

Queensland workers' compensation scheme statistics

2016–17

State of Queensland 2017.



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Providing feedback

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Introduction

This is the 18th annual statistical report published by the Office of Industrial Relations (OIR) to circulate Queensland workers' compensation scheme-wide data.

This report covers aspects of the Queensland workers' compensation scheme, including:

- claims information reported by WorkCover Queensland and self-insured employers for statutory claims and common law claims
- scheme-wide information about the major regulatory services provided by the Office of Industrial Relations for insurer and medical issues including:
 - administrative review of insurers' decisions
 - appeals to the Queensland Industrial Relations Commission (QIRC) and the Industrial Court (IC)
 - Medical assessment tribunals (MAT).

All figures reported as at 30 June 2017 are true and correct as supplied by insurers.

Queensland's workers' compensation scheme

The *Workers' Compensation and Rehabilitation Act 2003* (the Act) is administered by the Office of Industrial Relations, Queensland Treasury.

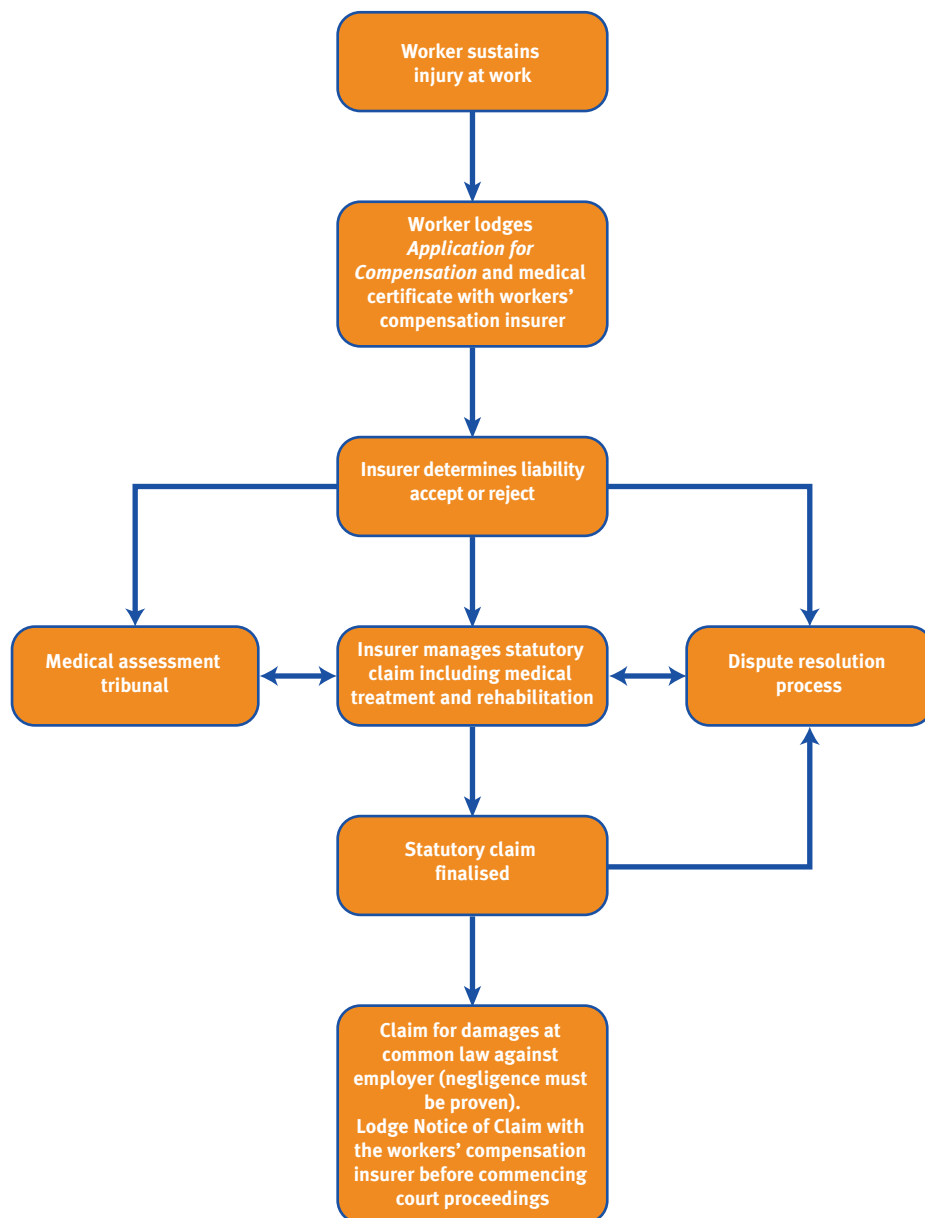
The Office of Industrial Relations is responsible for the following functions:

- monitoring insurer performance and compliance with the *Workers' Compensation and Rehabilitation Act 2003* (the Act)
- deciding self-insurance applications
- reviewing insurer decisions
- managing appeals of review decisions
- monitoring employer rehabilitation compliance and providing advice
- supporting the MAT
- maintaining and analysing statistics and reporting on the scheme
- providing workers' compensation information and education
- administering grants.

As at 30 June 2017 there were 29 insurers in the scheme – WorkCover Queensland and 28 self-insured employers.

In Queensland, workers have access to a no fault statutory workers' compensation scheme and where negligence exists, injured workers may be able to access damages at common law. Figure 1 below illustrates the workers' compensation claims process. Each of the key phases of the claim is examined in more detail through this publication.

1 Workers' compensation claims process

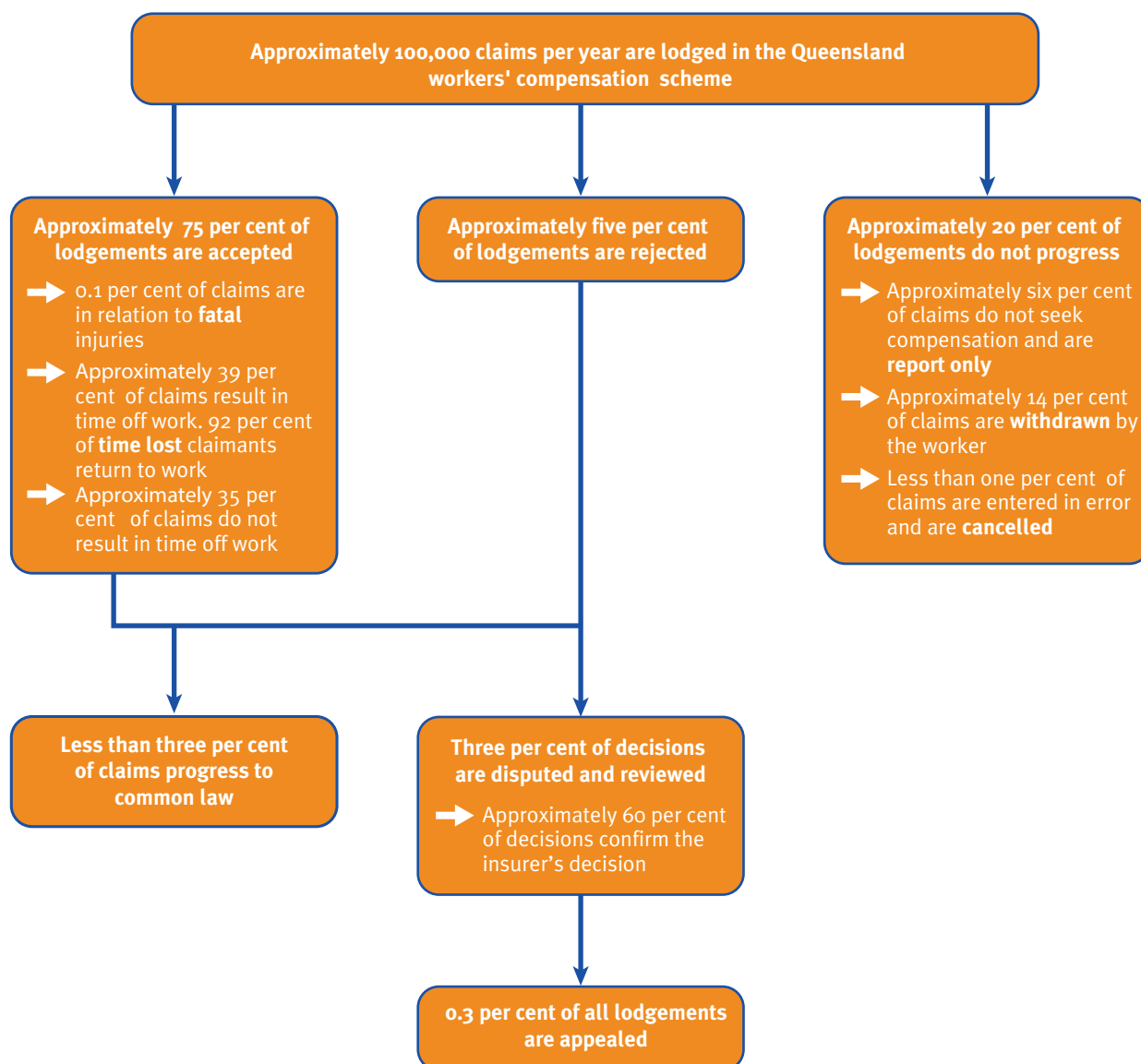


Claim profile

Figure 2 illustrates the progression of a workers' compensation claim through the statutory claims process to common law and dispute resolution.

As represented in figure 2, there is a gap between the number of claims lodged in the scheme, compared to the number of decisions. This is due to around 20 per cent of lodgements failing to progress as they are either withdrawn by the worker, entered in error, or do not require a statutory decision and are 'report only'.

2 Queensland workers' compensation claim profile



Scheme highlights

Statutory claim lodgements

New statutory claims of 98,581 for 2016-17 were 7.1 per cent higher than 2015-16. Whilst the number of employed people remained stable for 2016-17, there was a 7.4 per cent increase in the claim rate. The claim rate for 2016-17 has increased to 41.9 claims per 1,000 employed people. Over the five years to 2016-17 the claim rate has decreased 3.5 per cent, from 43.4 in 2012-13. Industries which have contributed to the increase in statutory claims this year include construction, health care and social assistance and manufacturing.

The proportion of psychological and psychiatric statutory claims decreased slightly for 2016-17 at 4.4 per cent (4.6 per cent in 2015-16). Psychological and psychiatric claims currently represent 6.2 per cent of total statutory payments (\$56.6 million for 2016-17) and have an average finalised time lost claim cost of \$50,556 (\$50,510 in 2015-16) which is just under three times the average time lost claim cost of physical injuries (\$17,876 for 2016-17).

Statutory claim payments

Statutory payments for 2016-17 of \$918.2 million were 7.8 per cent higher than in 2015-16 (\$851.7 million). Weekly compensation payments, which represent 40.6 per cent of statutory payments, have increased slightly for 2016-17. This increase is driven by the change in the administration process of Queensland Health moving to a fee for service arrangement with WorkCover Queensland in relation to public hospital payments. Average work days lost increased from 49.4 days in 2015-16 to 50.8 days in 2016-17. The average cost of time lost claims has also increased, up from \$17,787 in 2015-16 to \$18,744 in 2016-17.

Fatalities

There were 74 fatal claim lodgements in 2016-17. Fatal claim lodgements due to injuries at work represented over one third of the 2016-17 figures (n = 29; 39.2 per cent). Transport, postal and warehousing (n = 12) and construction (n = 11) and agriculture, forestry and fishing (n = 7) industries contributed 40.5 per cent of fatalities.

As fatality figures are subject to development over time, comparisons between years cannot be made.

Return to work

In 2016-17, the return to work rate increased slightly to 92.1 per cent (91.9 per cent for 2015-16).

Dispute resolution

Review applications have decreased 3.3 per cent, from 2,917 in 2015-16 to 2,820 in 2016-17. The proportion of review applications to statutory claims has decreased to 2.9 per cent for 2016-17 (3.2 per cent for 2015-16). Appeals served in 2016-17 have increased, up 9.9 per cent from 232 served in 2015-16 to 255 served in 2016-17.

Medical Assessment Tribunals (MAT)

In 2016-17, 2,803 referrals were made to the MAT. This is a decrease of 13.5 per cent from the 3,242 referrals received in 2015-16. Of the cases determined by the MAT, 46.0 per cent were for permanent impairment (PI) assessment (46.9 per cent in 2015-16). The proportion of MAT referrals to statutory claims has decreased for 2016-17 to 2.8% from 3.5% in 2015-16.

Common law lodgements

Common law lodgements increased from 2,509 in 2015-16 to 2,776 in 2016-17. Strains and sprains accounted for 31.2 per cent of all common law claim lodgements in 2016-17.

Common law average damages

The average cost of finalised common law claims has increased by 4.8 per cent for 2016-17. The average defendant and plaintiff cost were stable, with a small increase of 1.4 per cent.

3 Scheme at a glance

Overview					
		2016-17	2015-16	% change from previous year	page number
Statutory claims	New claims	98,581	92,068	7.1%	10
	Claims per 1,000 employed people	41.9	39.0	7.4%	8
	New psychological claims (%)	4.4%	4.6%	-0.2%	12
	Payments (\$M)	\$918.2	\$851.7	7.8%	23
Statutory decisions	Average time to decide (days)	7.7	7.6	0.3%	18
	Rejection rate – physical (%)	5.8%	5.5%	0.3%	19
	Rejection rate – psych (%)	62.9%	62.8%	0.1%	19
Outcomes	Average work days lost (days) (time lost claims)	50.8	49.4	2.8%	31
	Return to work rate (%)	92.1%	91.9%	0.2%	28
Common law	New claims	2,776	2,509	10.6%	37
	Payments (\$M)	\$411.1	\$466.8	-11.9%	41
	Average damages cost (excluding nil settlements)	\$153,130	\$146,179	4.8%	42
Regulator functions	Review applications	2,820	2,917	-3.3%	44
	Appeals served	255	232	9.9%	47
	MAT referrals	2,803	3,242	-13.5%	50

Workers' compensation statutory claims

- The majority of employers (almost 90 per cent) covered by the scheme in 2016-17 did not have a claim for workers' compensation.
- The scheme-wide claim rate increased 7.4 per cent.
- The manufacturing industry has the highest claim rate.

As at 30 June 2017, approximately 158,000 employers were covered by the Queensland workers' compensation scheme. During 2016-17, the scheme covered approximately 166,000 employers, taking into account fluctuations in cancelled and new policies.

4 Number of claims lodged by insurance type 2015-16 and 2016-17

Insurance type	2015-16	2016-17	% Variance
Employed people	91,704	98,211	7.1
Volunteers, industrial placement / work experience, contracts of insurance (Act: section 26)	282	272	-3.5
Workplace personal injury insurance (self-employed, working directors)	63	77	22.2
Household workers	19	21	10.5
Total lodgements	92,068	98,581	7.1

The majority of claims (99.6 per cent) are for "workers" (as defined in the Act).

5 Number of claims per employer by declared wages 2015-16

Number of claims	Declared wages						
	\$1M or less	\$1.01M to \$2.5M	\$2.51M to \$5M	\$5.01M to \$10M	\$10.01M to \$50M	Over \$50M	Total employers
No claims	139,676	3,827	823	220	91	6	144,643
1 claim	9,596	1,615	462	166	86	2	11,927
2 to 5 claims	3,159	1,810	901	407	254	17	6,548
6 to 10 claims	137	222	343	280	215	20	1,217
11 to 20 claims	27	52	103	184	235	32	633
Over 20 claims	19	9	19	68	280	197	592
Total with claims	12,938	3,708	1,828	1,105	1,070	268	20,917
Total	152,614	7,535	2,651	1,325	1,161	274	165,560
% without claims	91.5	50.8	31.0	16.6	7.8	2.2	87.4

Figure 5 above is based on claims lodged by insurance type "employed people" and excluding claims which have been lodged by uninsured policies.

The majority of employers (87.4 per cent) did not have a claim for workers' compensation in 2016-17. Smaller employers (\$1 million or less in declared wages) were the most likely to have no claims (91.5 per cent).

Claim rate

In 2016-17, 98,581 claims were lodged scheme-wide (excluding cancelled claims). The estimated rates per 1,000 employed people are detailed below.

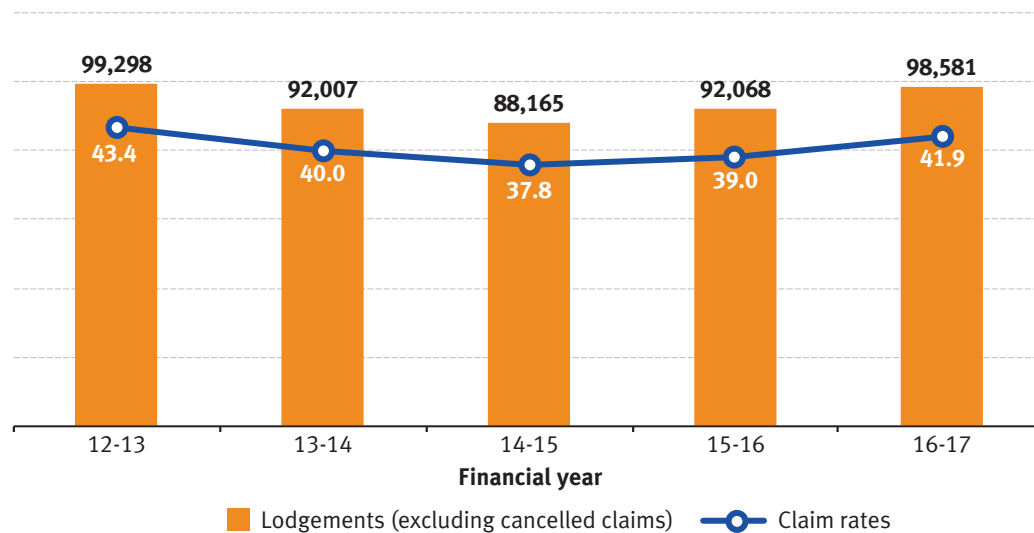
6 Claim rates (per 1,000 employed people) 2012-13 to 2016-17

	Annual comparison				
	2012-13	2013-14	2014-15	2015-16	2016-17
Queensland labour force					
Average number of employed people ('000) ^a	2,286.2	2,301.4	2,330.0	2,362.3	2,353.3
Change from previous year (%)	0.8	0.7	1.2	1.4	-0.4
Queensland workers' compensation scheme					
Number of lodged claims	99,298	92,007	88,165	92,068	98,581
Change from previous year (%)	-5.8	-7.3	-4.2	4.4	7.1
Claim rate					
Number per 1,000 employed people	43.4	40.0	37.8	39.0	41.9
Change from previous year (%)	-6.7	-7.8	-5.5	3.2	7.4

^a Australian Bureau of Statistics, Labour Force, Queensland Average of May Quarter to February Quarter, Cat. No. 6291.0.55.003, May 2017.

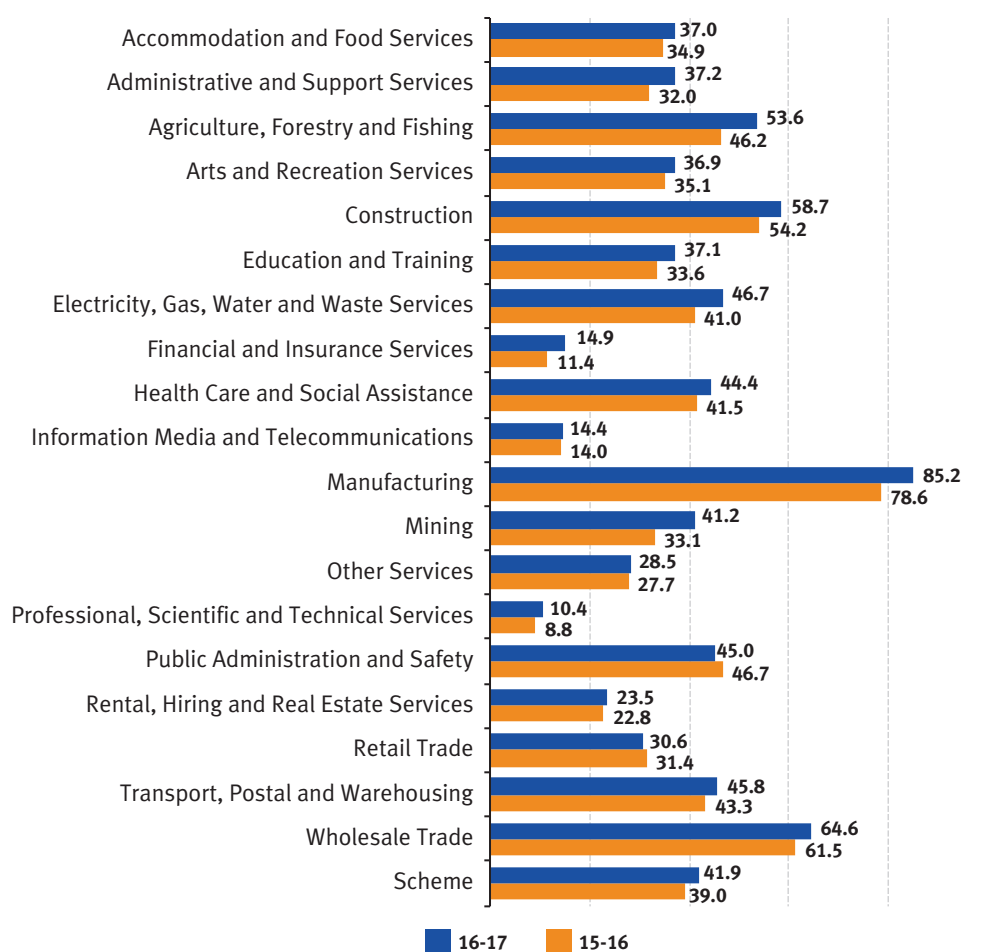
Figure 7 shows claim rates and claim lodgements in the scheme for the past five years. Lodgements for 2016-17 of 98,581 have increased by 7.1 per cent from 2015-16 lodgements of 92,068.

7 Claim rates (per 1,000 employed people) and lodgements 2012-13 to 2016-17



As shown in figure 8, manufacturing had the highest claim rate in the scheme, with 85.2 claim lodgements per 1,000 employed people in the industry. Other industries where the claim rate was larger than the scheme rate of 41.9 include, wholesale trade (64.6), construction (58.7), agriculture, forestry and fishing (53.6), electricity, gas, water and waste services (46.7) and transport, postal and warehousing (45.8).

8 Claim rates (per 1,000 employed people) by industry 2015-16 and 2016-17



Statutory claim lodgements

- Lodgements increased by 7.1 per cent in 2016-17.
- Note: cancelled claims have been excluded from the lodgements reported.
- There were 74 fatal claims lodged in 2016-17.

