

Speak up for injured workers

By Mark Blumer

Although the ALA is a national organisation, much of our policy and lobbying work is done at the state and territory branch level. Many of the issues with which we engage, particularly the tort and personal injury law issues, operate at that level. That is why the work of the branches is so important. In the past, much of that work has gone on unknown and unacknowledged. We need to do something about that.

There is a very good reason why we need to make each other aware of our own local issues and local work on those issues. Although all of the states and territories have different concerns and priorities, I have been quite surprised, as I have visited NSW, South Australia and Tasmania in the last couple of weeks, at the range of issues that these branches have in common.

The issue of the moment seems to be workers' compensation 'reform'.

In South Australia, the workers' compensation scheme is a mess, apparently because of the mismanagement of claims by WorkCover over a long period of time. The unfunded liability of the scheme is estimated to be in the region of \$1.3 – 1.7 billion. Benefits to workers have been cut and the scheme has had a new level of administrative complexity added to it by recent amendments. There is virtually no common law in the scheme. There is a state government election in March next year in South Australia.

In Tasmania, (where there is also an election in March next year) an amendment Bill has been proposed by the government. While the Bill improves some provisions (reducing the threshold for common law from 30 per cent to 20 per cent impairment), it also introduces another layer of costly bureaucratic complexity. It continues to operate on the premise that bureaucrats know and understand best when it comes to what is good for the injured worker, rather than allowing injured people themselves the option of restarting their lives with a sum of money in hand.

In NSW, (which has been labouring under a bureaucratic and worker-punitive scheme for some time), the Coalition parties have indicated that they are willing to look at the tort law system, with a view to improving it. Presumably, this will include a good look at the workers' compensation regime. There is an election in NSW in March 2011.

In each of these states, the ALA branch committees and members are active in speaking to the various players and stakeholders to improve the possible outcomes for injured workers. It may be that we will be active in those election campaigns; that will be a matter for strategic decisions made at a branch level. If you are asked to help in some way, please do whatever you can.

In the personal injury area, when we look back, it is easy to despair. It is hard to imagine that change does not



have to be for the worse; that change for the better is possible. Most of us have very good reasons for sharing this pessimism.

However, I now sense a change in the wind. I think it is time to again adopt a purposeful approach to the task of reform. After all, the fact that no one listened before is no reason to be silent now, particularly when you have been speaking good sense all the way along. Speak up! ■

Mark Blumer is National President of the Australian Lawyers Alliance and partner at Blumers Personal Injury Lawyers in Canberra. **PHONE** (02) 6208 2608
EMAIL mark@blumers.com.au