

4/6/03

Workers Compensation & OHS
Productivity Commission
PO Box 80
Belconnen ACT 2616
Fax: (02) 6240 3311

Dear Madam,

Re: New Public Inquiry --- National Workers' Compensation &
Occupational Health & Safety Frameworks

I wish to submit the following for consideration in the upcoming inquiry.

(1) In regard to the definition of "employee", I believe that the "casual worker" ought to be covered by "workers compensation". *The casual worker is expected to have irregular income and hence more likely to need sustenance when injured* The insurer may come into agreement with the employer regarding an umbrella cover for a certain number of casual workers, and the employer can submit a list of the casual worker to the insurer at short notice.

(2) In relation to "self-insuring", the "self-insurer" ought to be subjected to the same obligations as the "3rd party insurer". In particular, the injured employee ought to be free to seek medical assistance of his/her own choice, providing that the insurer has the right to seeking a second opinion. This is best explicitly included in the legal provisions. It would also forestall "cost-shifting" through the "insurer" insisting that the employee must go for medicare.

(3) In the case of dispute on permanent damage pending court decision, I submit that the injured worker should be paid the ongoing "compensatory payments" whilst awaiting the final court order, provided that delays and postponements are not due to the fault on the part of the worker. *The injured worker, who is not earning his/her normal wages can ill afford the sustenance and medical expenses over the long wait, might be lured by the circumstances to accept an early settlement at a disadvantage.*

Thank you for your attention.

Yours truly,

Hing Kwok MAK
NSW