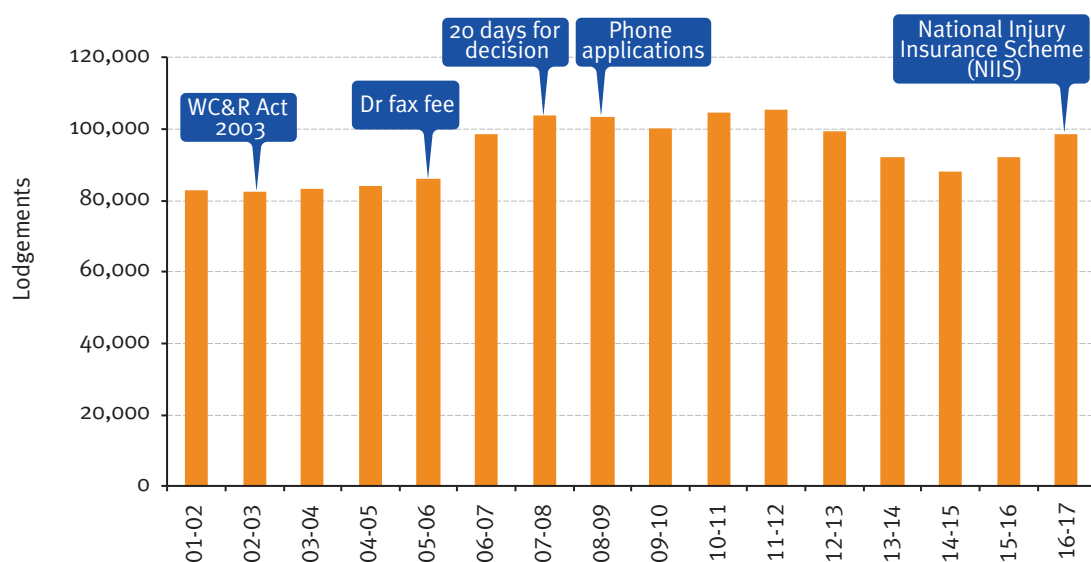
Many factors influence the number of claims lodged in the Queensland workers' compensation scheme. Some of the factors which may have contributed to changes in numbers of lodgements over the years include:

- injury prevention initiatives and interventions by Workplace Health and Safety Queensland (WHSQ) and WorkCover Queensland
- changing industry economics
- variations in the overall numbers in the workforce
- work process changes within industry – for example automation and improved work health and safety practices.

Figure 9 shows a history of statutory claim lodgements and key events in the Queensland workers' compensation scheme. For a comprehensive list of key events in the Queensland workers' compensation scheme please refer to Appendix 3.

In 2016-17, there were 98,581 claims lodged (excluding cancelled), representing a 7.1 per cent increase from 2015-16 (92,068).

9 Statutory claim lodgement history 2001-02 to 2016-17

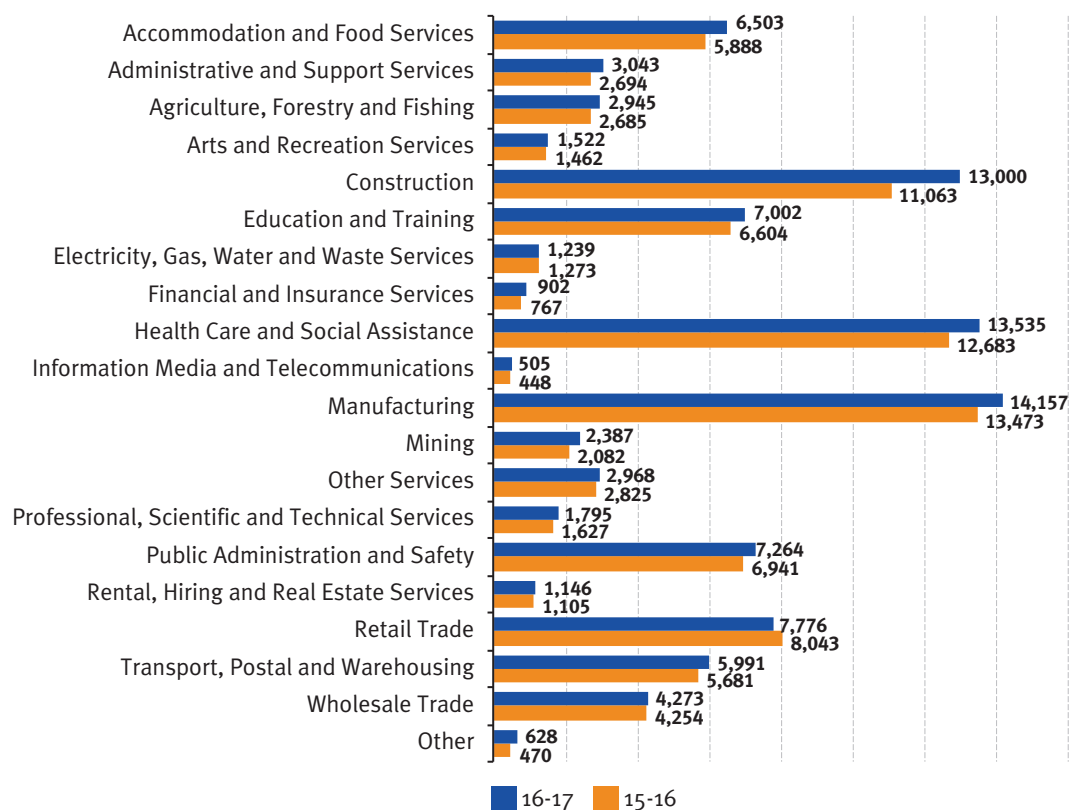


Industry

The manufacturing industry accounted for the largest proportion of claim lodgements with 14.4 per cent of all scheme lodgements.

The largest claim increases were in the finance and insurance services industry, up 17.6 per cent from 767 to 902, and the construction industry, up 17.5 per cent from 11,063 to 13,000 (figure 10).

10 Statutory claim lodgements by industry 2015-16 and 2016-17



For industry "Other", this includes injuries pre-July 1997 (pre ANZSIC classifications), household workers, workplace personal injury insurance (self-employed, working directors) and volunteers.

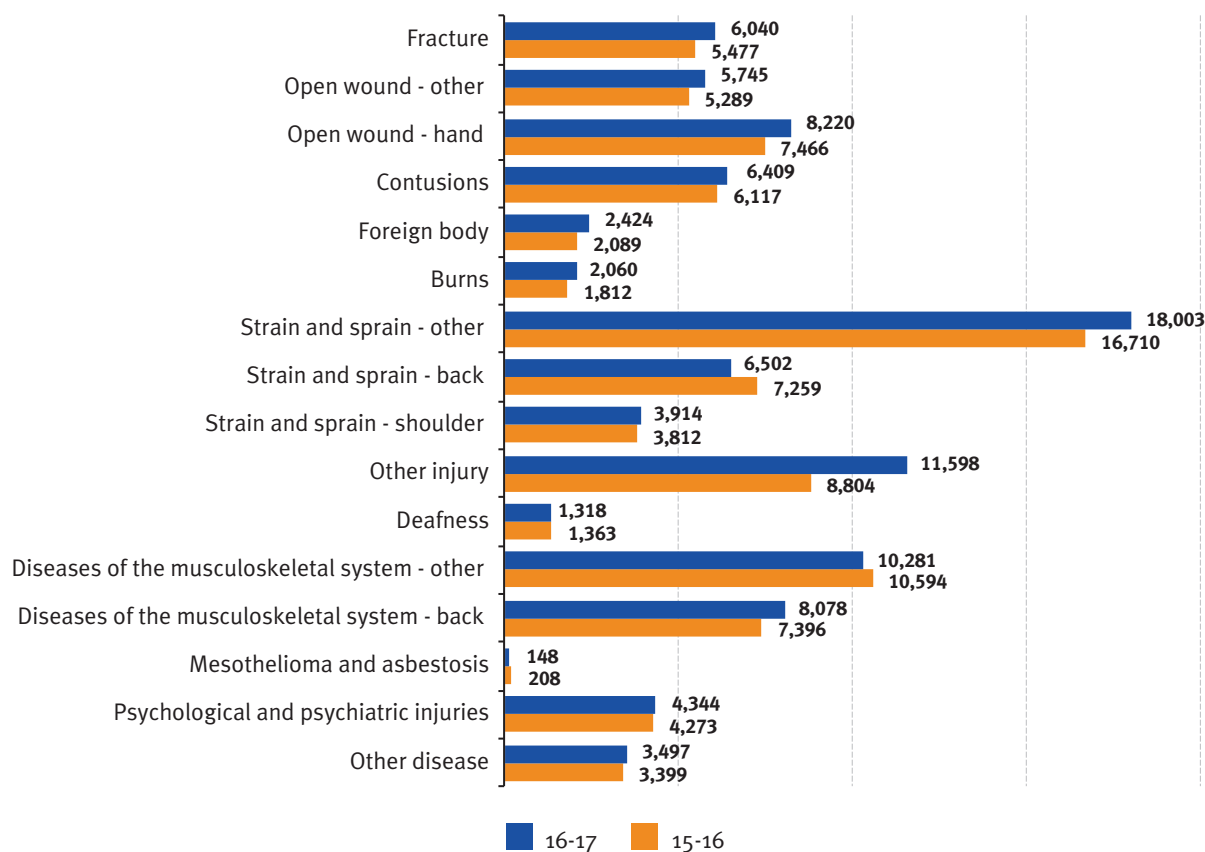
Injury type

Strain and sprain injury claims accounted for over a quarter (28.8 per cent) of all injuries lodged in 2016-17. Of these, the back was the major bodily location (accounting for 6.6 per cent of all lodgements).

Strain and sprain injuries for locations other than the back and shoulder experienced a 7.7 per cent increase in lodgements in 2016-17, from 16,710 in 2015-16 to 18,003 in 2016-17.

Claims lodged for mesothelioma and asbestosis decreased in 2016-17, down 28.8 per cent from 208 in 2015-16 to 148.

11 Statutory claim lodgements by injury type 2015-16 and 2016-17

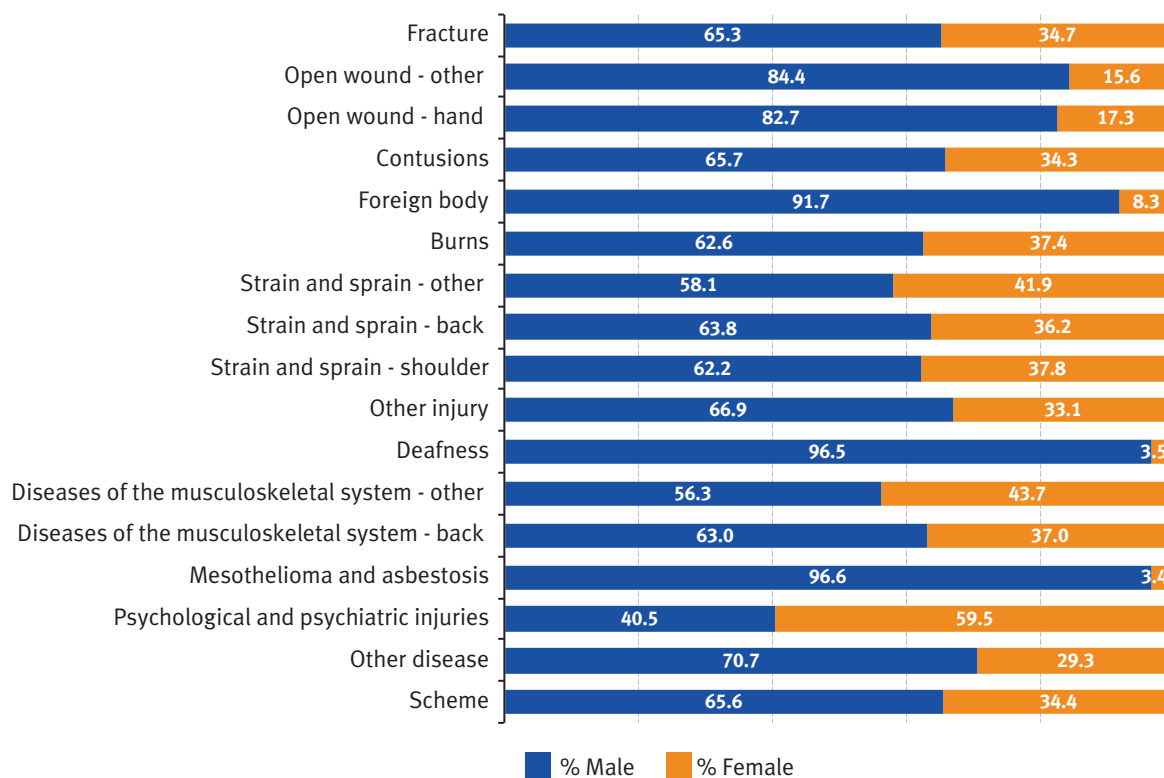


Gender

In 2016-17, males represented 65.6 per cent (n = 64,627) of the 98,581 claims lodged in the Queensland workers' compensation scheme. Injuries where males represented a much higher proportion of claims than females were mesothelioma and asbestosis (96.6 per cent), deafness (96.5 per cent) and foreign body (91.7 per cent).

Psychological and psychiatric injury was the only injury type where females were represented more than males, with females accounting for 59.5 per cent of claims.

12 Proportion of statutory claim lodgements by injury type and gender 2016-17

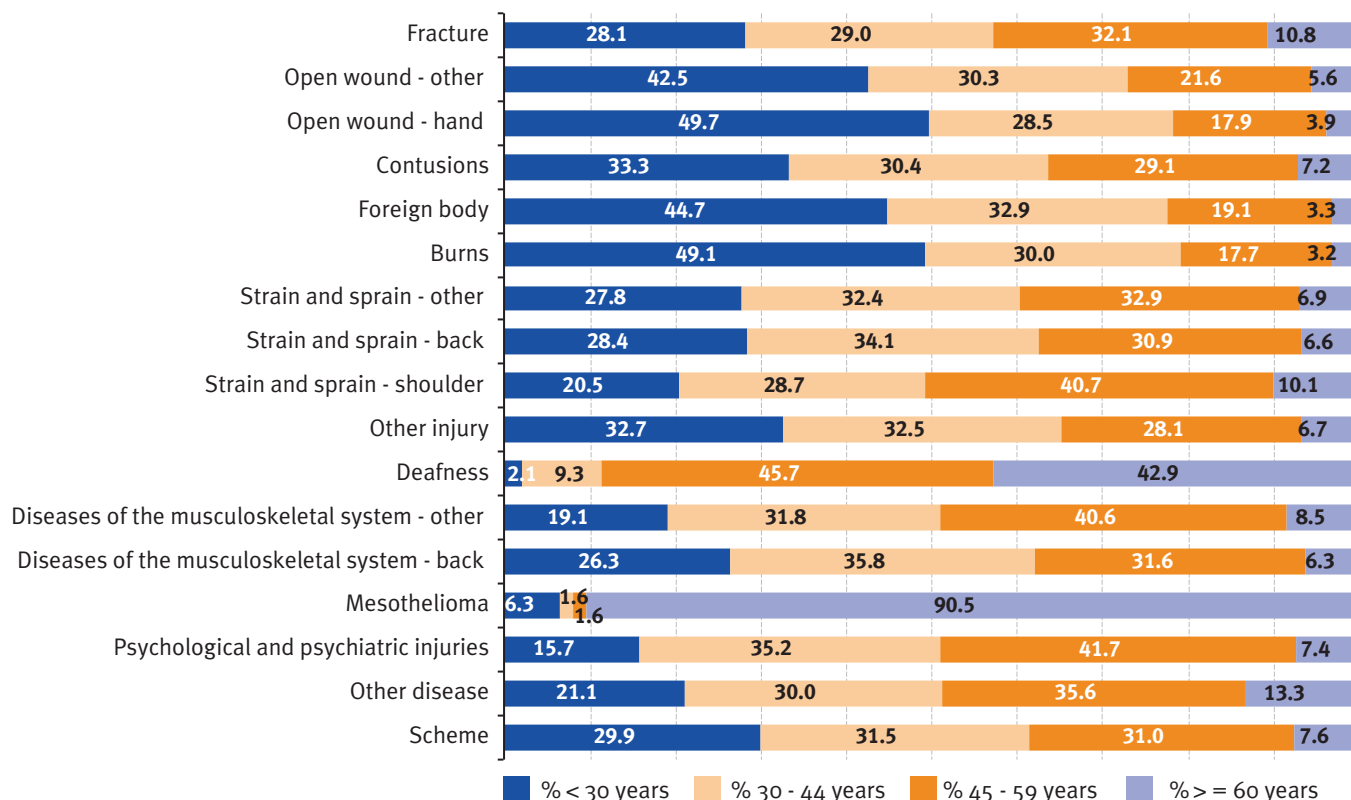


Age

While older workers (60 years or over) represented only 7.6 per cent of all claims lodgements, they have a high representation for injuries such as mesothelioma (90.5 per cent) and deafness (42.9 per cent).

Injury types where younger workers (less than 30 years) represented a greater proportion include open wound to the hand (49.7 per cent), burns (49.1 per cent), foreign body (44.7 per cent) and open wound to a location other than the hand (42.5 per cent).

13 Proportion of statutory claim lodgements by injury type and age group 2016-17



Please note: For the purposes of the above figure only, asbestosis has been separated from mesothelioma and categorised into "Other disease".

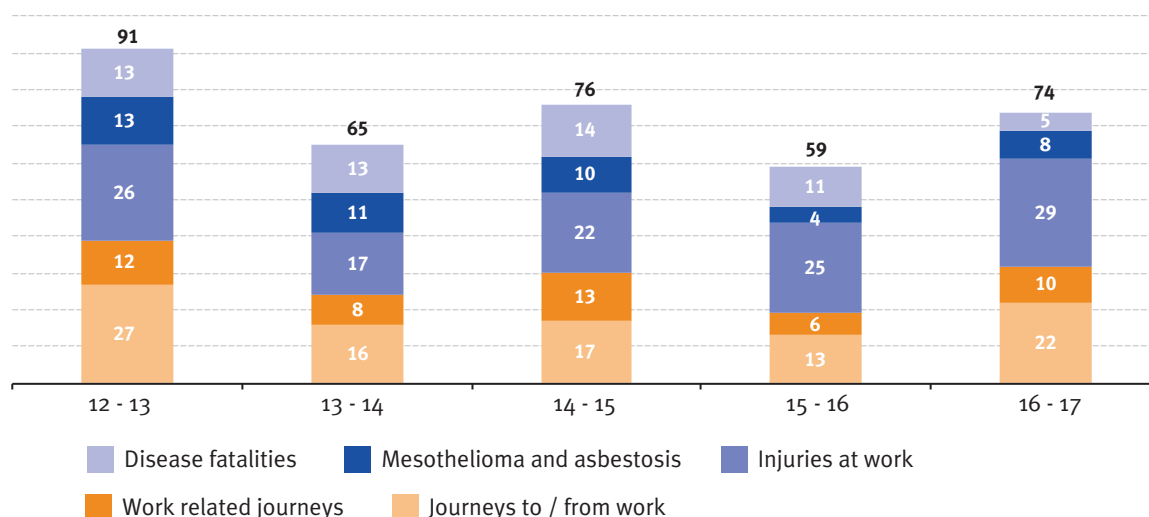
Compensated fatalities

Compensated fatalities are included in the year a workers' compensation claim is lodged, not the year the worker died. Considerable time can, therefore, elapse between claim lodgement and the death of the injured worker. Because these figures are subject to development over time, comparisons between years have not been made.

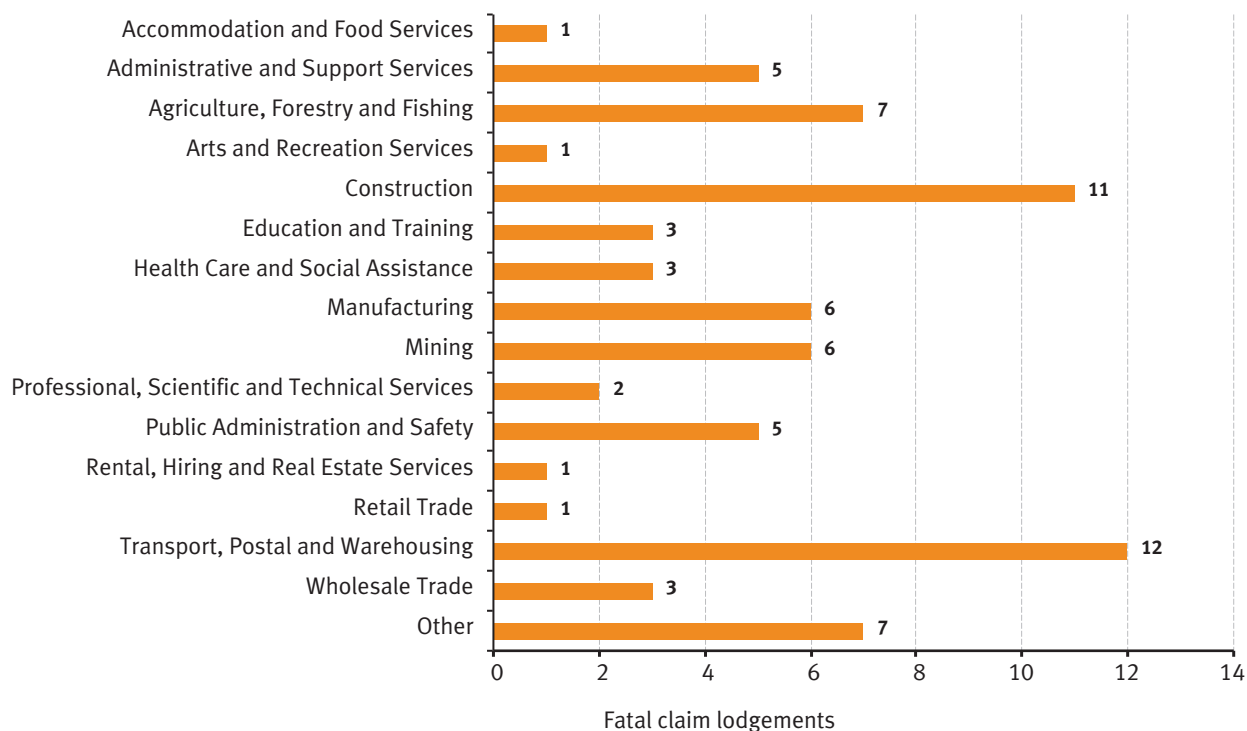
The Office of Industrial Relations reports the claim as a fatality if the claim is indicated by the insurer as a fatality under the Act on the individual application, taking into account the definitions of a worker, event and injury under the Act (s11, s31 and s32). Figure 14 below shows the fatal claim lodgement numbers.

There were 74 fatalities lodged in 2016-17.

14 Fatal claim lodgements (excluding cancelled claims) 2012-13 to 2016-17



15 Fatal claims lodgements by industry 2016-17



Statutory claim decision-making process

- Decision timeframes have remained stable for the 2016-17 year.
- Rejections and claims for psychological and psychiatric injuries take longer to decide.
- Claims for psychological and psychiatric injuries have a higher chance of rejection.
- 76.9 per cent of claims are rejected due to the injury not meeting the definition under the Act.
- Claims lodged with the insurer early are, on average, are determined more quickly.
- Rejections are more likely to progress to a review than claims which are accepted.

Once the insurer receives a complete application for compensation, they will determine whether or not the claim is compensable under the *Workers' Compensation and Rehabilitation Act 2003* (the Act). Insurers have 20 business days to determine liability for both physical injuries and psychological and psychiatric injuries lodged after 1 January 2008. Prior to this, insurers had 40 business days for physical injuries and 60 business days for psychological and psychiatric injuries.

Where injuries are difficult to determine due to medical complexities, they may be referred to the MAT to determine whether the medical matters alleged in the application for compensation constitute an injury.

If parties (either the worker or the employer) are dissatisfied with the insurer's decision, a dispute resolution process is available. The process involves an initial independent administrative review of the insurer's decision by OIR, followed by an appeal to the QIRC if the parties are dissatisfied with the OIR review decision. The court or QIRC decision may be appealed in the IC.

