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Branch Secretary-Treasurer  
Gerard Dwyer

10 December 2010

Workers Compensation Bill: Consultation  
Office of Industrial Relations  
Chief Minister's Department  
GPO Box 158  
Canberra ACT 2601

By email: [oir@act.gov.au](mailto:oir@act.gov.au)

Dear Sir/Madam,

We endorse the submission submitted by UnionsACT in respect of the exposure draft of the *Workers Compensation Amendment Bill 2010* (the draft WC Bill).

Any proposed changes to the scheme will be supported on the basis that workers will not lose any benefits.

### **Supported Reforms**

We support the following changes:

1. The increased payments with regard to death and funeral benefits.
2. The introduction of compulsory pre-hearing conferences before parties are permitted to proceed to a litigated outcome.
3. The introduction of a mandatory final offer system during the settlement negotiations.

### **Opposed Reforms**

We oppose the following changes:

1. The removal of the common law right to general damages for those who do not meet whole person (WPI) impairment thresholds of 15% for physical injuries and 20% for psychological injuries. We are concerned that in assessing permanent impairment, it is now to be assessed on WPI which is likely to give workers a smaller amount than under the existing legislation notwithstanding that the maximum amount that can be received is increased.
2. The introduction of a medical assessment panel will adversely affect the fairness of the compensation system. The only check and balance on the WPI assessment of the medical assessor is that the decision is subject to peer review of another medical assessor. The medical

assessor cannot be required to attend a court or other authority to explain the basis of the WPI assessment.

3. The raising of the discount rate from 3% to 5% on lump sump payments for future economic loss would be particularly detrimental for younger workers.

In order to achieve the best outcome, we request that the government delays the tabling of *Workers Compensation Amendment Bill 2010* to enable a negotiated outcome that would be advantageous to our members.

Yours faithfully,



Gerard Dwyer  
BRANCH SECRETARY-TREASURER