

Workers' Compensation Regulator

# Review & Appeals

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# Presentation Content

The Review Process Overview

Online Services and File Structures

Return to Work Awards

# The Review Process

## What is a Review

- Review is to provide prompt and non-adversarial resolution of disputes
- The review is conducted 'on the papers'
- The review officer is required impartial in their decision making
- Each case is determined upon its own merits
- Test of evidence is the balance of probabilities not possibilities

# The Review Process

## 1. Allocated to review officer

- Daily allocations
- Initial familiarisation of the matter
  - What is the decision under review
  - The reasons for the decision
  - The grounds and submissions as to why the decision should be set aside
- Identify whether clarification on any point is required.
  - May be requested from the insurer under section 544
  - 6%

# The Review Process

## 2. Initial contact

- Made with both parties within 4 days of allocation
- Explanation of the Review process and the issue to be determined
- Enquire whether further information is to be submitted, If so, specify timeframe for that to occur and advise of potential for release of further information under procedural fairness
- Extension requests are carefully considered with a view to making the decision within the legislative timeframe
- Confirm with Applicant whether a Right of Appearance is required

# The Review Process

## 3. Right of appearance

- Opportunity for Applicant to talk to their submissions and draw attention to specific points they consider relevant
- Accommodates the manner most appropriate for the applicant to make submissions.
- Not a statement taking process or opportunity for oral evidence
- If further submissions / evidence to be provided need to also be provided in writing
- Often occur over the telephone, some applicants do prefer to meet face to face with the Review Officer

# The Review Process

## 4. Procedural Fairness

- For information to be released it must be New and Relevant and Significant and Adverse
- If information satisfies only part of the criteria then it will not be released
- Medical reports may be redacted or released in part where personal information is contained that does not relate to the issues in dispute, i.e. information re childhood is not relevant
- The time given to either party to respond is dependent on the volume and complexity of the information

# The Review Process

## 5. Making a decision

- Impartial decision – balanced consideration of supportive and unsupportive evidence
- Applicant must satisfy the onus of proof requirement
- Evidence is considered at face value, unable to speculate or make findings of credit. Failure to report an injury, potential motives and past experience are generally issues of credit. Likewise possible other causes of injury without supporting evidence are unlikely to be of assistance.
- Not make medical findings but rely on what the medical evidence provides. If there is conflict in the evidence must provide what evidence is preferred and why – Specialty, contemporaneous, completeness of briefing material, etc
- Application of the legislation to the available evidence considering relevant case law and / or the principles set by relevant case law



# Review Outcomes

Review Outcome	Percentage
Set aside / varied	20.8%
Confirmed	57.5%
SAUND	12.4%
Other (e.g. withdrawn)	9.4%

# The Review Process

## 6. Finalising of a Review

- Quality reviews of decisions are undertaken by the Review Team Leaders
- Once Quality Review is completed the decision is sent to all parties, i.e. Applicant, Other Party and Insurer
- Legislation provides 10 business days from the date of the decision to issue it and we endeavour to release it within 5 business days
- If either party aggrieved may appeal to the QIRC within 20 business days. In defending an appeal the Regulator is able to consider issues previously beyond the remit of review process, such as credibility of witnesses.

# Online Services

Regulator increasingly moving to electronic working practices where possible

Explore opportunities for electronic communication/interaction

Discussed being able to send/receive the insurer file electronically

IT brief created

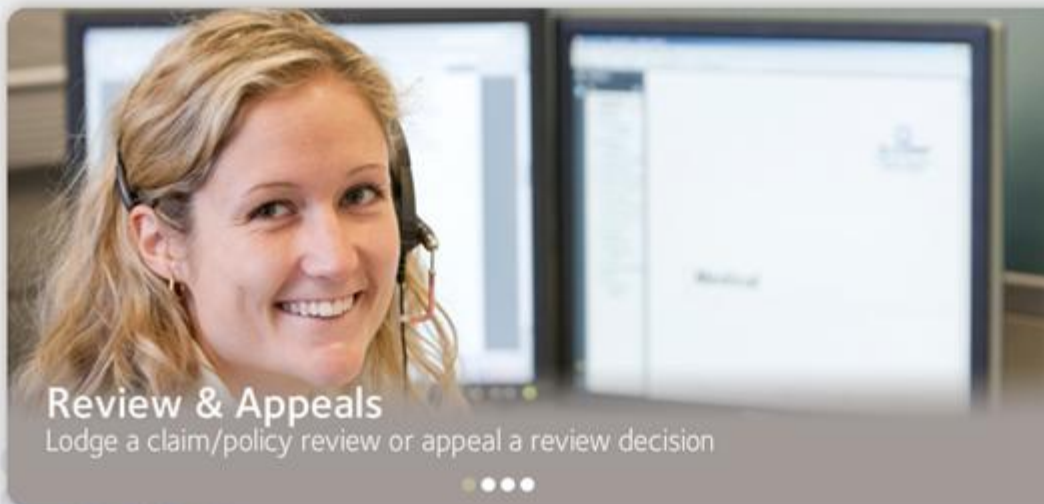
Project has recently been formally approved

Development scheduled for July – usual terms & conditions

Completion end August – usual terms & conditions



I am a...  
Insurer | Change >



### Review & Appeals

Lodge a claim/policy review or appeal a review decision

#### I am a...

Choose the description that best suits you from the list below, and we'll help you find what you need faster.

