

To whom it may concern

RE: Operation of Queensland's Workers' Compensation Scheme

My name is Michelle McBride, I am an Injury Management Coordinator, working for an Australian company which has interests and employees in every state of Australia, we work with all the different workers compensation schemes in all jurisdictions across Australia.

I have been working with injured workers for 12 years and have a medical background having been formally trained as a Registered Nurse

I am writing as a private citizen to inform you what I have found that works really well in Queensland and what does not. It is important to note that I deal with injured workers in every state of Australia on a daily basis.

STATUTORY CLAIMS

- ✓ I can unequivocally state that the Statutory Claims at Workcover QLD are simply the **BEST** in this country.
- ✓ They are the most fair towards both the injured worker and the employer.
- ✓ The short tail system assists in winding claims up in the most effective time frame with the best results
- ✓ Workcover QLD are constantly improving their consultation methods and aligning the areas of industry and expertise
- ✓ Workcover QLD work *with* Employers to assist in an early return to work for the injured workers
- ✓ Q Comp perform a great job as the regulatory body overseeing Workcover QLD
- ✓ The Workcover QLD Scheme for Statutory claims works very well and should not be touched in any way.
- ✓ Workcover QLD provide exceptional in house case management to their claimants as well as employers, they perform an excellent job of balancing the needs of both to ensure an equitable and fair outcome for all stakeholders
- ✓ Workcover QLD case managers are encouragingly proactive with their case management and due to it being in house; they have a greater understanding of the legislation.
- ✓ When comparing the wonderful services provided by Workcover QLD to the constantly problematic services we receive from insurance companies in the other jurisdictions throughout Australia, Workcover QLD case managers are by far the most professional, most knowledgeable of the legislation, and provide the most fair and efficient claims services. We are constantly wishing we had this Statutory Claims scheme in every other state of Australia

COMMON LAW CLAIMS

- ⊗ Are out of control in QLD.
 - ⊗ As the injured workers are able to claim Common Law if they have a 0% WPI – this has opened the flood gates for litigation regardless of the severity of the injury
 - ⊗ This allows for all the 'dodgy claimants' to seek damages even if they have not sustained a genuine work related injury – but were able to get their claim accepted due to lack of proof
 - ⊗ Once a statutory claim has been accepted – this opens the door for everyone to chase a common law payout – some claims go directly to common law after the statutory claim has been accepted without going through the statutory process.
 - ⊗ Workcover QLD have a tendency to settle out of court due to past experiences with judgements – so this almost guarantees that the majority of people who submit a Common Law claim will get at least a portion of the money they are asking for. This is most unfair especially if an injured worker has been given a WPI of 0%
 - ⊗ I disagree with Elizabeth Woods when she stated that she believes that if we increase the percentage of WPI therefore decreasing the access to Common Law – then there will be a huge backlog of cases waiting to be seen at the Medical Assessment Tribunal (MAT) which she says will extend the Statutory short tail claims.
 - a) **Initially** there might be a back log of people waiting to be seen at the MAT; however, I also believe that a **culture** has developed in QLD allowing for all Solicitors to have a field day with injured workers hence the huge number of Common Law claims. I believe that a decent percentage of people, who currently claim common law, will not chose to dispute their lump sum and go to the MAT – because doing that is far more confronting for the injured worker, given that their impairment is determined by Medical experts, not solicitors, therefore over time the pressures on the MAT will decrease.
 - b) I disagree that a backlog of cases waiting to go to the MAT will extend out our short tail claims because when an injured worker is offered a WPI lump sum – that is at the very end of their claim and regardless of whether they accept this lump sum or choose to go Common Law or to the MAT – their claim is wound up 20 working days after the offer – so this will not extend the statutory claim time frame at all.
-
- ✓ I do believe we need to change the Workers Comp / Common Law culture in QLD otherwise the scheme will continue to bleed money – and this cannot be changed unless we increase the WPI percentage.
 - ✓ **I suggest we increase the WPI % to at least 10% before access to Common law is allowed - this will at least be in line with most other states in Australia – which is the only good Workers Compensation process in the other states.**
 - ✓ I agree that initially there might be a back log of people waiting for the MAT services, however, in my experience most of the Common Law claims occur following the end of the Statutory claim
 - ✓ Increasing the WPI percentage will gradually change the culture here in QLD and will decrease the Common Law claims made
 - ✓ I would like to see more detailed information given to the injured worker by Workcover QLD or Q-comp detailing where their monies would go if they claim Common Law, such as informing the injured worker that they will have to pay Workcover back the cost of their Statutory claim and Solicitor fees if under 20% WPI as opposed to not having to pay anything back if they accept their lump sum offer in accordance with their WPI percentage

- ✓ In regards to Solicitor Fees, I believe the process whereby the injured worker repays the Solicitors if their WPI is under 20% works well and should continue and perhaps be increased to 25 – 30%.

In summary, I believe the statutory claims should remain untouched and there should be an increase in the WPI percentage to 10% before having access to Common Law. I believe, there desperately needs to be a change in the 'culture of claimants seeking common law' and this culture change will have positive outcomes for the wonderful Workers' Compensation Scheme in Queensland

Thank you for taking the time to read my submission.

Regards,

Michelle McBride