Figure 16 demonstrates the decision-making process for new claims.

16 Claims decision-making process



Figure 17 illustrates the change in decision-making timeframes in 2015-16 and 2016-17.

17 Average time to decide by injury type 2015-16 and 2016-17

Injury type	Average decision time (days)	
	2015-16	2016-17
Fracture	6.1	4.6
Open wound – other	3.9	4.1
Open wound – hand	3.7	4.0
Contusions	4.5	4.6
Foreign body	3.8	4.0
Burns	4.4	4.6
Strain and sprain – other	5.9	6.3
Strain and sprain – back	6.4	6.3
Strain and sprain – shoulder	7.2	7.1
Other injury	6.6	6.3
Deafness	18.2	16.9
Diseases of the musculoskeletal system – other	8.9	9.2
Diseases of the musculoskeletal system – back	8.2	8.0
Mesothelioma and asbestosis	61.6	88.8
Psychological and psychiatric injuries	31.1	31.1
Other disease	14.9	16.6
Total average	7.6	7.7

Overall, the average decision-making timeframe has remained stable at 7.7 days in 2016-17.

The median decision-making timeframe is stable at four days in 2016-17.

Due to the complexity of some claims, the duration from lodgement to decision can be lengthy. The injuries with the longest average decision times in 2016-17 were mesothelioma and asbestosis and psychological and psychiatric injuries.

Figure 18 illustrates decision-making timeframes and outcomes for claims determined in 2016-17. These timeframes are based on statutory claim decisions.

18 Decisions made and average time to decide by decision type and injury type 2016-17

Injury type	Number of decisions	Proportion of decisions		Average decision time		
		Admitted %	Rejected %	Admitted days	Rejected days	Total days
Fracture	5,244	95.0	5.0	4.1	14.2	4.6
Open wound - other	4,488	96.1	3.9	3.7	13.9	4.1
Open wound - hand	6,505	97.0	3.0	3.7	13.7	4.0
Contusions	5,085	96.5	3.5	4.3	14.4	4.6
Foreign body	1,791	96.6	3.4	3.7	12.0	4.0
Burns	1,615	95.4	4.6	4.0	17.7	4.6
Strain and sprain - other	14,984	95.4	4.6	5.7	18.6	6.3
Strain and sprain - back	5,615	95.9	4.1	5.7	21.3	6.3
Strain and sprain - shoulder	3,376	95.4	4.6	6.3	24.3	7.1
Other injury	7,941	92.9	7.1	5.3	19.3	6.3
Deafness	987	88.3	11.7	15.8	25.1	16.9
Diseases of the musculoskeletal system - other	8,672	91.8	8.2	7.7	26.6	9.2
Diseases of the musculoskeletal system - back	6,769	92.7	7.3	6.7	24.8	8.0
Mesothelioma and asbestosis	79	88.6	11.4	85.3	115.7	88.8
Psychological and psychiatric injuries	2,854	37.1	62.9	20.7	37.2	31.1
Other disease	2,719	81.9	18.1	13.4	30.7	16.6
Total	78,724	92.1	7.9	6.1	26.3	7.7

Most claims (92.1 per cent) were accepted by insurers with an average determination time of 6.1 days. On average, decision timeframes tended to be longer for:

- rejected claims – determined in 26.3 days on average compared to 6.1 days on average for accepted claims
- diseases - particularly psychological and psychiatric injury claims (average 31.1 days to determine), mesothelioma and asbestosis claims (average 88.8 days to determine) and deafness (average 16.9 days to determine).

Diseases tended to have higher rejection rates than injuries. In 2016-17, 11.4 per cent of mesothelioma and asbestosis claims were rejected and 62.9 per cent of psychological and psychiatric claims were rejected.

Another reason the rejection rate of psychological and psychiatric claims is so high is that workers cannot receive compensation for certain psychological and psychiatric injuries that arise out of or in the course of reasonable management action, as they are excluded from the definition of an injury under the Act. In 2016-17, 92.6 per cent of the rejected psychological and psychiatric claims were rejected on this basis.

Reasons for claim rejection

Insurers reject claims where, for some reason, the event or the person is not covered under the Act. For 76.9 per cent of rejected claims, the reason for rejection was that the injury did not meet the definition under the Act.

The following figure details the main reasons claims were rejected.

19 Rejected claims by reason for rejection 2015-16 and 2016-17

Reason for rejection	2015-16		2016-17	
	Number of rejections	% of rejections	Number of rejections	% of rejections
Not an injury - s.32	4,571	77.6	4,763	76.9
Not a worker - s.11	508	8.6	681	11.0
Out of time - excluded under s.131	431	7.3	381	6.2
Journey - subsequent delay, interruption or deviation - s.36(2)(B)	57	1.0	70	1.1
Invalid application - s.132	2	0.0	3	0.0
Industrial deafness - excluded under s.125 - initial application	66	1.1	52	0.8
Not a journey - s.35	34	0.6	38	0.6
Other	220	3.8	207	3.4
Total	5,889	100	6,195	100

Determination of medically complex claims

Where an insurer is unable to determine a claim due to complex medical issues, the matter may be referred to the MAT to determine whether the medical matters alleged in the application for compensation constitute an injury.

For 2016-17, only 109 claims were referred to the MAT for determination of the worker's injury for an application for compensation. Of these cases, 85 (78 per cent) were accepted and the remaining 24 (22 per cent) cases were rejected.

Disputation of insurer claim determination decisions

Both the injured worker and employer are able to dispute an insurer's claim determination decision. While only a small percentage of accepted claims are disputed by employers (0.5 per cent), over a quarter (25.8 per cent) of rejected claims are disputed by either the employer or the injured worker.

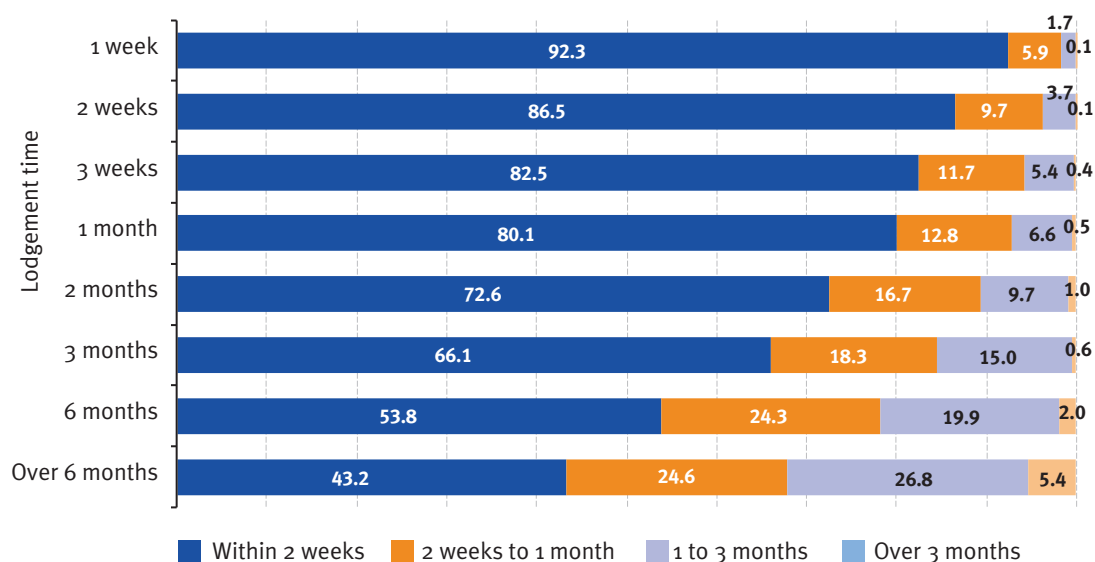
Impact of lodgement time on determination time

Delays in the time from injury to the lodgement of a claim may lead to delays in the decision-making process and, ultimately, additional costs for the claim.

92.3 per cent of claims lodged within the first week of the injury are determined by the insurer within two weeks. The proportion decided within two weeks decreases as the time to lodge the claim increases. For claims lodged more than six months after an injury, the proportion determined in less than two weeks drops to 43.2 per cent.

Figure 20 below, illustrates the link between lodgement and decision-making timeframes.

20 Decision-making timeframes for claims decided in 2016-17 by the time taken to lodge the claim



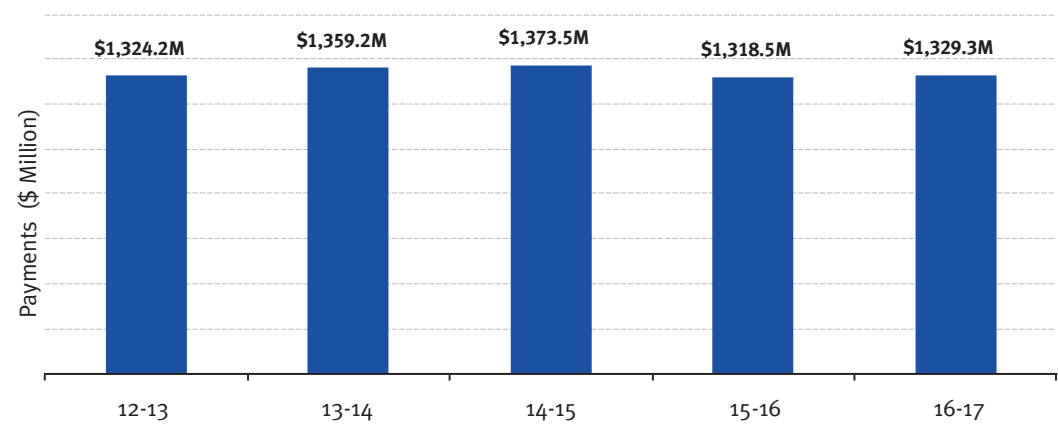
Claim payments

- Total scheme payments were stable in 2016-17.
- There was an 11.9 per cent decrease in common law payments made in 2016-17.
- Statutory payments increased by 7.8 per cent between 2015-16 and 2016-17.

Workers' compensation payments

Overall, the total scheme payments were stable, with common law payments decreasing by 11.9 per cent and statutory payments increasing by 7.8 per cent. Total payments for workers' compensation claims in 2016-17 were \$1,329.3 million. Common law payments made up 30.9 per cent (\$411.1 million) and statutory claim payments made up 69.1 per cent (\$918.2 million).

21 Scheme payments 2012-13 to 2016-17

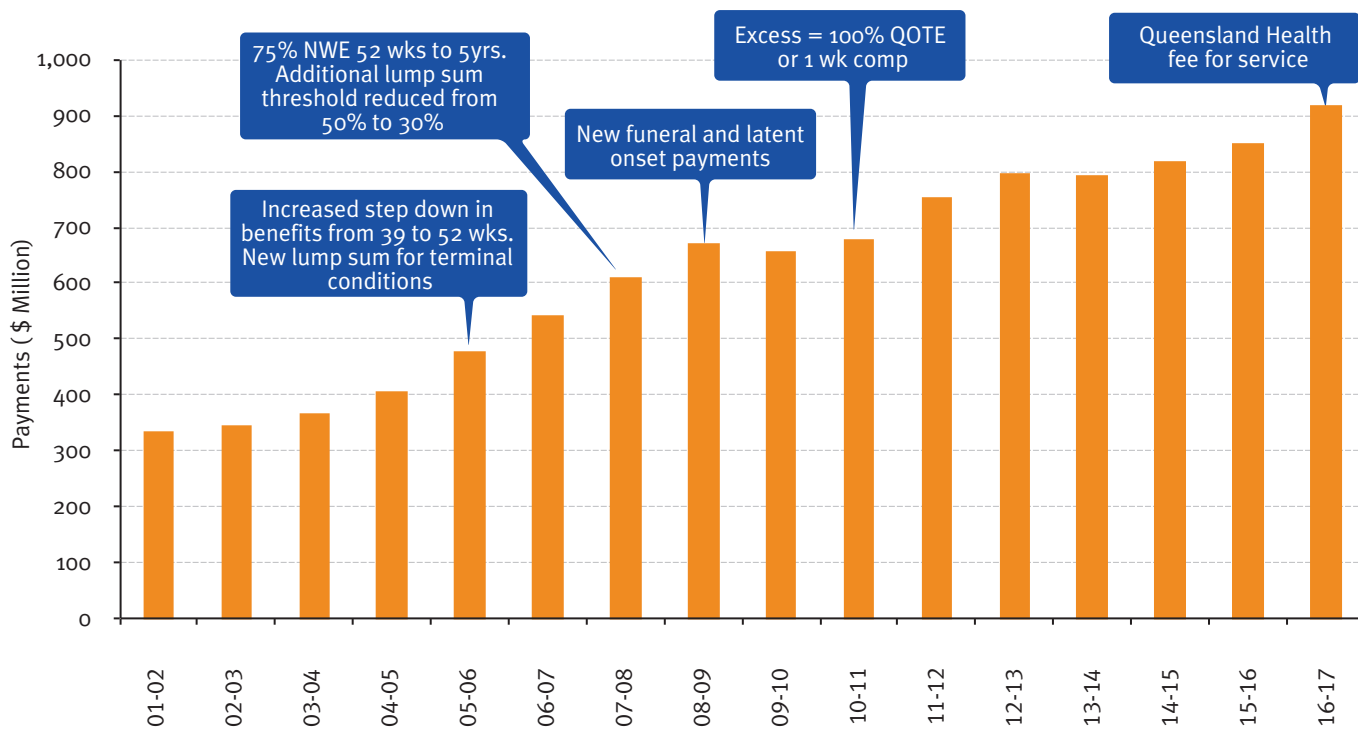


Statutory claim payments

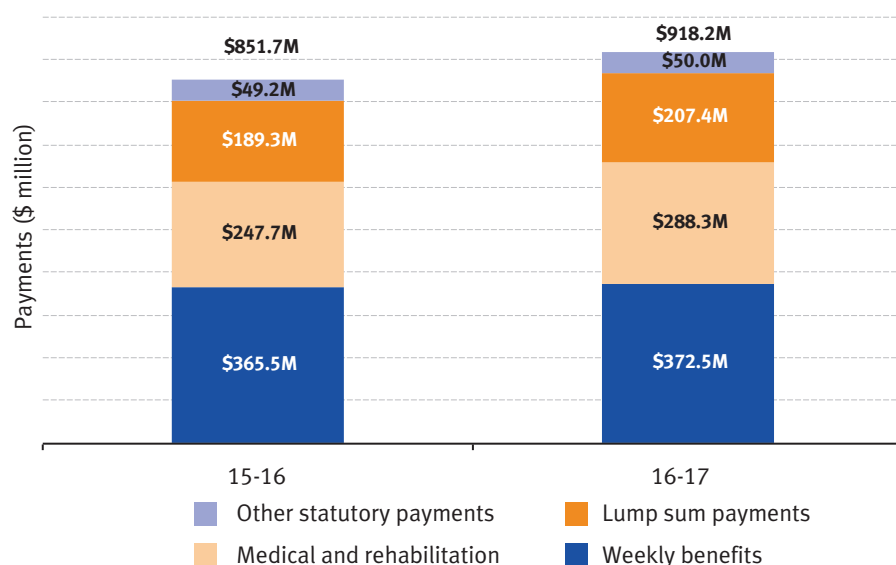
During the management of a claim, payments are made to the worker for weekly compensation to replace wages, lump sums for permanent impairment (PI) and a broad range of services such as medical treatment and rehabilitation.

As shown in figure 22 below, a history of statutory claim payments and key events in the Queensland workers' compensation scheme. For a comprehensive list of key events in the Queensland workers' compensation scheme please refer to Appendix 3.

22 Statutory claim payment history 2001-02 to 2016-17



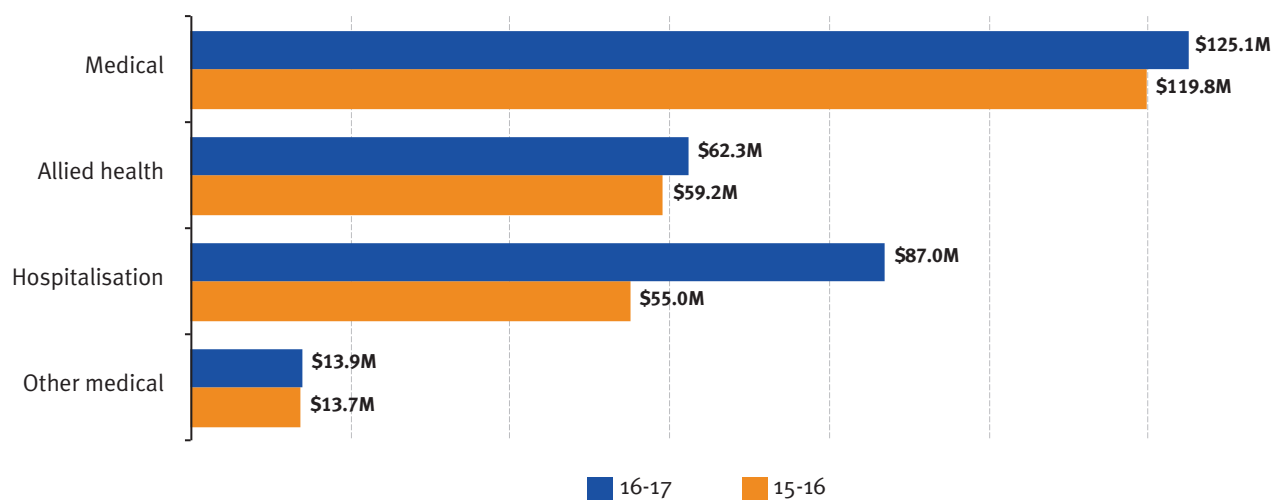
23 Statutory claim payments by payment type 2015-16 and 2016-17



The total amount spent on claims for the year has increased by 7.8 per cent from \$851.7 million in 2015-16 to \$918.2 million in 2016-17 (figure 23).

The largest payments increase was for medical and rehabilitation payments, up 16.4 per cent from 2015-16. Lump sum payments also increased, by 9.6 per cent. Weekly benefit payments remained relatively stable with an increase of 1.9 per cent.

24 Medical and rehabilitation payments 2015-16 and 2016-17

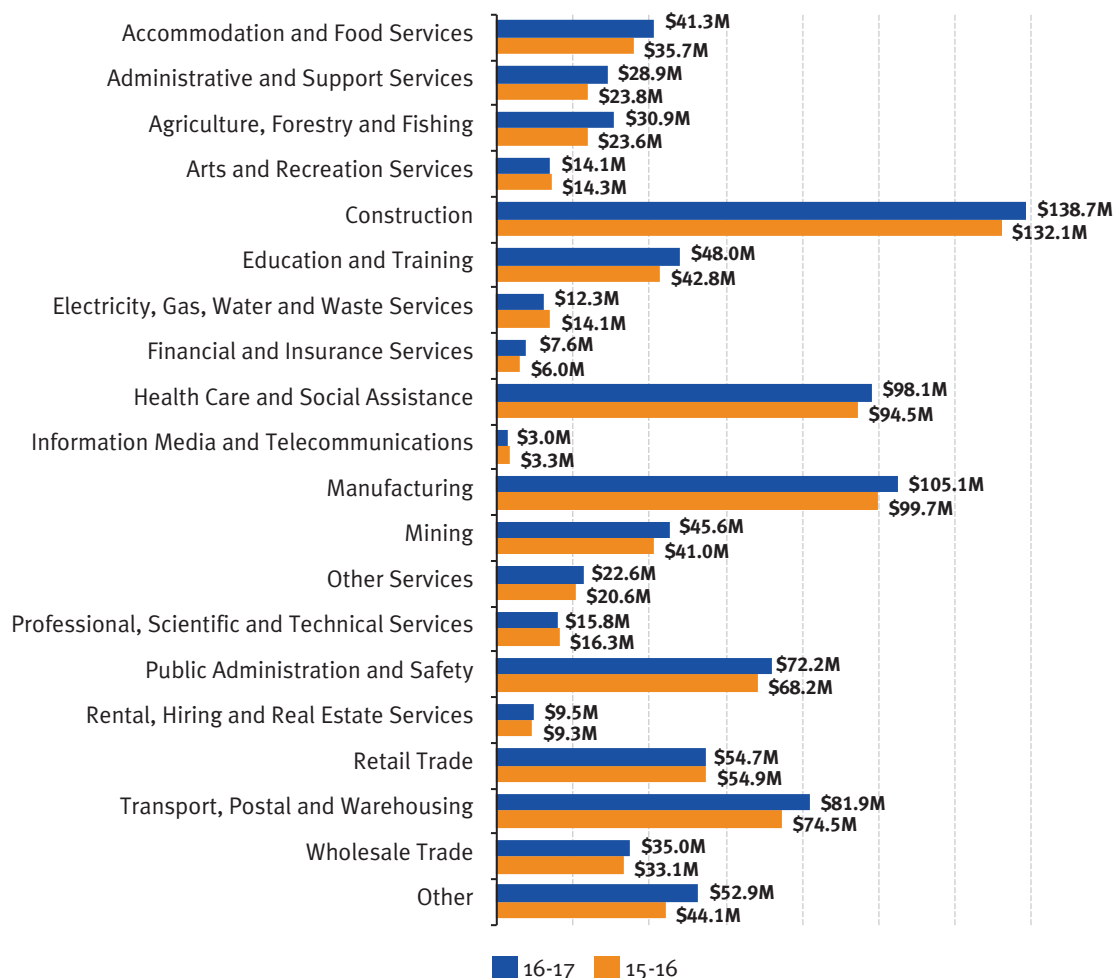


Medical and rehabilitation payments represent 21.7 per cent of statutory payments. Payments for medical treatment accounted for almost half (43.4 per cent) of all payments for medical and rehabilitation fees paid in the scheme in 2016-17. Hospitalisation payments increased by \$32.0 million in 2016-17. This increase is driven by the change in the administration process of Queensland Health moving to a fee for service arrangement with WorkCover Queensland in relation to public hospital payments.

Payments by industry

Claims from the construction industry accounted for the largest proportion (15.1 per cent) of statutory claim payments in 2016-17. Manufacturing accounted for 11.4 per cent of statutory payments, while health care and social assistance accounted for 10.7 per cent (figure 25).

