



**QUEENSLAND PARLIAMENT**

**Finance and Administration Committee**

**Inquiry into the operation of the Queensland Workers  
Compensation Scheme**

**Submission of the  
National Retail Association Limited**

**August 3, 2012**

## Recommendations

NRA recommends that the following proposed changes be addressed by the Parliamentary Committee in its Inquiry into the Queensland Workers Compensation Scheme:

1. Take action to reduce the impact of common law claims on the scheme viability and the integrity of the scheme. Introduce a 15% Whole Person Impairment threshold for accessing common law. The current unlimited access to the common law is no longer sustainable. Queensland and the ACT are the only jurisdictions that allow unlimited access to the common law.
2. Enhance the ability of employers to defend common law claims. Review internal WorkCover processes and ensure that WorkCover defends claims unless the facts and circumstances very strongly dictate that the defence will fail. Ensure that WorkCover consults with the employer and takes the employer view into account in deciding whether to defend a common law claim.
3. Allow claims only where employment is the major significant contributing factor to the injury. The decision in 1999 to expand the definition of “injury” was wrong. The scheme benefit should only exist when employment is the major contributing factor.
4. Increase the focus of the scheme on rehabilitation and return to work initiatives. Ensure that the payment of benefits will be suspended or ceased in the event that an employee refuses to participate in a rehabilitation program or does not follow the directions of the rehabilitation co-ordinator. Require doctors to provide employers with regular briefings on the status of injuries and discuss with employers the range of alternative duties available in the workplace to ensure a timely and productive return to work.

5. Provide for compulsory notification of incidents by employees. The scheme should require employees to notify the employer as soon as is practicable, but no later than 24 hours after the incident, of any incident that the worker believes has, or may, result in an injury where employment is the major contributing factor. If notification conditions are not complied with, the injury claim should not be accepted. Acceptance of the claim should also be conditional on the worker providing his or her doctor with a copy of the employer notification form.
6. Conduct an examination into the QCOMP review process as provided for under Part 2 of Chapter 13 of the Act.
  - a) Under section 542 reduce the period within which an application for review can be made from 3 months to 35 days.
  - b) Amend section 543 to extend the right of appearance to both parties, not just the applicant for review.
  - c) Amend the legislation to require QCOMP to consider, in respect to claims relating to stress or psychological injury, whether an independent medical assessment should be required. Provide that an independent medical assessment should be mandatory where the employee claims that the employment was the major contributing factor to a psychological injury is validated solely by a medical practitioner in circumstances where all the information about the employment circumstances which caused the psychological injury was provided solely by the employee.
  - d) Provide that where the application for review arises from an employee claim alleging a psychological injury, and where the claim has been denied by the insurer, that the employer is able to introduce new material in support of the position that any psychological injury was not attributable to the employment.

- e) Amend section 545 to allow QCOMP a longer period than 25 days in which to decide the application for review. The requirement that a decision be made within 25 days is likely to contribute to errors in decision making and this period should be extended to 42 days.
7. Direct QCOMP and WorkCover to conduct a detailed review of internal procedures and processes to ensure that costs of administration of the scheme are reduced.

**Submission Filed By:**

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