisions in the WorkCover legislation.

This collection of measures has delivered financial stability while ensuring that injuries which have had a significant financial impact on a person are able to be pursued and compensated. An impairment threshold would inevitably operate unfairly. Impairment, as described under AMA Guidelines, is not a reflection of the ability of the person to work or the financial impact on that person. It is a technical medical assessment of limited scope. Some low impairment

Mr B N Shanahan

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assessments can lead to significant financial loss. Conversely, some higher impairments can lead to only minimal loss.

In relation to the other Terms of Reference being considered by the Committee, there are some specific likely regional impacts. Workers in regional areas travel significant distances to and from work. This is an essential part of working in these communities. It is therefore essential to maintain the "journey claim" provisions in the existing Queensland legislation.

We submit this for the Committee's consideration.

Yours faithfully

**SR WALLACE & WALLACE**

Per:

  
**BRAD SHANAHAN LL.B.**

PARTNER

Accredited Specialist - Personal Injuries