25 Statutory claim payments by industry 2015-16 and 2016-17

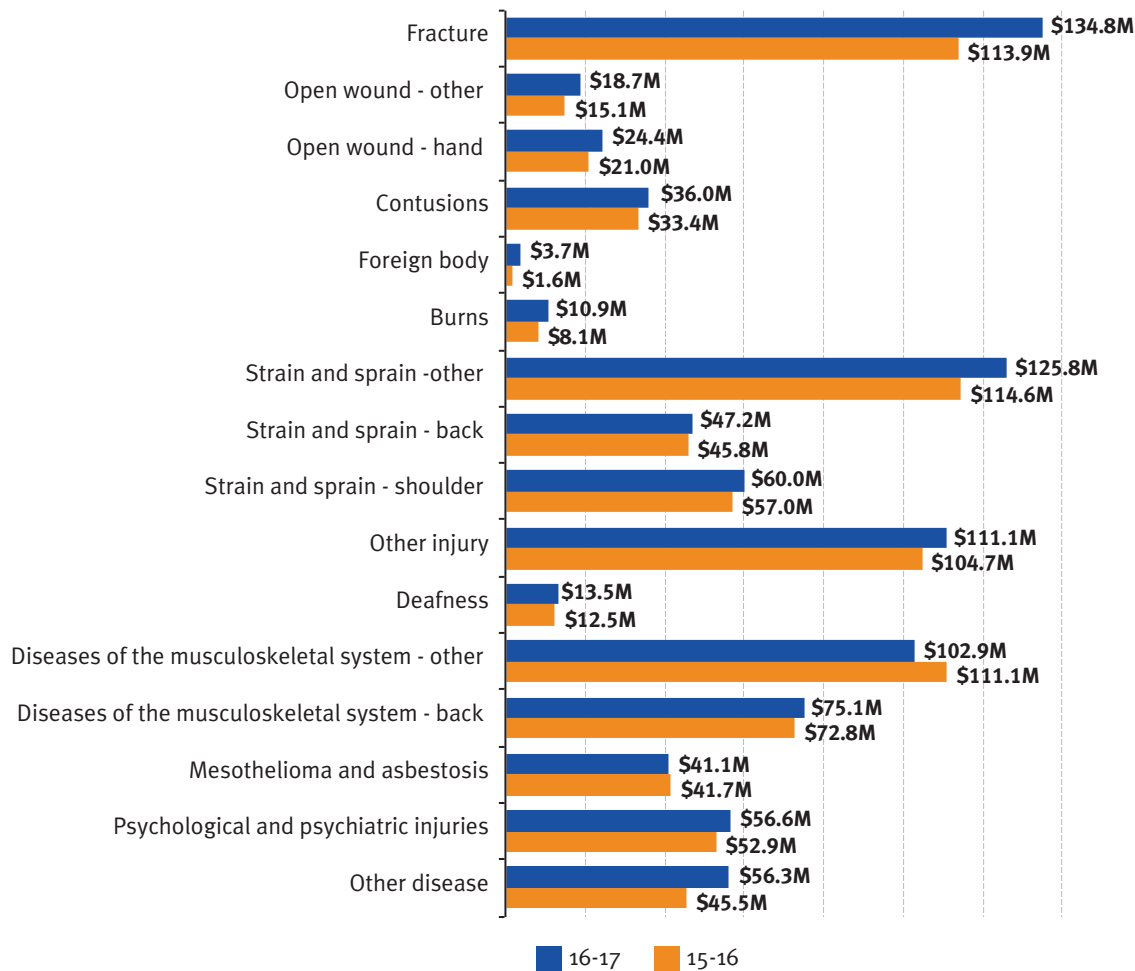


Payments by injury

As shown in figure 26, claims from strain and sprain injuries accounted for the largest proportion (25.4 per cent) of statutory claim payments in 2016-17 (5.1 per cent to the back, 6.5 per cent to the shoulder and 13.7 per cent to a location other than the back or shoulder). Disease of the musculoskeletal system claims accounted for 19.4 per cent of statutory claim payments made in 2016-17 (8.2 per cent to the back and 11.2 per cent to a location other than the back).

Injury types that experienced the largest percentage increase in statutory claim payments from 2015-16 to 2016-17 were foreign body, burns and open wounds to locations other than the hand.

26 Statutory claim payments by injury type 2015-16 and 2016-17



Finalised claims and outcomes

- In 2016-17, 86.9 per cent of workers with claims finalised returned to their same job with the same employer.
- The average costs of finalised medical expense only claims increased by 3.8 per cent.
- The average costs of finalised time lost claims increased by 5.4 per cent and their durations increased 2.8 per cent.

Work related impairment/degree of permanent impairment

Where a worker has a PI assessed, the degree of work related impairment (WRI) is calculated. WRI applies to injuries before 15 October 2013. Under the 2013 legislative amendments if a worker is injured on or after 15 October 2013 the worker is assessed for a degree of permanent impairment (DPI).

For injuries before 15 October 2013 a person may have multiple permanent impairments assessed separately, from these only one physical and one psychological or psychiatric WRI is calculated. For injuries under the 2013 legislative amendments, impairments are assessed together and only one physical and one psychological or psychiatric DPI is given.

Injured workers receive an offer of lump sum compensation based on their WRI or DPI.

Figure 27 below shows the number of claims finalised and those that had a WRI/DPI in 2015-16 and 2016-17.

27 Finalised claims with a WRI/DPI 2015-16 and 2016-17

	2015-16	2016-17	Variance %
Finalised claims	76,554	78,158	2.1
WRI/DPI	7,634	8,332	9.1
Proportion of finalised with WRI/DPI	10.0%	10.7%	
Work related impairment/Degree of permanent impairment range			
0%	1,823	2,053	12.6
0.1% - 4.9%	2,266	2,554	12.7
5% - 9.9%	2,114	2,372	12.2
10% - 14.9%	774	686	-11.4
15% - 19.9%	262	274	4.6
>=20%	395	393	-0.5

For 2016-17, 10.7 per cent of claims were finalised with a PI. Of these, the majority of claims (95.3 per cent) had a WRI/DPI of less than 20 per cent and 24.6 per cent were calculated as having a zero per cent impairment.

Return to work (RTW) outcomes

Returning an injured worker to the same job with the same employer is the best outcome which can be achieved on a claim. The following figure analyses the RTW outcome of claims reported at the time the claim closed. As figure 28 illustrates, this is the outcome achieved in most cases, with 86.9 per cent of injured workers who had time off work returning to the same job and the same employer.

28 Return to work status of finalised time lost claims 2015-16 and 2016-17

	2015-16		2016-17	
	Number	% of time lost claims	Number	% of time lost claims
Fit for work: same job/tasks with same employer	37,415	86.7	38,317	86.9
Fit for work: same job/tasks with different employer	513	1.2	503	1.1
Fit for work: different job/tasks with same employer	574	1.3	513	1.2
Fit for work: different job/tasks with different employer	1,162	2.7	1,299	2.9
Fit for work: no job	943	2.2	988	2.3
Fit for work: worker does not return	1,265	2.9	1,286	2.9
Not fit for work	1,158	2.7	1,112	2.5
Alternative outcome not claim related	120	0.3	85	0.2
Total	43,150	100	44,103	100

Note: For the purpose of the above figure only, all deceased injured workers have been excluded.

In 2016-17, 92.1 per cent of injured workers returned to some type of employment (91.9 per cent in 2015-16). In a small number of cases, the worker is deemed fit to return to work but there is no job for the worker to return to (2.3 per cent of time lost claims) or the worker chooses not to return (2.9 per cent of claims).

One of the factors which influence the RTW outcome on a claim is the severity of the injury. Figure 29 compares claims which have had a PI assessed as an indicator of the impact of severity of injury on RTW outcomes.

29 Return to work status of finalised time lost claims with/without a PI assessed 2015-16 and 2016-17

	2015-16			2016-17		
	PI Assessed			PI Assessed		
	% No	% Yes	Number	% No	% Yes	Number
Fit for work: same job/tasks with same employer	91.6	8.4	37,415	91.0	9.0	38,317
Fit for work: same job/tasks with different employer	76.8	23.2	513	69.2	30.8	503
Fit for work: different job/tasks with same employer	59.6	40.4	574	48.5	51.5	513
Fit for work: different job/tasks with different employer	59.9	40.1	1,162	52.2	47.8	1,299
Fit for work: no job	44.4	55.6	943	37.4	62.6	988
Fit for work: worker does not return	56.7	43.3	1,265	49.6	50.4	1,286
Not fit for work	33.5	66.5	1,158	28.0	72.0	1,112
Alternative outcome not claim related	31.7	68.3	120	56.5	43.5	85
Total	86.4	13.6	43,150	85.0	15.0	44,103

Note: For the purpose of the above figure only, all deceased injured workers have been excluded.

Workers with claims assessed for PI are less likely to return to the same job with the same employer. In 2016-17, 9.0 per cent of workers returning to the same job with the same employer had a PI assessed.

Another factor which influences the RTW outcome on claims is the existence of a psychological or psychiatric injury. Figure 30 below illustrates the impact of the injury type on RTW outcomes.

30 Return to work status of finalised time lost claims by injury nature 2015-16 and 2016-17

	2015-16			2016-17		
	Physical only %	Psych only %	Psych and Physical %	Physical only %	Psych only %	Psych and Physical %
Fit for work: same job/tasks with same employer	88.9	55.6	37.9	89.4	56.8	37.9
Fit for work: same job/tasks with different employer	1.1	2.7	1.8	1.1	1.9	2.2
Fit for work: different job/tasks with same employer	1.2	3.8	3.6	1.0	2.8	3.7
Fit for work: different job/tasks with different employer	2.3	10.2	9.6	2.4	11.0	11.5
Fit for work: no job	1.9	5.1	10.2	1.9	4.8	10.0
Fit for work: worker does not return	2.5	7.5	12.8	2.5	8.1	11.2
Not fit for work	1.8	14.5	22.0	1.5	14.2	22.1
Alternative outcome not claim related	0.2	0.5	2.0	0.1	0.3	1.5
Total	100	100	100	100	100	100
Number	40,943	971	1,236	41,534	1,081	1,488

Note: For the purpose of the above figure only, all deceased injured workers have been excluded.

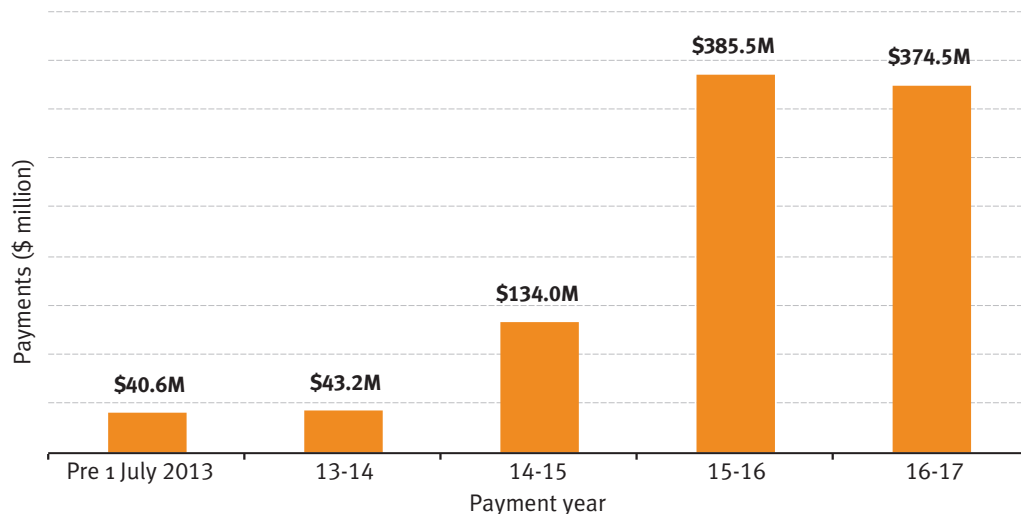
Workers having claims with both a physical and psychological or psychiatric component are the least likely to return to employment and 22.1 per cent in 2016-17 were not fit for work at the end of their claim.

Average claim costs

The average finalised claim cost is calculated using statutory claim payments made on a claim that was ceased or finalised within the financial year. The payments made on these claims may have occurred over several years.

Figure 31 below illustrates the payments made on claims finalised in 2016-17. Over 60 per cent of the payments for these claims occurred in previous years. Only 38.3 per cent of the statutory payments made on claims finalised in 2016-17 were also paid in that financial year. A further 39.4 per cent of payments were made in the 2015-16 financial year. The remaining 22.3 per cent of the payments were made in 2014-15 or earlier.

31 Payments by payment year for claims finalised in 2016-17



The claims that cost more to the scheme tend to be those that have longer durations. These usually occur over several years and therefore would not impact on the average finalised claim cost until the year the claim is ceased or finalised.

The average cost (time lost claims and medical expenses only claims) has increased for the financial year (up 4.4 per cent from \$11,130 in 2015-16 to \$11,619 in 2016-17).

The number of claims finalised in the past two years, and the average claim costs by claim type for time lost claims and medical expense only claims is represented in figure 32 below. These two claims types represent 97.5 per cent of all finalised claims during 2016-17.

32 Finalised claims and average claim costs by claim type 2015-16 and 2016-17

Claim type	Number of claims			Average claim cost		
	2015-16	2016-17	Variance %	2015-16 \$	2016-17 \$	Variance %
Time lost claim	43,158	44,113	2.2	17,787	18,744	5.4
Medical expenses only claim	30,653	32,090	4.7	1,758	1,825	3.8
Total	73,811	76,203	3.2	11,130	11,619	4.4

The median claim costs for time lost and medical expense only claims has increased from \$1,300 in 2015-16 to \$1,498 in 2016-17.

The average finalised claim cost may vary depending on factors such as:

- the duration of claims – the longer an injured worker is away from work, the more weekly compensation payments and medical expenses the claim will incur, impacting on the time lost claims costs and the level of medical and other expenses required for the injury
- changes in industry claim rates and the average wages paid in industry
- the mix of injuries lodged scheme-wide (the severity of injury can impact on the average finalised time lost claim duration and cost)
- changes in practices by insurers can have an impact on claim finalisation and average costs
- changes to legislation to provide increased or additional benefits to claimants
- claim re-openings.

Figure 33 compares the variance in finalised claim costs to other indicators.

33 Changes in average finalised claim costs and economic indices 2016-17

Indicator	% change from previous year
Average finalised time lost claim cost	5.4
Average finalised medical expense only claim cost	3.8
Consumer price index	
Average of all groups, Brisbane (excluding GST) ^a	1.8
Health, Brisbane (excluding GST) ^b	3.8
Full time adult ordinary earnings ^c	2.4

^a Australian Bureau of Statistics, consumer price index, Australia Cat. No. 6401.0 - Consumer Price Index, Australia, March 2017, Tables 1 and 2 CPI - all groups, index numbers and percentages changes, Index Numbers; All groups; Brisbane. [Percentage change from March 2016 to March 2017].

^b Australian Bureau of Statistics, Australia Cat. No. 6401.0 - Consumer Price Index, Australia, March 2017, Table 5 CPI - groups, index numbers by capital city, Index Numbers; Health; Brisbane. [Percentage change from March 2016 to March 2017].

^c Australian Bureau of Statistics, average weekly earnings, Australia Cat. No 6302.0 - Average weekly earnings Australia, Nov 2016. Table 13C Average weekly earnings Queensland (dollars) - Original Earnings; Queensland; Persons; Full Time; Adult; Ordinary time earnings. [Percentage change from November 2015 to November 2016].

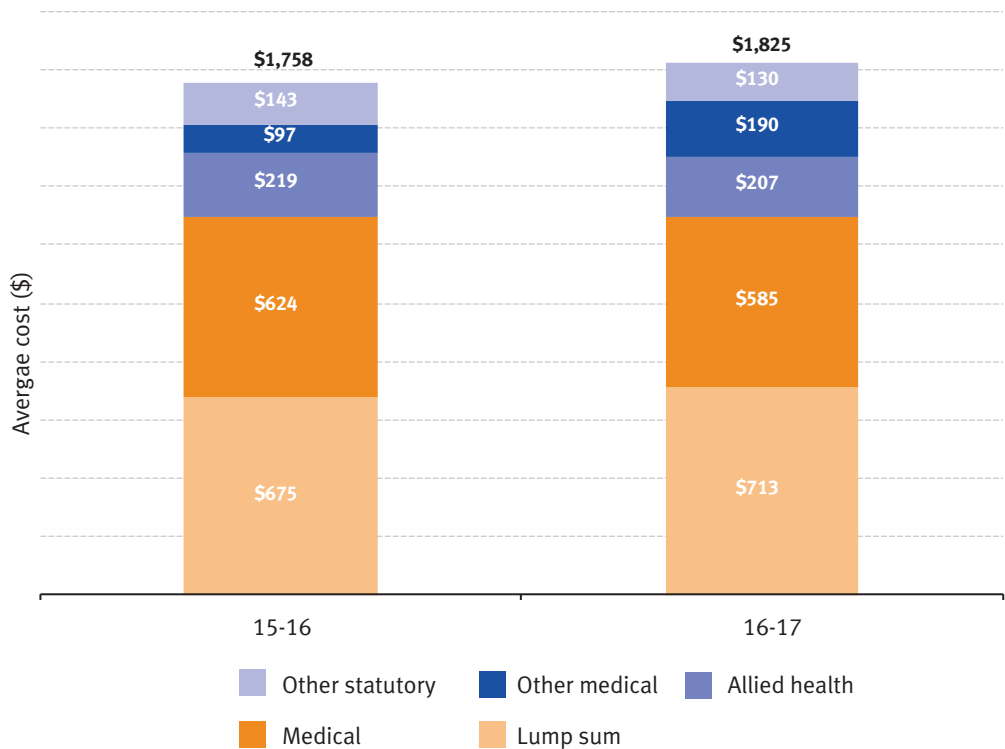
Average finalised medical expense only claim costs

This section looks at a further breakdown of the average costs of finalised medical expense only claims.

The average cost of finalised medical expense only claims has increased by 3.8 per cent from \$1,758 in 2015-16 to \$1,825 in 2016-17 (figure 34).

The breakdown of the average cost for 2016-17 shows 39.1 per cent of the cost is made up of lump sum payments followed by medical and rehabilitation payments of 32.1 per cent. Allied health payments account for 11.4 per cent and other medical payments (including hospitalisation) account for 10.4 per cent. The remaining 7.1 per cent of the average cost is made up of other statutory payments.

34 Average finalised medical expense only claim costs by payment type 2015-16 and 2016-17



Average finalised time lost claim durations

Average finalised time lost claim durations are calculated using finalised time lost claims over a financial year. The number of finalised time lost claims increased in 2016-17, up 2.2 per cent from 43,158 in 2015-16 to 44,113.

Durations for finalised time lost claims including the excess paid period by the employer (where applicable) have also increased from 49.4 days in 2015-16 to 50.8 days in 2016-17.

Over 70 per cent of time lost claims have 40 or less workdays lost (71.5 per cent), while the median workdays lost for all time lost claims is 12 days. This illustrates how the small number of long term claims impact the average duration. Only 10.6 per cent of time lost claims had more than 130 workdays lost. It is at the 26 week point that the level of compensation benefits payable first begins to decrease (section 150, the Act).

35 Number of time lost claims by workdays lost time band 2015-16 and 2016-17

Workdays lost	2015-16		2016-17	
	Number of claims	% of claims	Number of claims	% of claims
1 - 5 days	15,346	35.6	15,447	35.0
6 - 10 days	5,105	11.8	5,176	11.7
11 - 20 days	5,289	12.3	5,475	12.4
21 - 40 days	5,265	12.2	5,443	12.3
41 - 65 days	3,603	8.3	3,727	8.5
66 - 130 days	4,192	9.7	4,190	9.5
131 - 260 days	2,626	6.1	2,737	6.2
> 260 days	1,732	4.0	1,918	4.4
Total time lost claims	43,158	100	44,113	100

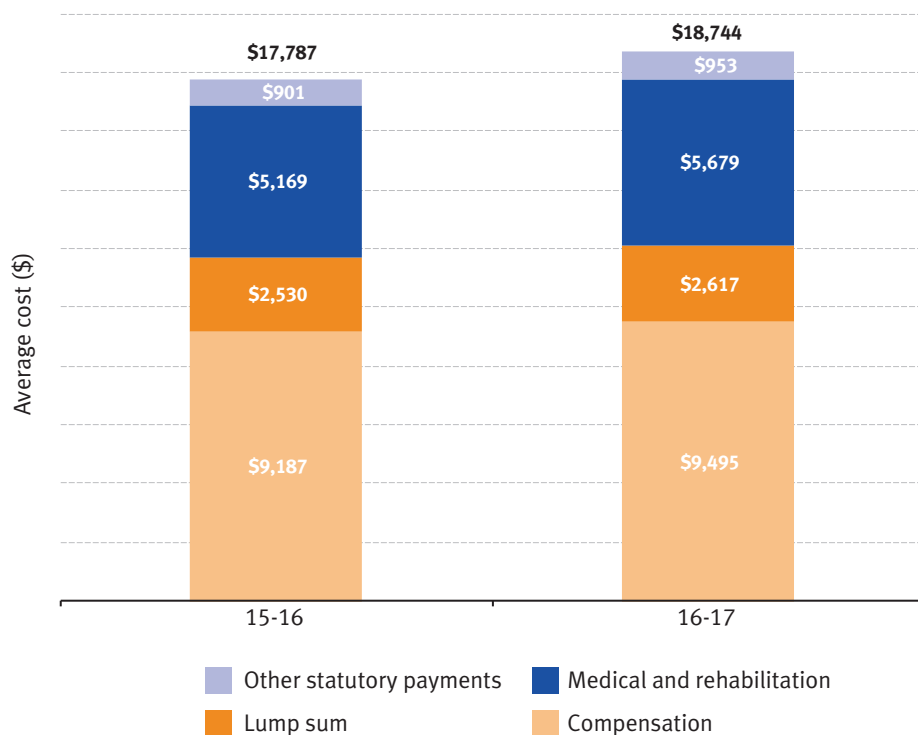
Average finalised time lost claim costs

The average cost of finalised time lost claims has increased by 5.4 per cent from \$17,787 in 2015-16 to \$18,744 in 2016-17 (figure 36).

The breakdown of the average cost in 2016-17 shows over half (50.7 per cent) of the cost is made up of weekly compensation payments.

In 2016-17, medical and rehabilitation payments accounted for over a quarter (30.3 per cent) of the average cost and lump sum payments accounted for 14.0 per cent. The remaining 5.0 per cent of the average cost was made up of other statutory payments.

36 Average finalised time lost claim costs by payment type 2015-16 and 2016-17

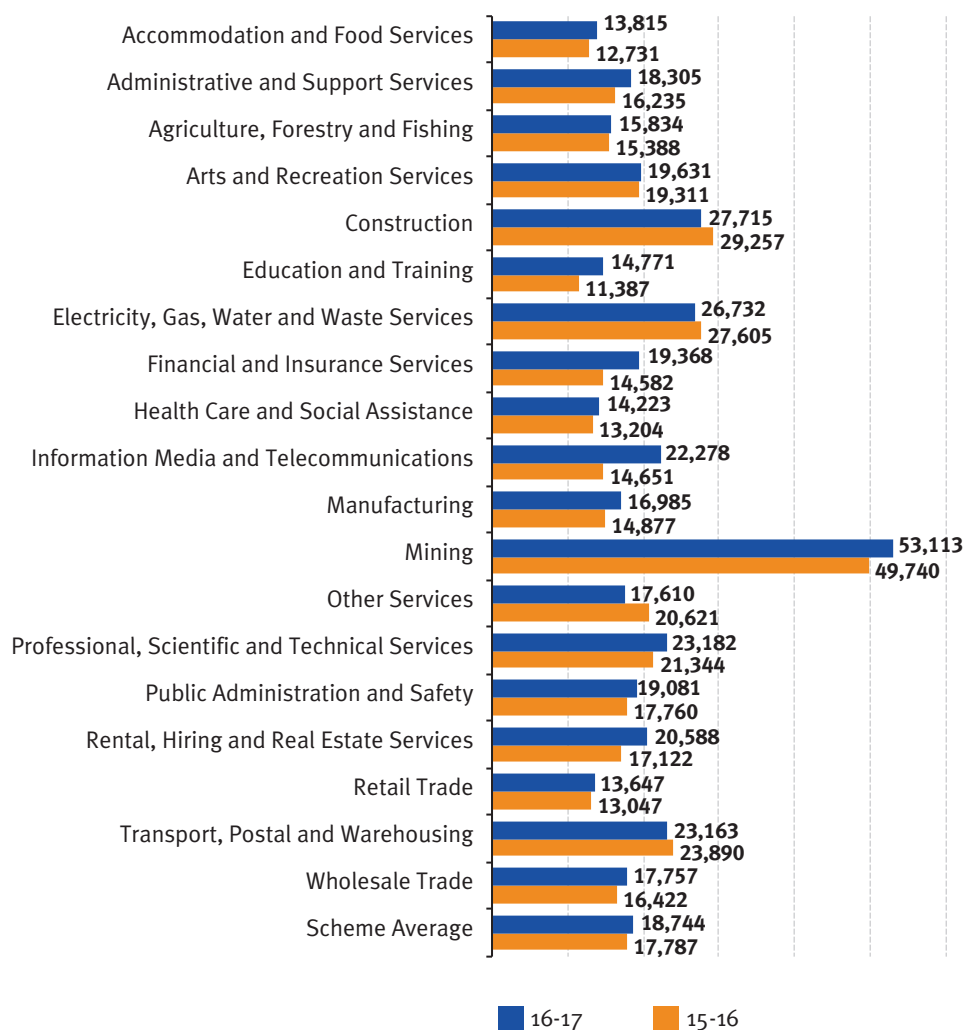


Average cost by industry

Of all industry claims, those from the mining industry had the highest average finalised time lost claim cost (\$53,113) partially due to the higher wages paid in the industry (figure 37). The Australian average weekly earnings (full time adult ordinary time earnings) for workers in the mining industry of \$2,572 are the highest of all industries (Source: ABS, Average Weekly Earnings, Cat. No. 6302, November 2016, table 10G. Average Weekly Earnings, Industry, Australia (Dollars) - Original - Persons, Full Time Adult Ordinary Time Earnings).

