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14 August 2012

Finance and Administration Committee  
Parliament House  
George Street  
BRISBANE QLD 4000



Dear Sir/Madam,

Re: Your Review of the Queensland Workers' Compensation Scheme

My name is Daniel Gunston. I have received notification that the common law claims process is to be reviewed.

I understand that the government is considering preventing certain injured workers from pursuing a common law claim in Queensland. Having been injured in a work related incident and having successfully pursued a common law claim against my employer the idea that the government are looking to review the current scheme is of great concern to me.

When my common law claim was settled I was required to sign an agreement which would ensure that the terms of my settlement remain confidential. Accordingly, I am not able to provide you with information regarding the terms of settlement. All I can say is that I was happy with the outcome.

Prior to commencing a common law claim I originally had my injuries assessed for permanent impairment as part of the workers' compensation statutory claim process. My injuries were assessed with a low degree of permanent impairment and I received a small lump sum offer from the Insurer. I have heard that one of the options proposed by the government is to prevent a person with a zero percent impairment from pursuing a common law claim against their employer. If the proposal goes ahead it would leave a lot of workers at a significant disadvantage. This is because in my experience the level of permanent impairment does not necessarily reflect the degree of disability an individual experiences as a result of their injuries.

Even though I was only assessed with a small level of impairment,, my treating doctor advised me I was no longer able to work in the capacity that I had worked prior to the incident and was unable to perform high voltage electrical work. As such, I found myself to be significantly disadvantaged in the open labour market.

My settlement guaranteed my financial future and provided me with a small amount of money to guard against any future difficulties or treatment that I may require as a result of my work related injury.

I would ask that you consider the effects of any amendments on those of us in the community that would be severely disadvantaged if those changes were to be made.

I believe that the system that compensated me was, after taking into account a number of factors, a fair system that needs to be preserved in order to allow workers across Queensland appropriate access to justice.

Yours faithfully,



Daniel Gunston

c.c. Mr Ken O'Dowd MP  
Federal Member for Flynn  
76 Goondoon Street  
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