- ▶ Worker
- ▶ Employer
- ▶ Rehabilitation and return to work coordinator
- ▶ Insurer
- ▶ Medical professional
- ▶ Allied health professional
- ▶ Legal professional

## About us

Recently the **Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013** was passed in Queensland parliament.

The official assent of the Bill has resulted in the merger of the Workers' Compensation Regulatory Authority (Q-COMP) into the Office of Fair and Safe Work Queensland creating a combined safety and compensation regulator in the Department of Justice and Attorney-General.

As a result of this merge, Q-COMP will now be known as the Workers' Compensation Regulator.

The former Q-COMP logo and brand will begin to be replaced with that of the Department of Justice and Attorney-General. During this transition process, the website qcomp.com.au will continue to operate and all



On the ground support for our regional stakeholders.



## Workers' Compensation Regulator online services

- ▶ Home
- ▶ Injury payment profile
- ▶ File Portal

### Upload a File to the Portal

Claim Number

Workers First Name

Workers Last Name

Decision (eg, rejected, ceased)

Decision Date

#### Uploaded Documents

xxxxxxx.pdf  
xxxx.media



Notification/Confirmation

More information vs Less

Testing and Evaluation Period

Expand its use for those  
interested in sending  
electronic files

# File Structures

- Registration Team receive the insurer file (paper or electronic)
- Convert to one Adobe Acrobat file  
“insurer file”
- Review Officer then restructures into a set format  
“e-File Review”



# File Structures / Formatting

Medical Information - Reports and detailed information

Medical Certificates

Hospital Records

Claim Information - RFD, verbal and unsuccessful communication reports, claim forms, AFC

Factual Information - Employment contracts, emails, statutory declarations, meeting notes/summaries

Other

Submissions from Applicant (at Review)

Submissions from Other Party (at Review)



- E-file Template.pdf
  - Medical
    - Dr Kar dated 11.1.2013
    - Medical certificate
      - 21.12.12
      - 21.11.12
      - 22.1.13
      - 14.11.12
    - Hospital records
    - Claim information
      - RFD - 25/09/2013
      - Verbal and Unsuccessful Communications Report
      - claim form
      - Application for Compensation
      - Q-COMP SAUND Decision 28.3.2013
    - Factual information
      - offer of employment
      - E-mal from Employer
      - Statement Of
      - state dec 18.12.12
      - stat dec 18.12.12
      - stat dec dated 6.12.12
      - Record of Discursion 24.10.12

**WORKER'S COMPENSATION MEDICAL CERTIFICATE**

Part A: Worker's Employer Details

Part B: Worker's Capacity for Work

Part C: Further Information

Part D: Rehabilitation and Return to Work Plan

Part E: Medical Management

Part F: Medical Practitioner Details

**Worker's Compensation Medical Certificate**

CLAIM ENROLLED: Work Cover Queensland 1300 363 128 Self Insurance or other enquiries 1300 361 226

Part A: Worker's Employer Details

Part B: Worker's Capacity for Work

Part C: Further Information

Part D: Rehabilitation and Return to Work Plan

Part E: Medical Management

Part F: Medical Practitioner Details

**Workers' compensation medical certificate**

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# File Structure

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Other

# Return To Work Awards

- The Return to Work Awards are now open
- The Awards recognise excellence in rehabilitation and return to work, across a number of categories including:
  - Employer
  - Rehabilitation and return to work coordinator
  - Case manager
  - Injured worker
  - Health provider

# Return To Work Awards

- ASIEQ has kindly supported this event since it began 6 years ago and we encourage members to support it by nominating themselves or others.
- New nominations will be closing on 27 June, but nominees then have until 4 July to complete their entry.
- Finalists will be announced in early August, and winners announced at the Conference Expo and Awards on 20 October at the Brisbane Convention and Exhibition Centre.

# Return to Work Conference & Expo

- The Conference and Expo is also now open for registrations.
- The event will be held at the Convention Centre on 20 October.
- Early bird tickets are available for \$434.50 until 30 June.
- The conference is a whole day event, with topics including:
  - young worker health, safety and return to work
  - the barriers to return to work and how to overcome them
  - returning mature injured workers to work
  - working with people who aren't like you.

# Queensland Safe Work Awards

- The 2014 Queensland Safe Work Awards are now open
- The Safe Work Awards recognise and reward the efforts of individuals, businesses, associations and other organisations that demonstrate a strong commitment to work health and safety.
- There are eight categories that cover everything from health and safety systems, to health and wellbeing, to demonstrated leadership. So there is a category to suit every workplace.
- There is a new online portal makes entering easier than ever and allows you to start and save your entry, and return to it later.
- The online portal also includes example entries, past winners films and guidelines that help you address each criteria.
- If you have a work safety success story, or know an individual leading the way in work safety, we want to hear from you!
- Entries close 27 June and winners will be announced at an awards ceremony on 23 October 2014.

# Awards, Conference & FASW

[www.qcompconference.com.au](http://www.qcompconference.com.au)

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