Similarly, industries that tended to have lower average finalised time lost claim cost – for example, accommodation and food services and retail trade – also had the lowest Australian average weekly earnings of all industries (\$1,108 and \$1,134 respectively).

37 Average finalised time lost claim costs by industry 2015-16 and 2016-17



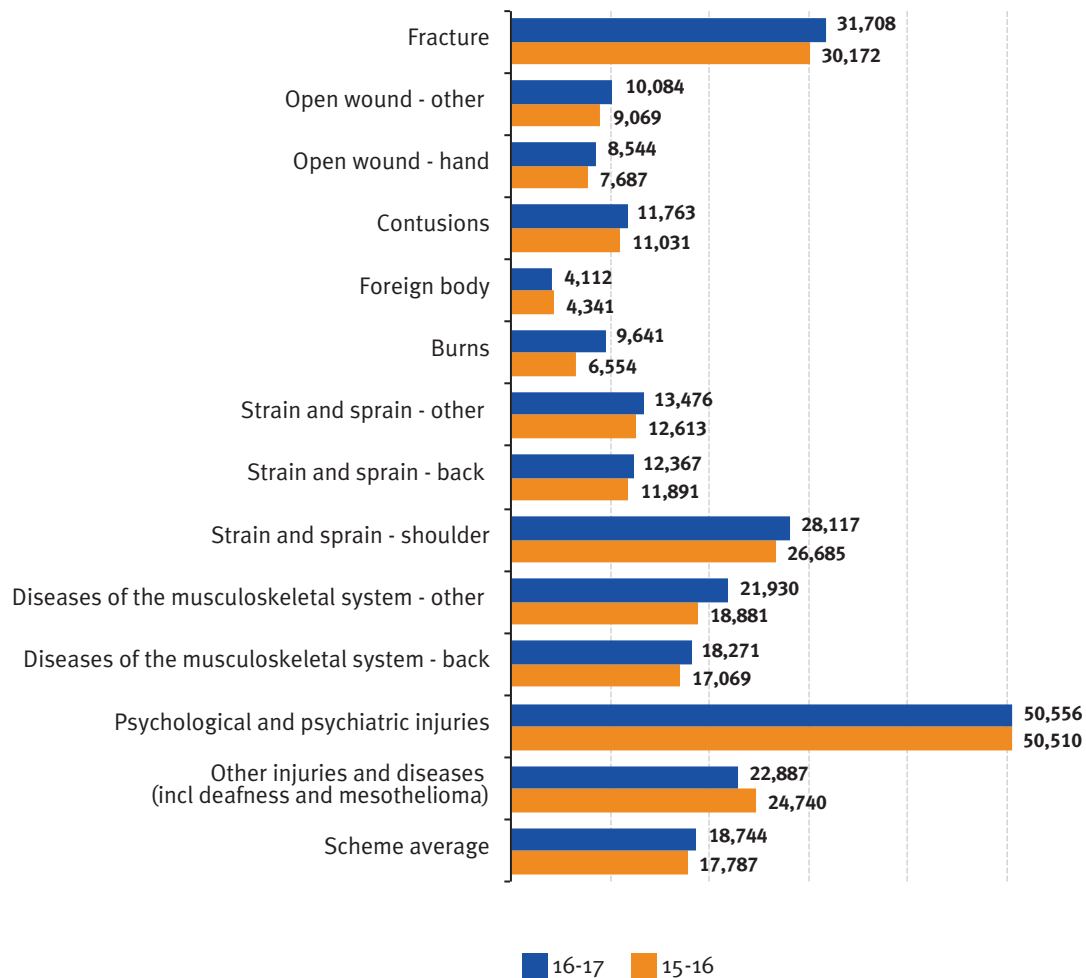
Average cost by injury type

Although psychological and psychiatric injury claims account for only 2.7 per cent of all time lost claims finalised, they are the most expensive with an average finalised time lost claim cost of \$50,556 in 2016-17.

In 2016-17, the average duration of a psychological or psychiatric injury claim was 153.3 days (156.8 days in 2015-16) compared with the overall scheme average of 50.8 days. It is the long duration of psychological and psychiatric injury claims that impacts on the average finalised time lost claim cost for these claims.

As shown in figure 38, the second most expensive injury type was fractures with an average cost of \$31,708 (\$30,172 in 2015-16).

38 Average finalised time lost claim cost by injury type 2015-16 and 2016-17



Claims for damages at common law

- Common law lodgements have increased over the last year.
- The majority of lodgements are for injuries that occurred two to three years prior.
- Over half (53.7 per cent) of common law lodgements have a work related impairment of less than five per cent.
- Psychological and psychiatric injury claims represent 7.0 per cent of common law lodgements. They represent only 4.4 per cent of statutory claim lodgements.
- In 2016-17, the average settlement cost of a finalised common law claim was \$153,130.

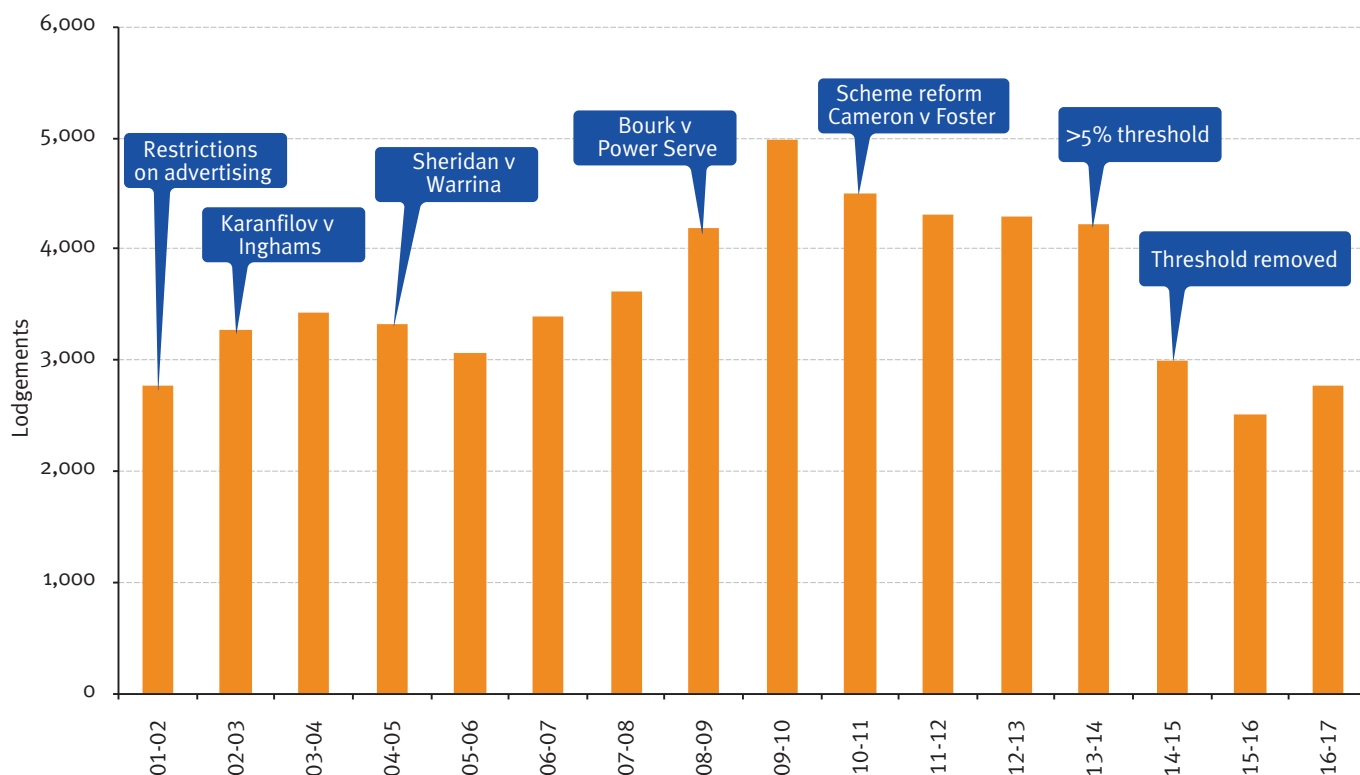
Legislative amendments in 2013 introduced a threshold to restrict access to common law damages. This threshold required workers with injuries on or after 15 October 2013 to have a degree of permanent impairment (DPI) greater than 5 per cent to access common law damages.

In 2015, the threshold was removed for injuries on or after 31 January 2015. The 2015 legislative amendments established a provision for additional compensation for workers impacted by the common law threshold.

Lodgements

Figure 39 shows a history of common law lodgements and key events in the Queensland workers' compensation scheme. For a comprehensive list of key events in the Queensland workers' compensation scheme please refer to Appendix 3.

39 Common law lodgements history 2001-02 to 2016-17



In 2016-17, common law claim lodgements increased by 10.6 per cent, increasing from 2,509 in 2015-16 to 2,776 in 2016-17. Figure 40 shows common law claim lodgements over the past eight years by the date of injury.

40 Common law claim lodgements 2009-10 to 2016-17 by injury year

Injury year	Lodgement year							
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Pre 01/07/1999	113	54	42	28	53	24	22	17
1999-00	6	3	1	4	3	2	1	1
2000-01	8	7	2	2	0	1	0	0
2001-02	8	4	7	2	1	1	1	0
2002-03	11	9	9	3	3	2	2	0
2003-04	17	11	9	6	5	7	2	4
2004-05	33	32	12	8	3	2	0	4
2005-06	67	25	24	12	6	5	2	1
2006-07	971	65	40	19	5	4	3	0
2007-08	1,575	1,037	64	24	16	12	6	4
2008-09	1,839	1,371	921	43	22	13	10	3
2009-10	340	1,672	1,348	908	53	18	12	5
2010-11		219	1,624	1,379	948	44	21	14
2011-12			210	1,640	1,436	867	40	14
2012-13				223	1,526	1,235	855	27
2013-14					148	717	850	633
2014-15						41	575	932
2015-16							107	1,003
2016-17								114
Total	4,988	4,509	4,313	4,301	4,228	2,995	2,509	2,776

The majority of common law claims lodged in any given year are for injuries that occurred two to three years prior.

Figure 41 shows the breakdown of common law claim lodgements in 2016-17 by the injured worker's WRI/DPI.

41 Common law claim lodgements by WRI/DPI 2016-17

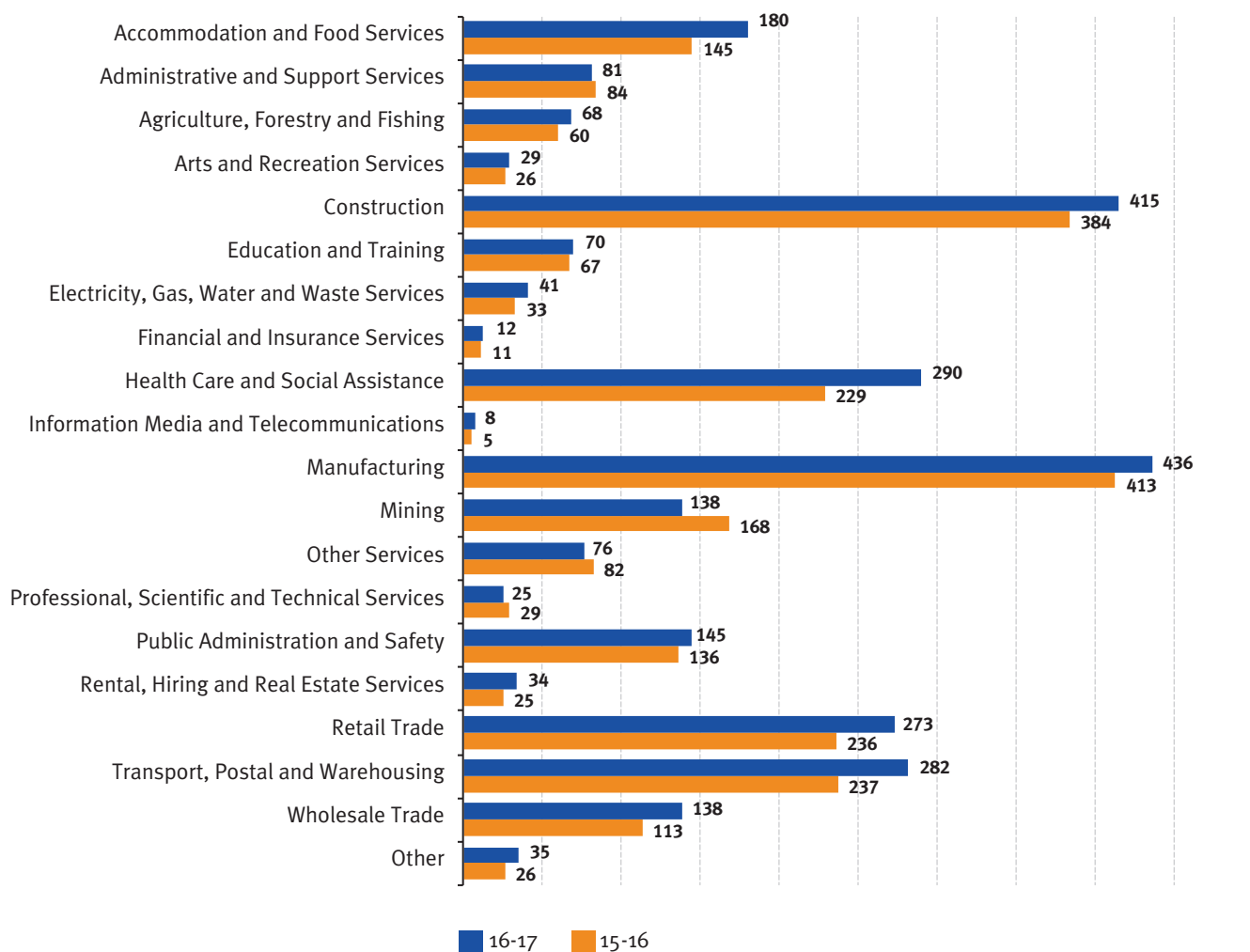
WRI/DPI	Common law lodgements	% of common law lodgements
No impairment assessed	374	13.5
0%	582	21.0
0.1 - 4.9%	532	19.2
5 - 9.9%	760	27.3
10 - 14.9%	252	9.1
15 - 19.9%	101	3.6
> =20%	175	6.3
Total	2,776	100

If the injured worker's work related impairment is less than 20 per cent, the worker has to make an irrevocable decision to either accept a payment of the statutory lump sum compensation for the injury or seek damages at common law. If the work related impairment is 20 per cent or more, the injured worker can accept a lump sum payment and seek damages. Only a small proportion of common law claims (6.3 per cent) are able to access lump sum payment and pursue common law.

Industry

The manufacturing and construction industries represented the highest proportion of common law claims lodged in the Queensland scheme. The manufacturing industry accounted for 15.7 per cent and the construction industry accounted for 14.9 per cent of all common law claim lodgements in 2016-17 (figure 42).

42 Common law claim lodgements by industry 2015-16 and 2016-17



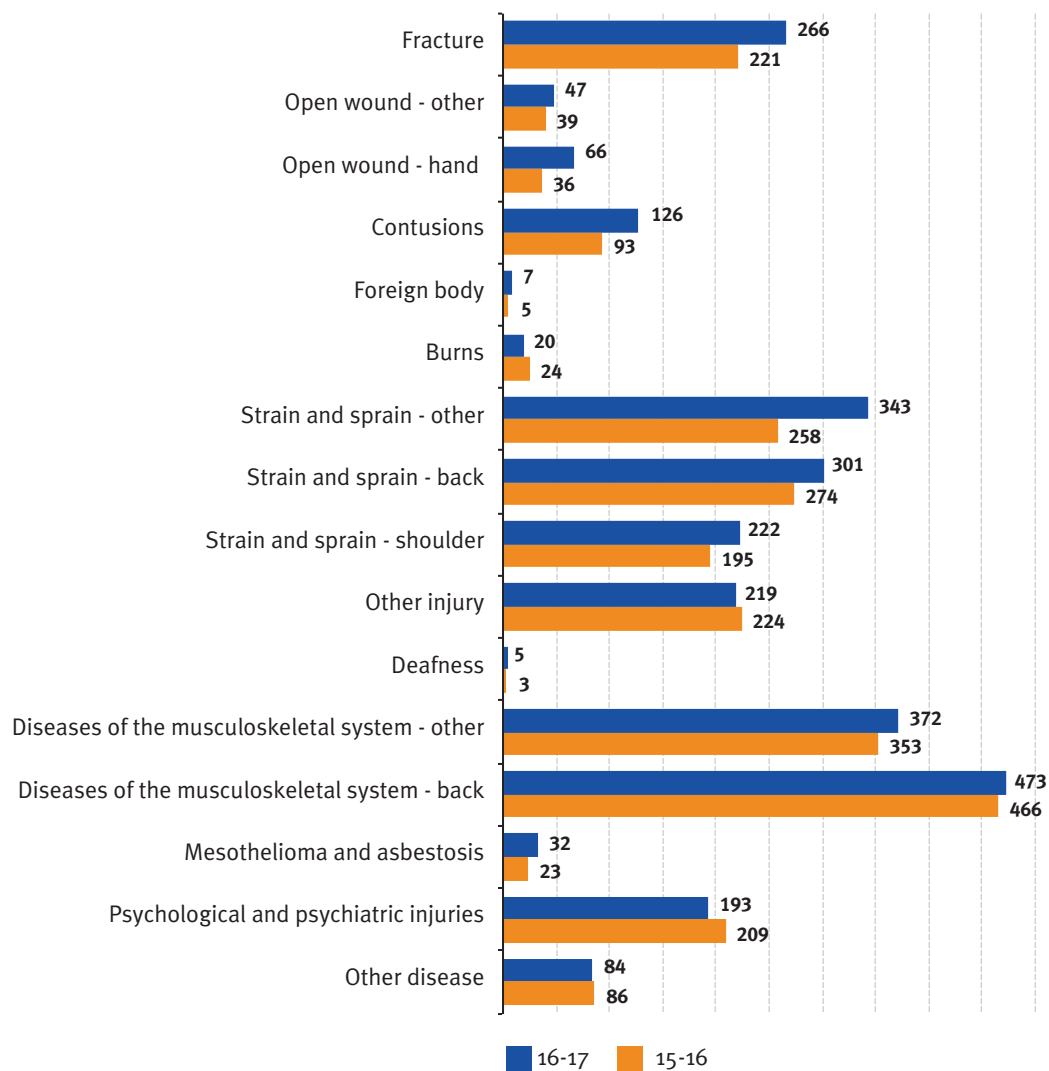
For industry “Other”, this includes injuries pre July 1997 (pre ANZSIC classifications), household workers, workplace personal injury insurance (self-employed, working directors) and volunteers.

Injury type

Strains and sprains accounted for 31.2 per cent of all common law claim lodgements in 2016-17.

Although psychological and psychiatric injury claims represented only 4.4 per cent of statutory claim lodgements, they represented 7.0 per cent of all common law claim lodgements in 2016-17.

43 Common law claim lodgements by injury type 2015-16 and 2016-17



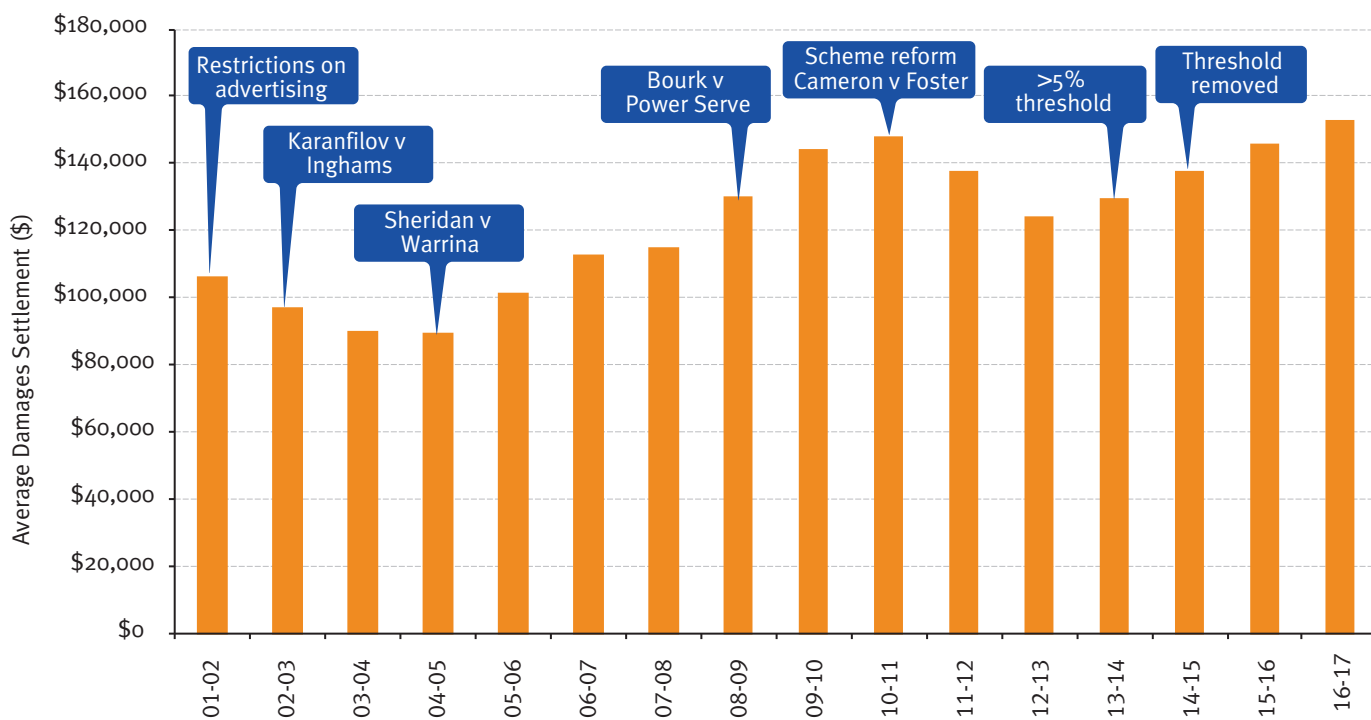
Total common law payments

In 2016-17, common law claims cost a total of \$411.1 million. This represented an 11.9 per cent decrease from the 2015-16 cost of \$466.8 million.

