

APLA in the news

The Della Bosca honeymoon comes to a crashing halt

DAVID NASON

JOHN Della Bosca's honeymoon as an MP ended yesterday when the NSW legal profession took him to task over his planned reforms of the State's compulsory third-party insurance scheme.

At the top of their hit list is the claim the Special Minister of State's reforms would deny compensation to women who lost breasts in car accidents.

The NSW Bar Association, Law Society of NSW and the NSW branch of the Australian Plaintiff Lawyers Association said Mr Della Bosca was proposing to make accident victims wear the cost of reducing premiums. The Law Society said Mr Della Bosca's reforms — aimed at reducing the average cost of a NSW greenslip by \$100 — could see 50 per cent of claims for injury-related

expenses knocked back. This would include any women who lost both breasts in a motor accident and suffered clinical depression as a result.

Under the reforms, the loss of breasts would not meet the 10 per cent permanent impairment required to qualify for non-economic loss compensation and there are no allowances for psychological trauma.

"If the proposed legislation goes ahead without amendments to the more draconian provisions, then things will not be all right for many injured policy-holders, passengers, pedestrians, family members and other innocent victims of road accidents," spokesman Sally Taylor said.

"People will no longer feel certain that expenses for medical treatment, legal representation and lost income

will be covered by compulsory third-party insurance."

Mr Della Bosca declined last night to comment. A spokesman said Mr Della Bosca's discussions with legal organisations about the final make-up of the legislation was ongoing.

The APLA was concerned the assessment of 10 per cent permanent impairment would be made by a single doctor who would not be required to provide an explanation.

The Bar Association said NSW would be without a comprehensive motor accident insurance scheme if Mr Della Bosca's reforms went ahead.

"Benefits will fall and the range of injuries entitled to compensation will be dramatically reduced," association president Ian Barker QC said.

"The real winners will be the insurance companies, not the ordinary people who voted the Government into office."

The Australian 8/6/1999. Reproduced with permission.

PS chiefs get special compo deal

New documents
reveal the pay perks
for Victoria's leading
bureaucrats.

By SANDRA MCKAY
STATE POLITICAL REPORTER

Victoria's top eight bureaucrats, who are on a collective salary of \$2 million a year, have been awarded a special workers' compensation deal entitling them to massive benefits if they are injured at work.

A clause in the contracts of department heads, released for the first time under Freedom of Information, shows they will continue to receive salary packages of up to \$291,040 a year, or \$5500 a week, if injured at work.

The highest amount payable to other injured workers is \$884 a week for a maximum 13 weeks.

"It's a real double standard," says to the Australian Plaintiff Lawyers Association, which has analysed the nation's compensation schemes and found Victoria's to be "the worst by a long shot".

The comparative study found Victoria pays the lowest weekly benefits for injured workers in the country, and is the only state not to include penalty rates and overtime in calculating benefits.

Injured Commonwealth workers receive their full earnings for the first 45 weeks, and 75 per cent of their normal pay thereafter, whereas Victorians are entitled to only 60 per cent of their base wage after 13 weeks, and are cut off after 104 weeks.

The confidential employment contracts of eight departmental secretaries, released to the Opposition under FoI, reveal taxpayers

will pick up the shortfall between their salary package and the standard WorkCover entitlements "for a period of up to 52 weeks".

Labor's WorkCover spokesman, Mr Rob Hulls said it was disgraceful the Government had exempted its senior bureaucrats from the "harsh realities" of the scheme.

"By giving his fat cats special exemption from his callous WorkCover cuts the Premier, Mr Jeff Kennett, has admitted there is a two-tiered compensation system in Victoria: one for rich bureaucrats and another for ordinary Victorian workers," he said.

The Premier's spokesman, Mr Steve Murphy, was unaware of the WorkCover escape clause in the contracts of senior public servants, but said it would have been subject to negotiation.

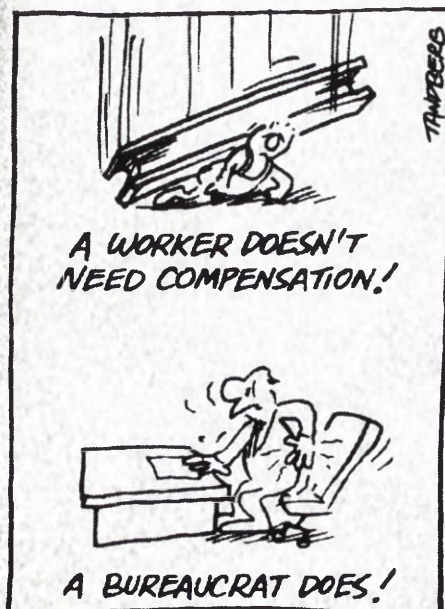
"I'm not sure what they have sacrificed in lieu of this provision," he said.

The Government last night defended its reforms, saying the "no fault" scheme introduced in November 1997 gave injured workers certainty.

The Australian Plaintiff Lawyers Association, a non-profit group of 1400 members, said WorkCover needed to be amended to lift payments to injured workers from "poverty levels".

Since the Government removed the common law rights of workers to sue negligent employers in 1997, and introduced new thresholds to evaluate injuries, benefits had been reduced "on average by 30 to 40 per cent and in some cases by 80 per cent", the association found.

The group's national convener on workers' compensation, Mr Simon Garnett, who has practised in the field for 17 years, said WorkCover was the "most manifestly unfair, low-cost scheme in the land".



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