Average costs

A history of average damages settlement for finalised common law claims and key events in the Queensland workers' compensation scheme is shown in figure 44. For a comprehensive list of key events in the Queensland workers' compensation scheme please refer to Appendix 3.

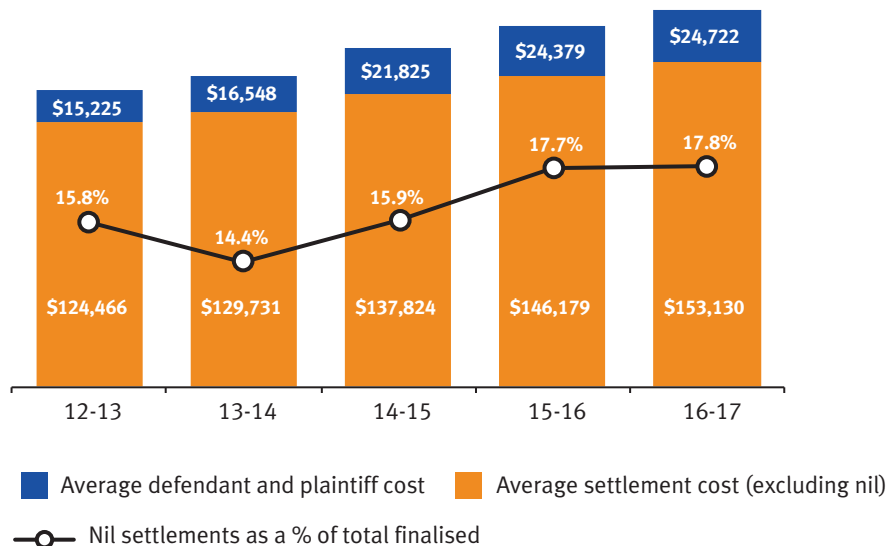
44 Common law average damages settlement history 2001-02 to 2016-17



Over the past year, the average settlement cost of a finalised common law claim (excluding nil settlements) has increased 4.8 per cent from \$146,179 in 2015-16 to \$153,130 in 2016-17. The average defendant and plaintiff cost were stable, with a small increase of 1.4 per cent from \$24,379 in 2015-16 to \$24,722 in 2016-17. Figure 45 shows average cost fluctuations between 2012 and 2017.

In 2016-17, there were 474 common law claims finalised with a nil settlement.

45 Average costs for finalised common law claims by payment type 2012-13 to 2016-17



Heads of damage

Heads of damage consist of two distinct parts: general damages and special damages.

The legislative amendments in 2010 introduced caps on the amount of general damages that can be awarded for pain and suffering, loss of amenity, loss of expectation of life and general disfigurement. The caps align the workers' compensation scheme with the *Civil Liability Act 2003*, and limit the amount of compensation that can be awarded to an injury based on the severity of the injury, or its 'injury scale value'.

Special damages consists of future economic loss, past economic loss, care, and treatment and rehabilitation. This incorporates loss of past and future earnings, future medical needs and care due to the ongoing disability. The amount of future earnings loss must not exceed the amount equal to the present value of three times Queensland ordinary time earnings (QOTE) per week for each week of the period of loss of earnings as specified within the Act.

Figure 46 shows the average cost of each head of damage for a finalised claim (excluding nil settlements).

46 Heads of damage average cost 2015-16 and 2016-17

	2015-16		2016-17	
	\$	%	\$	%
General damages	19,080	8.8	20,714	8.8
Past economic loss	51,990	24.0	56,952	24.2
Future economic loss	108,480	50.0	119,831	51.0
Rehabilitation	32,490	15.0	31,481	13.4
Gratuitous care	1,626	0.7	2,994	1.3
Other	3,348	1.5	3,063	1.3
Gross settlement	217,013	100	235,036	100

Average timeframes

For claims lodged in the financial year, the average time from date of injury to lodgement of a common law claim decreased by 13.4 per cent (2.54 years in 2015-16; 2.20 years in 2016-17).

For claims finalised in the financial year, the average time from the lodgement of a common law claim to finalisation decreased 7.0 per cent to 1.07 years in 2016-17 (1.15 years in 2015-16).

Review of insurer decisions

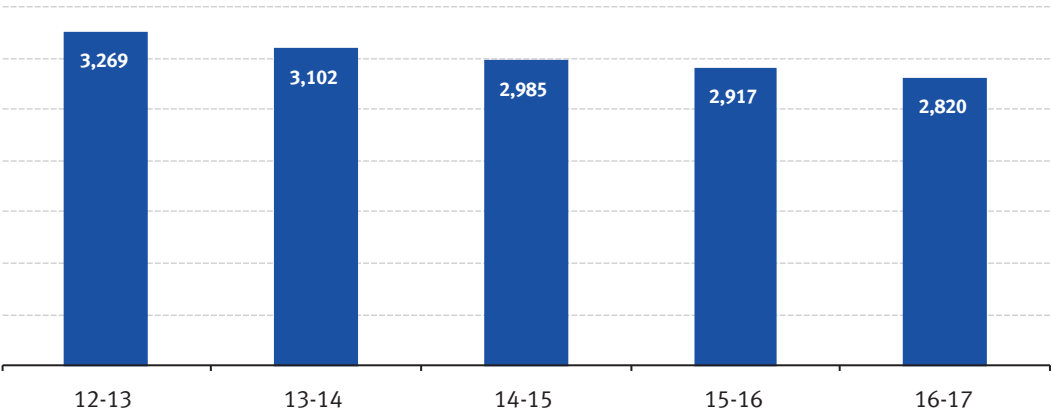
Applications received

A party aggrieved by an insurer decision may apply to OIR for review.

Review applications received have decreased (3.3 per cent) in 2016-17, down from 2,917 in 2015-16 to 2,820 in 2016-17.

Figure 47 shows the number of applications for review received over the last five years.

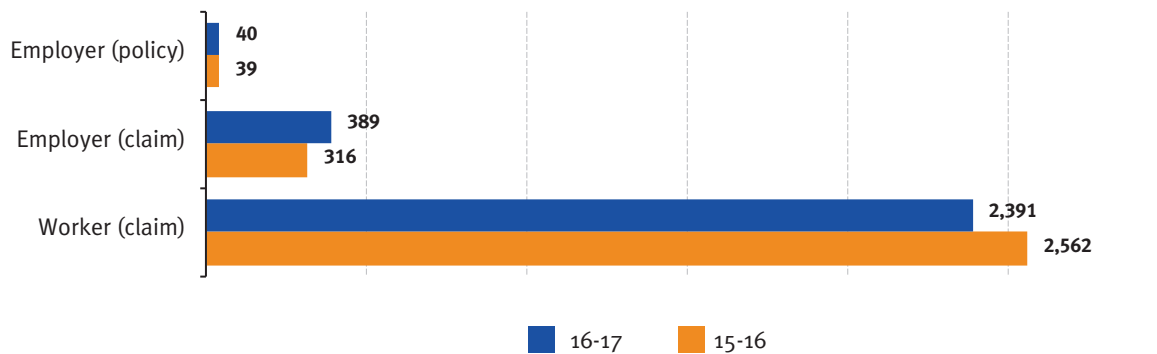
47 Review applications received 2012-13 to 2016-17



Types of applications

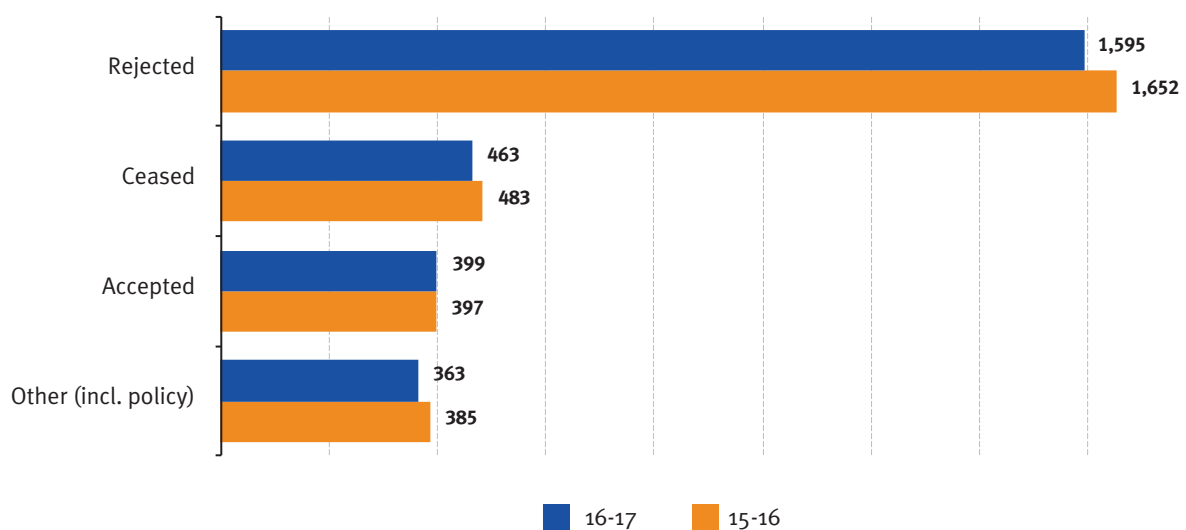
Of the applications lodged in 2016-17, 84.8 per cent were lodged by workers, down from 87.8 per cent in 2015-16. Employers lodged 13.8 per cent of reviews in 2016-17, up from 10.8 per cent in 2015-16. The remaining 1.4 per cent of applications were lodged by employers having a policy decision reviewed.

48 Review applications received by type 2015-16 and 2016-17



Over half (56.6 per cent) of all review applications received in 2016-17 related to the insurer decision to reject the claim, 14.1 per cent were lodged after the claim had been accepted and a further 16.4 per cent were following the cessation of the claim.

49 Review applications received by insurer decision 2015-16 and 2016-17



Outcomes

As shown in Figure 50, in 2016-17, 90.2 per cent of reviews finalised were decided (as compared to 91.1 per cent in 2015-16), 6.6 per cent were cancelled (5.1 per cent in 2015-16), and the remaining 3.2 per cent were withdrawn (3.7 per cent in 2015-16)

50 Review outcomes 2015-16 and 2016-17

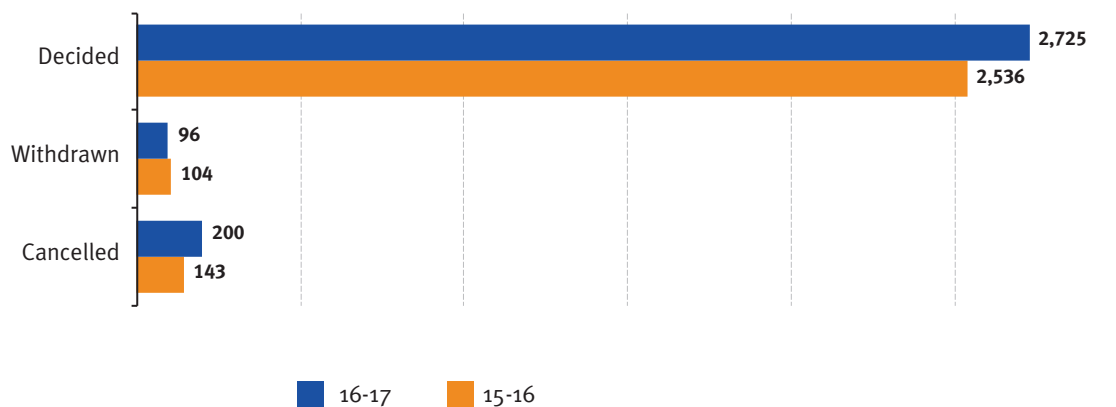
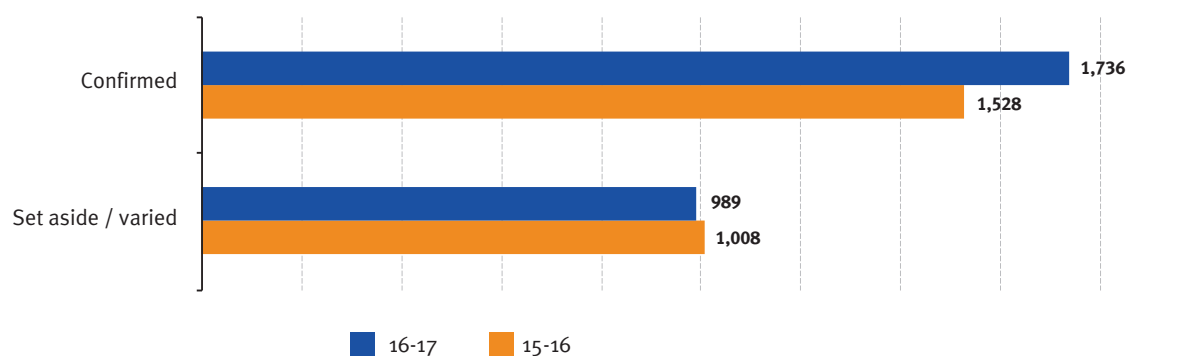


Figure 51 demonstrates in 2016-17, the original decision of the insurer was confirmed by the Review Unit in 63.7 per cent of review decisions made, compared to 60.3 per cent in 2015-16.

51 Decided review outcomes 2015-16 and 2016-17



Appeals of review decisions

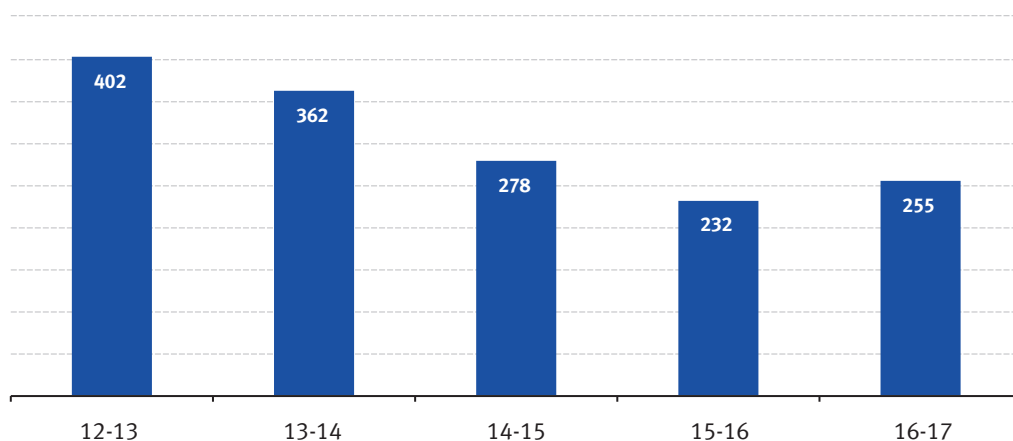
Appeal lodgements

A party aggrieved by a decision of OIR may apply for appeal. In December 2010, the QIRC replaced the Industrial Magistrates Court as the appeal body for appeals of reviewable decisions (except for appeals about WorkCover Queensland's premium decisions).

In 2016-17, 255 appeals were lodged with the QIRC. Of these, 6 further appealed in the IC.

Appeal lodgements have experienced an increase of 9.9 per cent in 2016-17 compared with 2015-16 (figure 52).

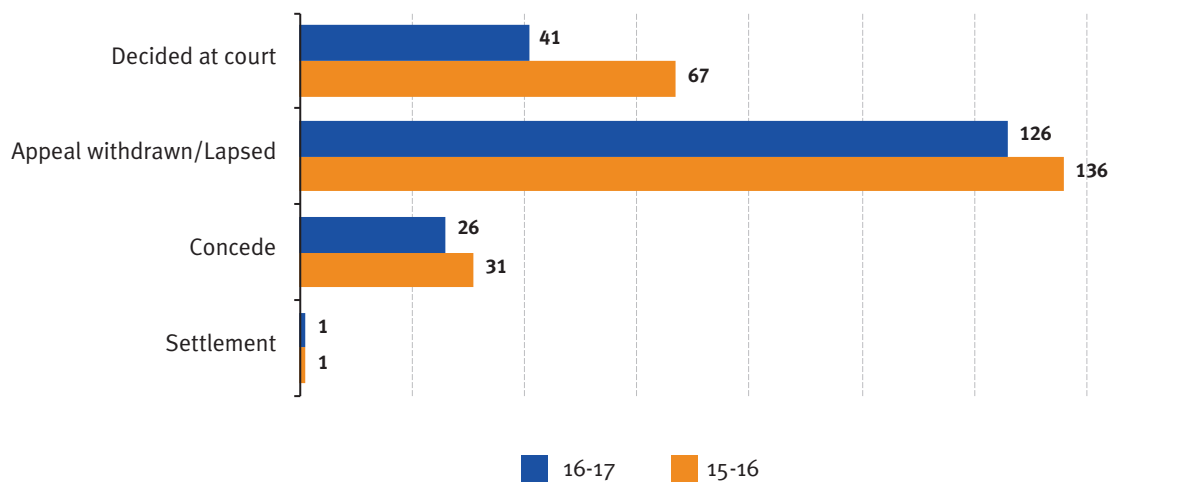
52 Appeals lodged 2012-13 to 2016-17



Appeal outcomes

In 2016-17, 78.9 per cent of appeals were finalised before reaching the QIRC. Of these, 82.4 per cent of cases were withdrawn by the appellant and 17.6 per cent were settled or conceded (figure 53).

53 Appeals finalised by outcome 2015-16 and 2016-17



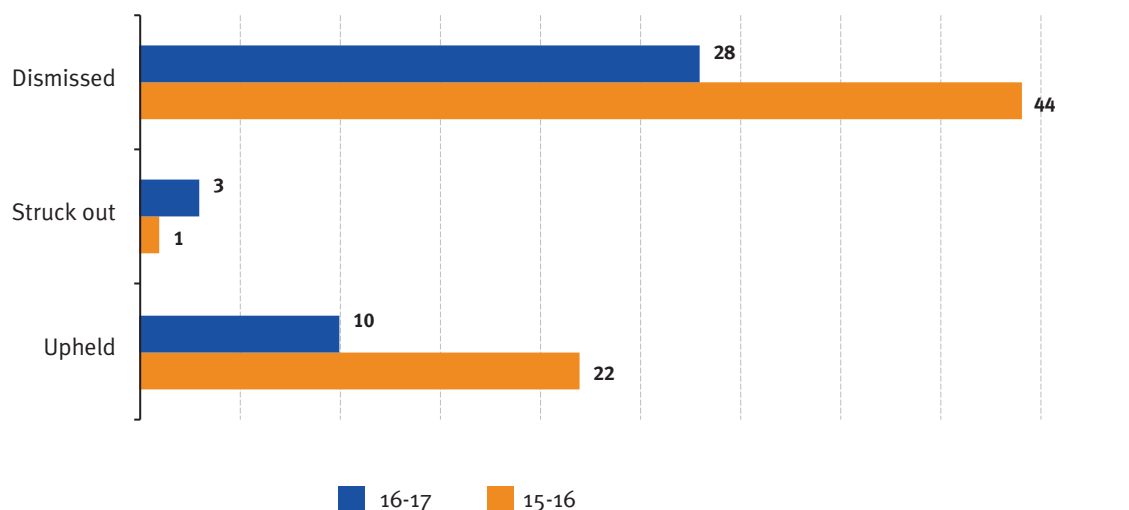
Non-judicial resolution

In 2016-17, 153 appeals were finalised before reaching the court or commission. This is a decrease of 8.9 per cent when compared to 168 in 2015-16.

Judicial resolution

The total number of cases determined by a court or commission decreased by 38.8 per cent, from 67 in 2015-16 to 41 in 2016-17. Of these, 31 cases (75.6 per cent) were dismissed or struck-out and 10 cases (24.4 per cent) were upheld in favour of the appellant (figure 54).

54 Appeals finalised judicially by outcome 2015-16 and 2016-17

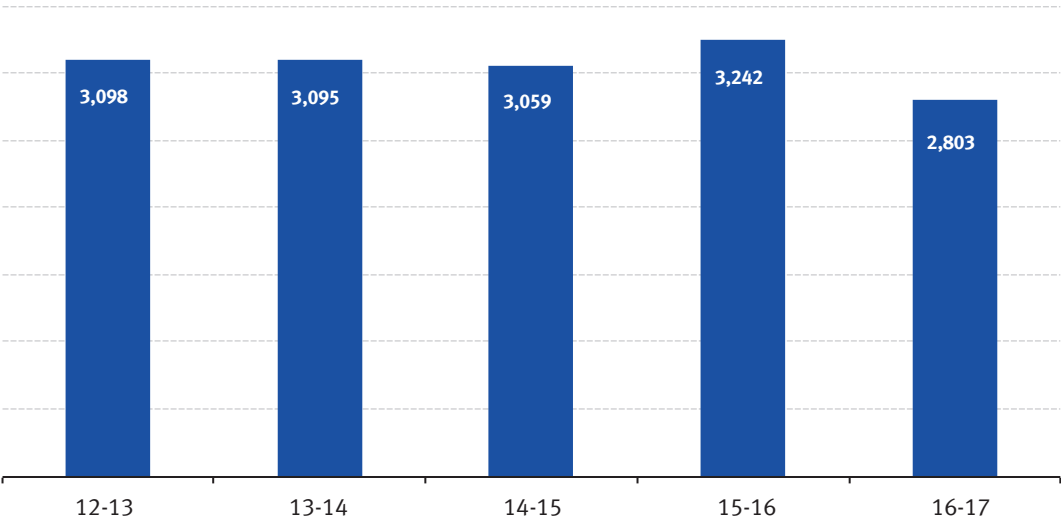


Medical assessment tribunals

Referrals

The MAT are coordinated by OIR to determine ongoing incapacity of an injured worker or the assessment of PI. In 2016-17, 2,803 cases were referred to a MAT. This is a 13.5 per cent decrease on the 3,242 cases referred in 2015-16. Figure 55 illustrates the number of MAT referrals received over the past five years.

55 MAT referrals received 2015-16 to 2016-17



Cases determined

In 2016-17, 2,416 cases were determined by a MAT. This represented a 9.4 per cent decrease from 2015-16 (2,666 determinations).

Of the cases heard in 2016-17, 59.7 per cent (1,443) were heard at a General Medical Assessment Tribunal (GMAT) – Psychiatric compared to 50.6 per cent (1,348) in 2015-16.

A further 30.9 per cent (746) of cases in 2016-17 were determined at an Orthopaedic Tribunal as compared to 37.1 per cent (990) in 2015-16 (Figure 56).

56 Cases determined by tribunal type 2015-16 and 2016-17

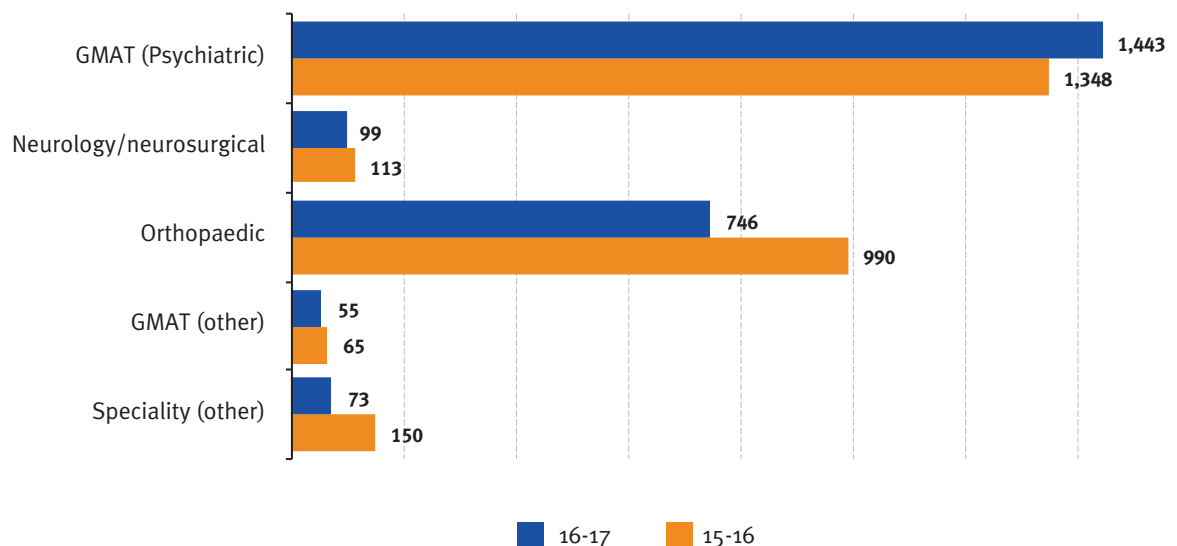


Figure 57 shows the average number of cases heard per tribunal in 2015-16 and 2016-17.

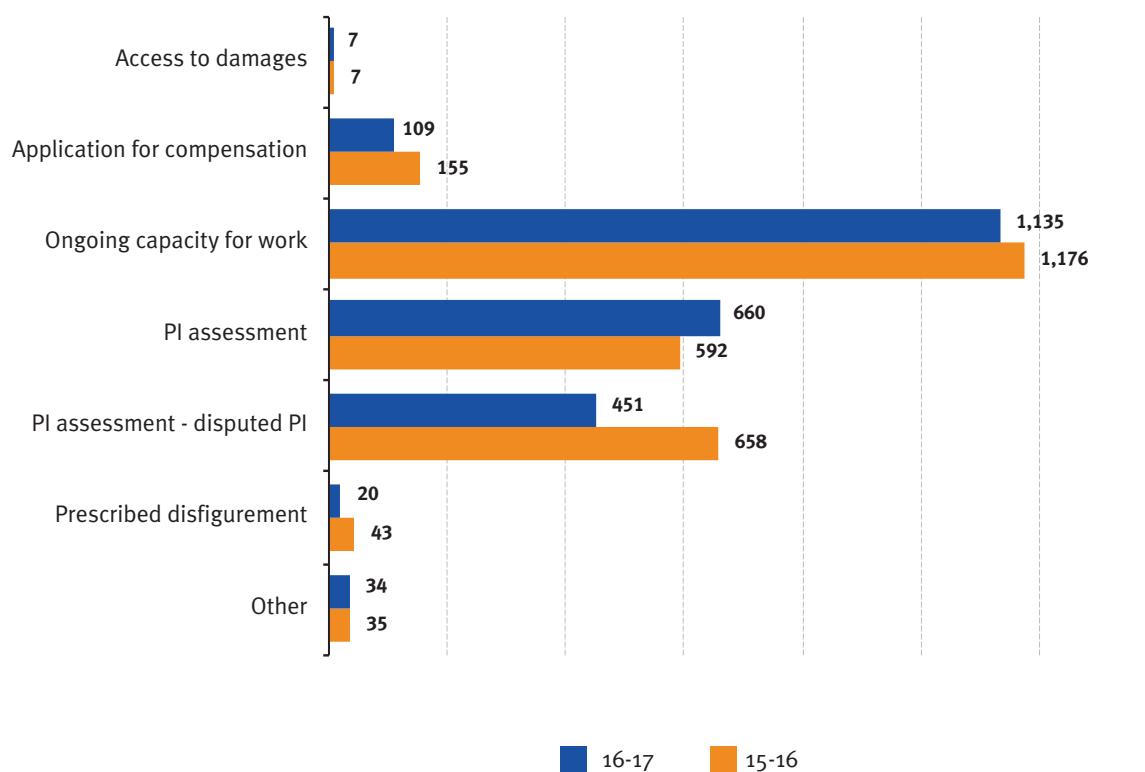
57 Average number of cases heard per tribunal by tribunal type 2015-16 and 2016-17

Tribunal	Average number of cases heard per tribunal	
	15-16	16-17
GMAT (Psychiatric)	2.0	1.9
Neurology/Neurosurgical	1.7	1.7
Orthopaedic	2.0	1.7
GMAT (other)	1.7	1.3
Speciality (other)	2.0	1.7
Total	2.0	1.8

Referral reason

In 2016-17, 46.0 per cent of the cases determined by the MAT were for PI assessment, compared to 46.9 per cent in 2015-16.

58 Cases determined by referral reason 2015-16 and 2016-17



Appendix 1: Statistics by sub-industry

59 Statutory claim lodgements, statutory claim payments, average finalised time lost claim costs and durations by industry and sub-industry 2015-16 and 2016-17

	Claims lodgements			Claims payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance
	number	number	%	\$M	\$M	%	\$	\$	%	days	days	%
Accommodation and Food Services	5,888	6,503	10.4	35.7	41.3	15.7	12,731	13,815	8.5	48.0	47.0	-2.1
Accommodation	1,564	1,624	3.8	9.4	11.9	27.2	12,368	13,036	5.4	48.5	42.6	-12.2
Food and Beverage Services	4,138	4,737	14.5	25.2	28.7	13.6	12,079	13,918	15.2	47.3	48.4	2.3
Labour Hire	186	142	-23.7	1.1	0.7	-36.8	32,274	19,571	-39.4	61.6	57.1	-7.3
Administrative and Support Services	2,694	3,043	13.0	23.8	28.9	21.4	16,235	18,305	12.8	56.5	61.3	8.5
Administrative Services	779	977	25.4	6.4	9.6	49.4	18,832	21,683	15.1	58.5	58.2	-0.5
Building Cleaning, Pest Control and Other Support Services	1,865	2,010	7.8	17.1	18.9	10.5	15,529	17,318	11.5	56.2	62.6	11.4
Labour Hire	50	56	12.0	0.3	0.4	45.6	16,047	18,422	14.8	40.7	45.8	12.5
Agriculture, Forestry and Fishing	2,685	2,945	9.7	23.6	30.9	30.9	15,388	15,834	2.9	41.4	41.4	0.0
Agriculture	2,146	2,324	8.3	18.0	24.1	33.9	15,352	16,202	5.5	39.7	42.6	7.3
Agriculture, Forestry and Fishing Support Services	299	368	23.1	3.4	4.5	31.6	18,711	10,938	-41.5	55.3	31.7	-42.7
Aquaculture	34	36	5.9	0.3	0.1	-48.3	9,368	9,738	3.9	28.2	16.5	-41.5
Fishing, Hunting and Trapping	33	43	30.3	0.1	0.3	136.2	6,267	16,677	166.1	32.9	56.8	72.6
Forestry and Logging	16	13	-18.8	0.5	0.5	0.9	106,055*	62,374*	-41.2	286.4*	108.8*	-62.0
Labour Hire	157	161	2.5	1.3	1.3	5.9	9,099	16,117	77.1	31.0	40.6	31.0
Arts and Recreation Services	1,462	1,522	4.1	14.3	14.1	-1.1	19,311	19,631	1.7	60.8	61.4	1.0
Creative and Performing Arts Activities	147	193	31.3	1.0	1.8	76.0	12,360	18,900	52.9	45.6	66.0	44.7
Gambling Activities	148	162	9.5	0.9	1.1	22.3	7,637	14,848	94.4	17.8	35.5	99.4
Heritage Activities	163	232	42.3	0.9	1.6	90.1	10,996	11,020	0.2	34.1	34.5	1.2

	Claims lodgements			Claims payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance
	number	number	%	\$M	\$M	%	\$	\$	%	days	days	%
Sports and Recreation Activities	1,002	926	-7.6	11.5	9.6	-16.6	23,259	22,105	-5.0	73.2	69.5	-5.1
Labour Hire	2	9	350.0	0.0	0.0	-18.2	12,487*	23,622*	89.2	45.4*	90.0*	98.2
Construction	11,063	13,000	17.5	132.1	138.7	5.0	29,257	27,715	-5.3	68.8	64.2	-6.7
Building Construction	1,703	2,094	23.0	20.9	20.8	-0.8	26,628	27,403	2.9	65.6	62.1	-5.3
Construction Services	7,433	9,042	21.6	77.2	89.6	16.0	26,370	23,324	-11.6	66.7	57.9	-13.2
Heavy and Civil Engineering Construction	1,202	1,130	-6.0	27.4	19.9	-27.3	44,809	57,130	27.5	83.8	110.7	32.1
Labour Hire	725	734	1.2	6.6	8.4	28.6	24,516	27,978	14.1	58.3	61.4	5.3
Education and Training	6,604	7,002	6.0	42.8	48.0	12.2	11,387	14,771	29.7	31.3	36.0	15.0
Adult, Community and Other Education	194	200	3.1	1.1	1.4	25.0	16,182	10,532	-34.9	55.2	31.5	-42.9
Preschool and School Education	4,547	4,882	7.4	32.9	36.4	10.6	11,756	14,574	24.0	31.7	35.2	11.0
Tertiary Education	1,852	1,913	3.3	8.6	10.2	17.7	9,903	15,904	60.6	27.7	38.4	38.6
Labour Hire	11	7	-36.4	0.1	0.0	-81.5	1,071*	73,130*	6728.2	4.6*	349.0*	7487.0
Electricity, Gas, Water and Waste Services	1,273	1,239	-2.7	14.1	12.3	-12.5	27,605	26,732	-3.2	56.9	60.1	5.6
Electricity Supply	503	469	-6.8	6.0	3.9	-35.0	34,437	40,529	17.7	59.0	70.1	18.8
Gas Supply	27	34	25.9	0.2	0.8	248.9	10,187*	8,194	-19.6	30.6*	17.1	-44.1
Waste Collection, Treatment and Disposal Services	432	474	9.7	5.9	5.3	-10.4	25,246	21,074	-16.5	57.7	56.4	-2.3
Water Supply, Sewerage and Drainage Services	240	193	-19.6	1.6	1.7	7.5	19,662	23,717	20.6	43.9	71.0	61.7
Labour Hire	71	69	-2.8	0.4	0.7	65.3	26,611	15,834	-40.5	72.8	29.1	-60.0
Financial and Insurance Services	767	902	17.6	6.0	7.6	26.6	14,582	19,368	32.8	39.3	51.2	30.3
Auxiliary Finance and Insurance Services	153	166	8.5	1.5	1.6	9.6	16,559	23,046	39.2	51.3	62.7	22.2
Finance	256	248	-3.1	2.7	3.3	20.9	16,514	23,216	40.6	41.9	58.5	39.6
Insurance and Superannuation Funds	351	475	35.3	1.8	2.7	48.4	11,536	14,638	26.9	30.0	39.8	32.7
Labour Hire	7	13	85.7	0.0	0.0	124.1	932*	6,069*	551.2	1.5*	25.3*	1586.7
Health Care and Social Assistance	12,683	13,535	6.7	94.5	98.1	3.9	13,204	14,223	7.7	44.6	47.8	7.2

	Claims lodgements			Claims payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance
	number	number	%	\$M	\$M	%	\$	\$	%	days	days	%
Hospitals	5,053	5,527	9.4	39.1	39.2	0.3	14,752	16,112	9.2	44.2	48.3	9.3
Medical and Other Health Care Services	1,713	1,646	-3.9	12.4	11.7	-5.8	17,166	16,003	-6.8	43.2	44.9	3.9
Residential Care Services	3,075	3,403	10.7	20.5	23.8	16.2	9,842	11,581	17.7	43.2	49.5	14.6
Social Assistance Services	2,759	2,848	3.2	20.8	21.7	4.4	12,617	12,825	1.6	45.4	44.6	-1.8
Labour Hire	83	111	33.7	1.7	1.7	1.4	28,212	29,264	3.7	105.6	87.0	-17.6
Information Media and Tele-communications	448	505	12.7	3.3	3.0	-8.2	14,651	22,278	52.1	44.8	63.6	42.0
Broadcasting (except Internet)	78	80	2.6	0.3	0.3	-15.3	9,085	14,726	62.1	23.2	39.2	69.0
Internet Publishing and Broadcasting	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Internet Service Providers, Web Search Portals and Data Processing Services	14	8	-42.9	0.1	0.0	-76.9	25,318*	23,857*	-5.8	64.7*	37.4*	-42.2
Library and Other Information Services	25	15	-40.0	0.1	0.0	-74.7	6,713*	19,763*	194.4	14.2*	88.7*	524.6
Motion Picture and Sound Recording Activities	179	279	55.9	1.5	1.5	-3.9	14,145	21,820	54.3	38.1	55.9	46.7
Publishing (except Internet and Music Publishing)	76	83	9.2	0.7	0.8	16.6	16,226	34,524	112.8	60.9	101.2	66.2
Telecommunica-tions Services	59	25	-57.6	0.4	0.4	-13.3	22,327	8,369*	-62.5	80.2	56.1*	-30.0
Labour Hire	17	15	-11.8	0.1	0.0	-39.2	3,460*	14,164*	309.4	8.2*	51.7*	530.5
Manufacturing	13,473	14,157	5.1	99.7	105.1	5.4	14,877	16,985	14.2	39.4	41.8	6.1
Basic Chemical and Chemical Product Manufacturing	300	353	17.7	2.4	2.5	6.4	30,502	18,364	-39.8	73.2	49.1	-32.9
Beverage and Tobacco Product Manufacturing	239	170	-28.9	1.4	1.4	1.3	23,227	19,964	-14.0	53.3	39.0	-26.8
Fabricated Metal Product Manufacturing	2,809	3,174	13.0	17.6	18.4	4.4	13,813	14,627	5.9	34.8	35.1	0.9

	Claims lodgements			Claims payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance
	number	number	%	\$M	\$M	%	\$	\$	%	days	days	%
Food Product Manufacturing	3,042	3,076	1.1	23.7	24.3	2.5	13,046	15,033	15.2	34.6	37.6	8.7
Furniture and Other Manufacturing	482	501	3.9	3.6	4.4	23.7	12,988	19,005	46.3	41.7	55.4	32.9
Machinery and Equipment Manufacturing	1,089	1,140	4.7	9.8	10.3	5.0	16,790	20,905	24.5	40.8	47.6	16.7
Non-Metallic Mineral Product Manufacturing	705	802	13.8	6.1	7.4	21.7	20,554	17,007	-17.3	57.6	47.4	-17.7
Petroleum and Coal Product Manufacturing	54	56	3.7	1.5	1.0	-33.5	30,692	59,354	93.4	63.8	99.9	56.6
Polymer Product and Rubber Product Manufacturing	481	541	12.5	3.9	5.0	27.8	12,305	19,275	56.6	39.2	47.7	21.7
Primary Metal and Metal Product Manufacturing	589	581	-1.4	7.0	5.2	-25.7	19,981	25,096	25.6	48.2	54.8	13.7
Printing (including the Reproduction of Recorded Media)	156	163	4.5	1.5	1.0	-32.4	18,993	17,471	-8.0	34.6	41.6	20.2
Pulp, Paper and Converted Paper Product Manufacturing	144	160	11.1	1.0	1.2	22.1	17,003	15,106	-11.2	36.1	37.6	4.2
Textile, Leather, Clothing and Footwear Manufacturing	390	317	-18.7	1.2	1.6	29.2	13,084	19,562	49.5	33.5	50.5	50.7
Transport Equipment Manufacturing	1,118	1,142	2.1	7.2	7.0	-2.5	18,136	18,963	4.6	41.7	44.0	5.5
Wood Product Manufacturing	1,014	1,138	12.2	6.2	7.3	17.6	10,621	15,867	49.4	30.9	41.0	32.7
Labour Hire	861	843	-2.1	5.6	7.0	24.9	13,691	16,184	18.2	47.3	41.1	-13.1
Mining	2,082	2,387	14.6	41.0	45.6	11.0	49,740	53,113	6.8	95.7	97.5	1.9
Coal Mining	925	1,174	26.9	20.7	21.8	5.7	58,532	61,513	5.1	96.8	95.2	-1.7
Exploration and Other Mining Support Services	281	273	-2.8	5.0	6.5	29.9	46,551	50,797	9.1	125.1	128.3	2.6
Metal Ore Mining	424	369	-13.0	8.9	7.8	-12.3	46,683	53,439	14.5	68.7	91.8	33.6
Non-Metallic Mineral Mining and Quarrying	197	254	28.9	1.7	2.3	32.1	40,517	28,974	-28.5	92.7	72.2	-22.1

	Claims lodgements			Claims payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance
	number	number	%	\$M	\$M	%	\$	\$	%	days	days	%
Oil and Gas Extraction	42	45	7.1	0.9	0.8	-14.6	15,175	78,039	414.3	47.3	125.4	165.1
Labour Hire	213	272	27.7	3.8	6.3	66.5	39,977	48,497	21.3	87.0	88.0	1.1
Other Services	2,825	2,968	5.1	20.6	22.6	9.8	20,621	17,610	-14.6	62.4	53.6	-14.1
Personal and Other Services	998	1,022	2.4	7.6	7.1	-6.8	18,352	16,134	-12.1	66.2	56.0	-15.4
Repair and Maintenance	1,623	1,710	5.4	12.3	14.6	18.5	22,740	19,297	-15.1	61.2	53.2	-13.1
Labour Hire	204	236	15.7	0.7	0.9	39.2	15,414	12,152	-21.2	45.8	41.0	-10.5
Professional, Scientific and Technical Services	1,627	1,795	10.3	16.3	15.8	-3.1	21,344	23,182	8.6	53.9	52.7	-2.2
Computer System Design and Related Services	169	177	4.7	1.6	1.9	20.1	14,722	17,350	17.9	43.3	34.9	-19.4
Professional, Scientific and Technical Services (Except Computer System Design and Related Services)	1,436	1,607	11.9	14.6	13.7	-5.8	21,516	24,266	12.8	54.4	55.8	2.6
Labour Hire	22	11	-50.0	0.1	0.2	17.4	56,313*	5,406*	-90.4	94.3*	8.9*	-90.6
Public Administration and Safety	6,941	7,264	4.7	68.2	72.2	5.9	17,760	19,081	7.4	45.7	49.8	9.0
Defence	6	14	133.3	0.3	0.1	-53.9	22,071*	65,221*	195.5	72.5*	215.7*	197.5
Public Administration	3,418	3,376	-1.2	31.9	32.2	0.9	13,383	16,622	24.2	37.1	43.6	17.5
Public Order, Safety and Regulatory Services	3,350	3,698	10.4	34.6	38.1	10.0	22,934	22,392	-2.4	56.2	57.4	2.1
Labour Hire	167	176	5.4	1.4	1.8	28.0	21,235	13,112	-38.3	45.0	41.8	-7.1
Rental, Hiring and Real Estate Services	1,105	1,146	3.7	9.3	9.5	3.1	17,122	20,588	20.2	47.4	61.9	30.6
Property Operators and Real Estate Services	477	537	12.6	4.9	4.8	-1.6	15,297	20,856	36.3	44.7	64.5	44.3
Rental and Hiring Services (except Real Estate)	614	597	-2.8	4.4	4.7	7.6	18,782	20,435	8.8	49.7	59.4	19.5
Labour Hire	14	12	-14.3	0.0	0.1	124.1	17,733*	5,523*	-68.9	67.5*	31.0*	-54.1
Retail Trade	8,043	7,776	-3.3	54.9	54.7	-0.4	13,047	13,647	4.6	43.2	43.9	1.6

	Claims lodgements			Claims payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance
	number	number	%	\$M	\$M	%	\$	\$	%	days	days	%
Food Retailing	3,509	2,890	-17.6	24.9	23.0	-7.6	12,077	13,543	12.1	39.3	42.6	8.4
Fuel Retailing	234	199	-15.0	2.0	1.8	-10.0	15,427	15,788	2.3	54.8	60.3	10.0
Motor Vehicle and Motor Vehicle Parts Retailing	1,284	1,396	8.7	7.9	8.6	8.7	12,735	13,731	7.8	41.1	42.9	4.4
Non-Store Retailing and Retail Commission-Based Buying and/or Selling	74	55	-25.7	0.3	0.5	43.8	5,169	13,557	162.3	20.0	34.1	70.5
Other Store-Based Retailing	2,802	3,124	11.5	18.8	20.2	7.1	14,133	13,624	-3.6	46.9	44.3	-5.5
Labour Hire	140	112	-20.0	1.0	0.7	-28.5	15,292	12,163	-20.5	61.2	45.1	-26.3
Transport, Postal and Warehousing	5,681	5,991	5.5	74.5	81.9	9.9	23,890	23,163	-3.0	63.3	59.7	-5.7
Air and Space Transport	462	332	-28.1	4.1	3.8	-8.2	12,493	18,400	47.3	36.5	33.6	-7.9
Other Transport	205	235	14.6	1.9	1.8	-2.1	15,009	15,558	3.7	48.4	45.2	-6.6
Postal and Courier Pick-up and Delivery Services	204	206	1.0	2.1	2.7	26.3	21,783	19,201	-11.9	65.3	64.7	-0.9
Rail Transport	558	566	1.4	7.8	9.2	18.2	29,820	22,591	-24.2	43.0	37.7	-12.3
Road Transport	2,808	2,970	5.8	44.5	51.2	15.0	26,940	26,089	-3.2	73.1	70.0	-4.2
Transport Support Services	522	640	22.6	6.2	5.4	-12.0	27,341	18,589	-32.0	65.6	43.9	-33.1
Warehousing and Storage Services	458	554	21.0	2.7	3.1	16.9	16,617	22,909	37.9	50.3	60.3	19.9
Water Transport	110	100	-9.1	1.9	1.2	-37.5	25,841	35,244	36.4	71.7	78.6	9.6
Labour Hire	354	388	9.6	3.3	3.4	3.4	17,765	13,290	-25.2	50.2	39.2	-21.9
Wholesale Trade	4,254	4,273	0.4	33.1	35.0	5.6	16,422	17,757	8.1	43.6	47.3	8.5
Basic Material Wholesaling	1,160	1,190	2.6	8.8	8.4	-4.9	15,322	16,441	7.3	43.0	43.4	0.9
Commission-Based Wholesaling	68	79	16.2	0.7	1.1	45.2	19,747	15,412	-22.0	63.1	37.2	-41.0
Grocery, Liquor and Tobacco Product Wholesaling	743	765	3.0	6.2	6.9	11.0	15,123	17,444	15.3	48.0	53.0	10.4
Machinery and Equipment Wholesaling	1,125	1,148	2.0	8.3	10.0	20.3	19,903	20,688	3.9	40.1	43.7	9.0

	Claims lodgements			Claims payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance	15-16	16-17	Vari- ance
	number	number	%	\$M	\$M	%	\$	\$	%	days	days	%
Motor Vehicle and Motor Vehicle Parts Wholesaling	416	400	-3.8	2.7	2.8	4.3	10,553	14,438	36.8	29.1	40.6	39.5
Other Goods Wholesaling	626	566	-9.6	5.3	5.0	-5.6	19,186	20,647	7.6	55.2	61.3	11.1
Labour Hire	116	125	7.8	1.0	0.8	-21.5	7,543	13,988	85.4	23.6	41.6	76.3
Other	470	628	33.6	44.1	52.9	20.0	41,647	44,074	5.8	92.2	254.0	175.5
Total	92,068	98,581	7.1	851.7	918.2	7.8	17,787	18,744	5.4	49.4	50.8	2.8

*Average is based on less than 30 finalised time lost claims.

For industry “Other”, this includes injuries pre July 1997 (pre ANZSIC classifications), household workers, workplace personal injury insurance (self-employed, working directors) and volunteers.

“Labour hire” pre-July 2009 was classified under industry “Property and business services - Employment services”. Post June 2009, WorkCover created a “labour hire” classification for each industry.

60 Statutory claim decisions and statutory claim finalisations by industry and sub-industry 2016-17

	Claim decisions			Time lost claim finalisation								
	Admit	Rejected	Total claims decided	Total time lost claims finalised	Fit for work: same job / tasks with same employer	Fit for work: same job / tasks with diff employer	Fit for work: diff job / tasks with same employer	Fit for work: diff job / tasks with diff employer	Fit for work: no job	Fit for work: worker does not return	Not fit for work	% Alternative outcome not claim related
	%	%			%	%	%	%	%	%	%	%
Accommodation and Food Services	92.3	7.7	5,168	3,007	84.9	1.6	1.0	3.3	2.3	3.8	3.0	0.1
Accommodation	93.0	7.0	1,313	804	87.2	1.9	0.2	2.3	1.4	3.5	3.4	0.1
Food and Beverage Services	91.0	9.0	122	71	78.9	1.4	0.0	4.2	4.2	4.2	7.1	0.0
Labour Hire	92.1	7.9	3,733	2,132	84.1	1.6	1.3	3.7	2.5	3.9	2.8	0.1
Administrative and Support Services	90.1	9.9	2,420	1,597	85.9	1.1	0.2	3.1	3.5	3.7	2.4	0.1
Administrative Services	85.4	14.6	713	355	84.2	0.8	0.6	3.4	3.4	5.3	2.3	0.0
Building Cleaning, Pest Control and Other Support Services	94.4	5.6	36	24	66.8	8.3	0.0	8.3	8.3	8.3	0.0	0.0
Labour Hire	92.0	8.0	1,671	1,218	86.8	1.0	0.1	3.0	3.4	3.1	2.5	0.1
Agriculture, Forestry and Fishing	92.3	7.7	2,321	1,503	84.2	2.3	0.5	4.9	1.9	5.1	1.0	0.1
Agriculture	92.7	7.3	1,827	1,188	84.5	2.1	0.5	4.8	1.9	5.1	1.0	0.1
Agriculture, Forestry and Fishing Support Services	94.1	5.9	136	93	78.5	3.2	2.2	7.5	3.2	2.2	3.2	0.0
Aquaculture	92.2	7.8	283	173	86.1	3.4	0.0	3.5	0.6	6.4	0.0	0.0
Fishing, Hunting and Trapping	93.3	6.7	30	23	78.3	0.0	0.0	4.4	13.0	4.3	0.0	0.0
Forestry and Logging	68.6	31.4	35	15	80.0	0.0	0.0	13.3	0.0	6.7	0.0	0.0
Labour Hire	90.0	10.0	10	11	90.9	0.0	0.0	9.1	0.0	0.0	0.0	0.0
Arts and Recreation Services	93.2	6.9	1,299	718	87.5	1.3	0.7	3.3	1.5	2.5	3.2	0.0
Creative and Performing Arts Activities	100.0	0.0	3	3	33.4	0.0	0.0	33.3	0.0	0.0	33.3	0.0
Gambling Activities	96.4	3.6	165	67	86.6	4.5	0.0	4.5	2.9	1.5	0.0	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Rejected	Total claims decided	Total time lost claims finalised	Fit for work: same job / tasks with same employer	Fit for work: same job / tasks with diff employer	Fit for work: diff job / tasks with same employer	Fit for work: diff job / tasks with diff employer	Fit for work: no job	Fit for work: worker does not return	Not fit for work	% Alternative outcome not claim related
	%	%			%	%	%	%	%	%	%	%
Heritage Activities	84.4	15.6	160	63	90.5	1.6	3.2	1.5	0.0	0.0	3.2	0.0
Sports and Recreation Activities	96.2	3.8	209	100	90.0	0.0	0.0	3.0	0.0	2.0	5.0	0.0
Labour Hire	93.4	6.6	762	485	87.0	1.0	0.6	3.3	1.9	3.1	3.1	0.0
Construction	92.8	7.2	9,672	5,063	79.5	2.3	0.8	5.2	5.0	3.7	3.3	0.2
Building Construction	93.1	6.9	1,657	746	79.9	2.0	1.6	6.7	4.0	1.9	3.8	0.1
Construction Services	93.4	6.6	575	319	80.3	1.6	2.5	4.7	4.0	4.7	2.2	0.0
Heavy and Civil Engineering Construction	92.6	7.4	6,488	3,474	81.0	2.4	0.5	5.0	4.4	3.7	2.7	0.3
Labour Hire	93.3	6.7	952	524	68.3	2.5	0.9	5.2	10.3	5.3	7.3	0.2
Education and Training	92.4	7.6	5,979	3,588	94.6	0.4	0.5	1.0	0.6	1.6	1.2	0.1
Adult, Community and Other Education	88.6	11.5	166	104	88.4	0.0	0.0	5.8	1.0	3.8	1.0	0.0
Preschool and School Education	66.7	33.3	6	2	50.0	0.0	0.0	50.0	0.0	0.0	0.0	0.0
Tertiary Education	93.8	6.3	4,333	2,723	95.6	0.3	0.6	0.5	0.3	1.4	1.2	0.1
Labour Hire	88.9	11.1	1,474	759	91.8	0.8	0.4	2.2	1.5	1.9	1.3	0.1
Electricity, Gas, Water and Waste Services	94.4	5.7	1,079	478	86.2	2.1	1.7	3.8	1.8	1.3	2.9	0.2
Electricity Supply	96.2	3.8	419	145	92.4	1.4	0.7	2.1	0.0	0.7	2.7	0.0
Gas Supply	93.0	7.0	57	38	81.7	2.6	0.0	10.5	2.6	2.6	0.0	0.0
Waste Collection, Treatment and Disposal Services	96.9	3.1	32	11	81.8	0.0	18.2	0.0	0.0	0.0	0.0	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Rejected	Total claims decided	Total time lost claims finalised	Fit for work: same job / tasks with same employer	Fit for work: same job / tasks with diff employer	Fit for work: diff job / tasks with same employer	Fit for work: diff job / tasks with diff employer	Fit for work: no job	Fit for work: worker does not return	Not fit for work	% Alternative outcome not claim related
	%	%			%	%	%	%	%	%	%	%
Water Supply, Sewerage and Drainage Services	93.9	6.1	407	199	82.9	3.5	0.5	3.0	3.5	1.5	5.1	0.0
Labour Hire	90.9	9.2	164	85	85.8	0.0	4.7	5.9	1.2	1.2	0.0	1.2
Financial and Insurance Services	79.8	20.2	539	297	90.2	1.3	0.7	1.0	1.4	1.7	3.7	0.0
Auxiliary Finance and Insurance Services	84.7	15.3	111	62	85.5	1.6	0.0	3.2	3.2	1.6	4.9	0.0
Finance	83.7	16.3	184	110	90.9	0.9	0.9	0.9	0.0	1.8	4.6	0.0
Insurance and Superannuation Funds	90.9	9.1	11	7	85.7	0.0	0.0	0.0	0.0	0.0	14.3	0.0
Labour Hire	73.8	26.2	233	118	92.4	1.7	0.8	0.0	1.7	1.7	1.7	0.0
Health Care and Social Assistance	90.8	9.3	10,539	6,980	90.8	0.5	1.1	1.0	0.7	2.7	3.0	0.2
Hospitals	95.9	4.1	98	63	69.8	4.8	1.6	7.9	4.8	4.8	6.3	0.0
Medical and Other Health Care Services	90.1	9.9	4,036	2,674	93.3	0.4	1.1	0.3	0.7	1.7	2.2	0.3
Residential Care Services	90.3	9.8	1,262	734	88.4	0.4	0.8	1.4	0.7	3.0	5.0	0.3
Social Assistance Services	92.3	7.7	2,809	1,929	90.7	0.4	1.2	0.9	0.9	2.6	3.1	0.2
Labour Hire	90.1	9.9	2,334	1,580	88.8	0.6	0.9	1.9	0.5	4.0	3.1	0.2
Information Media and Telecommunications	94.1	5.9	404	166	81.3	1.2	0.0	8.5	6.0	3.0	0.0	0.0
Broadcasting (except Internet)	83.9	16.1	56	21	90.5	0.0	0.0	9.5	0.0	0.0	0.0	0.0
Internet Publishing and Broadcasting	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Rejected	Total claims decided	Total time lost claims finalised	Fit for work: same job / tasks with same employer	Fit for work: same job / tasks with diff employer	Fit for work: diff job / tasks with same employer	Fit for work: diff job / tasks with diff employer	Fit for work: no job	Fit for work: worker does not return	Not fit for work	% Alternative outcome not claim related
	%	%			%	%	%	%	%	%	%	%
Internet Service Providers, Web Search Portals and Data Processing Services	90.9	9.1	11	9	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Library and Other Information Services	85.7	14.3	7	7	85.7	0.0	0.0	14.3	0.0	0.0	0.0	0.0
Motion Picture and Sound Recording Activities	100.0	0.0	12	9	88.9	0.0	0.0	11.1	0.0	0.0	0.0	0.0
Publishing (except Internet and Music Publishing)	97.1	2.9	244	78	78.2	2.5	0.0	9.0	9.0	1.3	0.0	0.0
Telecommunications Services	93.1	6.9	58	33	75.8	0.0	0.0	6.0	9.1	9.1	0.0	0.0
Labour Hire	87.5	12.5	16	9	77.8	0.0	0.0	11.1	0.0	11.1	0.0	0.0
Manufacturing	95.0	5.0	12,021	5,581	87.2	0.7	1.1	2.9	2.7	3.5	1.7	0.2
Basic Chemical and Chemical Product Manufacturing	91.2	8.9	305	111	81.1	1.8	0.9	6.3	1.8	6.3	1.8	0.0
Beverage and Tobacco Product Manufacturing	86.9	13.1	145	73	93.1	0.0	0.0	1.4	1.4	4.1	0.0	0.0
Fabricated Metal Product Manufacturing	96.4	3.6	2,698	1,163	88.8	1.0	1.1	2.8	2.5	2.4	1.3	0.1
Food Product Manufacturing	93.3	6.7	2,641	1,264	88.4	0.5	1.4	1.8	2.1	4.3	1.2	0.3
Furniture and Other Manufacturing	96.9	3.1	417	204	83.3	2.5	0.0	3.9	4.4	3.9	2.0	0.0
Machinery and Equipment Manufacturing	96.1	3.9	996	414	86.7	0.7	0.3	2.7	3.6	3.6	1.9	0.5
Non-Metallic Mineral Product Manufacturing	96.1	3.9	761	474	81.0	0.4	1.9	5.3	4.0	5.5	1.7	0.2

	Claim decisions			Time lost claim finalisation								
	Admit	Rejected	Total claims decided	Total time lost claims finalised	Fit for work: same job / tasks with same employer	Fit for work: same job / tasks with diff employer	Fit for work: diff job / tasks with same employer	Fit for work: diff job / tasks with diff employer	Fit for work: no job	Fit for work: worker does not return	Not fit for work	% Alternative outcome not claim related
	%	%			%	%	%	%	%	%	%	%
Petroleum and Coal Product Manufacturing	95.2	4.8	682	299	87.3	0.0	0.3	4.0	3.0	2.4	3.0	0.0
Polymer Product and Rubber Product Manufacturing	92.3	7.7	39	17	76.5	0.0	0.0	5.9	5.9	0.0	11.7	0.0
Primary Metal and Metal Product Manufacturing	95.5	4.5	447	232	90.1	0.9	1.3	1.3	1.3	3.0	2.1	0.0
Printing (including the Reproduction of Recorded Media)	93.7	6.3	505	194	78.3	0.5	3.1	4.1	5.2	3.1	5.2	0.5
Pulp, Paper and Converted Paper Product Manufacturing	94.5	5.5	145	92	88.0	0.0	1.1	2.2	2.2	4.3	2.2	0.0
Textile, Leather, Clothing and Footwear Manufacturing	97.2	2.8	142	49	89.9	0.0	0.0	2.0	2.0	2.0	4.1	0.0
Transport Equipment Manufacturing	71.7	28.3	159	68	85.3	0.0	0.0	7.4	1.5	2.9	2.9	0.0
Wood Product Manufacturing	96.7	3.3	999	406	87.2	1.2	0.5	3.2	2.5	3.9	1.0	0.5
Labour Hire	97.5	2.6	940	521	90.6	0.2	1.1	2.5	2.3	2.1	1.2	0.0
Mining	84.1	15.9	1,734	744	76.9	1.5	3.5	5.1	3.9	4.1	4.3	0.7
Coal Mining	79.1	20.9	727	278	82.4	0.4	2.5	1.4	2.9	3.9	5.8	0.7
Exploration and Other Mining Support Services	91.3	8.7	207	132	70.5	1.5	2.3	11.4	6.0	3.0	4.5	0.8
Metal Ore Mining	82.7	17.3	336	106	79.3	0.9	10.4	2.8	3.8	0.9	1.9	0.0
Non-Metallic Mineral Mining and Quarrying	91.8	8.2	231	141	70.9	2.8	3.6	6.4	3.6	7.8	3.5	1.4
Oil and Gas Extraction	90.1	10.0	201	73	76.7	2.7	0.0	6.9	4.1	5.5	4.1	0.0

	Claim decisions			Time lost claim finalisation								
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	%	%			%	%	%	%	%	%	%	%
Labour Hire	75.0	25.0	32	14	71.5	7.1	0.0	14.3	7.1	0.0	0.0	0.0
Other Services	89.8	10.2	2,212	1,113	85.9	1.4	1.1	3.1	3.9	3.0	1.6	0.0
Personal and Other Services	91.1	8.9	157	64	84.3	3.1	0.0	1.6	4.7	4.7	1.6	0.0
Repair and Maintenance	87.7	12.3	780	449	88.0	1.1	0.9	2.2	2.9	2.9	2.0	0.0
Labour Hire	91.0	9.0	1,275	600	84.5	1.5	1.3	4.0	4.5	2.9	1.3	0.0
Professional, Scientific and Technical Services	88.7	11.3	1,429	678	88.4	1.8	0.1	2.8	1.8	2.5	2.5	0.1
Computer System Design and Related Services	91.3	8.7	138	79	87.3	1.3	0.0	3.8	2.5	5.1	0.0	0.0
Professional, Scientific and Technical Services (Except Computer System Design and Related Services)	88.4	11.6	1,284	589	88.6	1.5	0.2	2.7	1.7	2.2	2.9	0.2
Labour Hire	100.0	0.0	7	10	80.0	20.0	0.0	0.0	0.0	0.0	0.0	0.0
Public Administration and Safety	90.4	9.6	5,826	3,444	92.3	0.6	0.8	1.5	0.7	1.6	2.4	0.1
Defence	88.9	11.1	9	3	66.7	0.0	0.0	0.0	0.0	0.0	33.3	0.0
Public Administration	89.5	10.5	3,143	1,812	93.8	0.3	1.0	1.0	0.5	1.3	2.0	0.1
Public Order, Safety and Regulatory Services	96.3	3.7	161	116	85.4	1.7	0.9	4.3	3.4	2.6	1.7	0.0
Labour Hire	91.1	8.9	2,513	1,513	91.0	0.9	0.6	2.0	0.6	1.9	2.8	0.2
Rental, Hiring and Real Estate Services	89.8	10.2	856	485	84.3	2.9	0.2	3.5	3.5	2.5	3.1	0.0
Property Operators and Real Estate Services	86.7	13.3	407	247	82.6	3.6	0.0	4.5	2.8	2.8	3.7	0.0

	Claim decisions			Time lost claim finalisation								
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	%	%			%	%	%	%	%	%	%	%
Rental and Hiring Services (except Real Estate)	92.5	7.5	440	236	86.0	2.1	0.4	2.6	4.2	2.1	2.6	0.0
Labour Hire	100.0	0.0	9	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Retail Trade	93.3	6.7	6,613	3,590	85.2	1.1	3.2	3.0	1.6	2.4	3.3	0.2
Food Retailing	92.3	7.7	2,601	1,310	85.4	0.6	6.1	1.6	0.5	1.2	4.4	0.2
Fuel Retailing	95.9	4.1	172	115	81.7	0.0	3.5	5.2	1.7	3.5	4.4	0.0
Motor Vehicle and Motor Vehicle Parts Retailing	95.4	4.6	1,123	586	85.3	1.5	1.5	4.3	2.4	3.1	1.7	0.2
Non-Store Retailing and Retail Commission-Based Buying and/or Selling	95.4	4.7	43	27	77.8	3.7	3.7	11.1	0.0	3.7	0.0	0.0
Other Store-Based Retailing	93.2	6.8	2,576	1,470	85.3	1.4	1.3	3.4	2.4	2.9	3.0	0.3
Labour Hire	96.9	3.1	98	82	86.6	1.2	3.7	3.7	1.2	2.4	1.2	0.0
Transport, Postal and Warehousing	92.3	7.8	4,878	3,112	84.0	1.3	1.7	4.0	3.0	3.1	2.6	0.3
Air and Space Transport	91.3	8.7	300	248	94.0	0.4	1.2	0.8	0.8	1.2	1.6	0.0
Other Transport	94.0	6.0	183	118	83.9	0.9	2.5	1.7	4.2	2.5	4.3	0.0
Postal and Courier Pick-up and Delivery Services	94.0	6.0	150	101	81.1	2.0	0.0	7.9	4.0	1.0	4.0	0.0
Rail Transport	90.7	9.4	556	168	93.4	0.0	2.4	3.0	0.0	0.6	0.6	0.0
Road Transport	92.0	8.0	2,477	1,808	81.6	1.6	2.0	4.3	3.6	3.8	2.7	0.4
Transport Support Services	95.5	4.5	508	239	88.3	0.8	1.3	2.9	1.3	3.3	1.7	0.4
Warehousing and Storage Services	95.0	5.0	342	228	83.3	1.3	0.9	5.3	4.8	2.6	1.8	0.0
Water Transport	88.6	11.4	280	147	83.0	2.0	0.0	5.4	1.4	4.1	4.1	0.0
Labour Hire	89.0	11.0	82	55	80.0	0.0	3.6	7.3	0.0	1.8	7.3	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Rejected	Total claims decided	Total time lost claims finalised	Fit for work: same job / tasks with same employer	Fit for work: same job / tasks with diff employer	Fit for work: diff job / tasks with same employer	Fit for work: diff job / tasks with diff employer	Fit for work: no job	Fit for work: worker does not return	Not fit for work	% Alternative outcome not claim related
	%	%			%	%	%	%	%	%	%	%
Wholesale Trade	93.8	6.2	3,453	1,883	86.2	1.0	1.2	4.2	2.7	2.4	2.1	0.2
Basic Material Wholesaling	95.4	4.6	973	537	86.0	1.3	1.3	4.3	2.0	3.2	1.9	0.0
Commission-Based Wholesaling	92.1	7.9	63	28	92.8	0.0	0.0	0.0	3.6	3.6	0.0	0.0
Grocery, Liquor and Tobacco Product Wholesaling	91.2	8.8	613	356	86.8	1.1	1.1	4.7	2.0	2.0	2.0	0.3
Machinery and Equipment Wholesaling	93.1	6.9	914	401	86.0	1.3	1.8	3.7	3.3	1.0	2.7	0.2
Motor Vehicle and Motor Vehicle Parts Wholesaling	95.8	4.2	335	212	89.2	0.0	0.9	3.3	3.3	1.4	1.4	0.5
Other Goods Wholesaling	93.5	6.5	449	260	84.6	0.4	1.1	5.0	3.5	2.7	2.7	0.0
Labour Hire	97.2	2.8	106	89	82.0	2.3	0.0	4.5	3.4	6.7	1.1	0.0
Other	89.7	10.3	282	76	69.8	4.0	0.0	2.6	2.6	7.9	2.6	10.5
Total	92.1	7.9	78,724	44,113	86.9	1.1	1.2	2.9	2.3	2.9	2.5	0.2

For industry “Other”, this includes injuries pre July 1997 (pre ANZSIC classifications), household workers, workplace personal injury insurance (self-employed, working directors) and volunteers.

“Labour hire” pre-July 2009 was classified under industry “Property and business services - Employment services”. Post June 2009, WorkCover created a “labour hire” classification for each industry.

For the purposes of the above time lost claims finalised figures, all deceased injured workers have been excluded.

Appendix 2: Industry classification codes

All industry codes are based on the workers' compensation insurers' coding of industry to the divisions from the *Australian and New Zealand Standard Industry Classification* (ANZSIC 2006), ABS. Below are the ANZSIC divisions and subdivisions with corresponding ANZSIC codes.

H Accommodation and Food Services

44 Accommodation

45 Food and Beverage Services

N Administrative and Support Services

72 Administrative Services

73 Building Cleaning, Pest Control and Other Support Services

A Agriculture, Forestry and Fishing

01 Agriculture

05 Agriculture, Forestry and Fishing Support Services

02 Aquaculture

04 Fishing, Hunting and Trapping

03 Forestry and Logging

R Arts and Recreation Services

90 Creative and Performing Arts Activities

92 Gambling Activities

89 Heritage Activities

91 Sports and Recreation Activities

E Construction

30 Building Construction

32 Construction Services

31 Heavy and Civil Engineering Construction

P Education and Training

82 Adult, Community and Other Education

80 Preschool and School Education

81 Tertiary Education

D Electricity, Gas, Water and Waste Services

26 Electricity Supply

27 Gas Supply

29 Waste Collection, Treatment and Disposal Services

28 Water Supply, Sewerage and Drainage Services

K Financial and Insurance Services

64 Auxiliary Finance and Insurance Services

62 Finance

63 Insurance and Superannuation Funds

Q Health Care and Social Assistance

84 Hospitals

85 Medical and Other Health Care Services

86 Residential Care Services

87 Social Assistance Services

J Information Media and Telecommunications

56 Broadcasting (except Internet)

57 Internet Publishing and Broadcasting

59 Internet Service Providers, Web Search Portals and Data Processing Services

60 Library and Other Information Services

55 Motion Picture and Sound Recording Activities

54 Publishing (except Internet and Music Publishing)

58 Telecommunications Services

C Manufacturing

18 Basic Chemical and Chemical Product Manufacturing

12 Beverage and Tobacco Product Manufacturing

22 Fabricated Metal Product Manufacturing

11 Food Product Manufacturing

25 Furniture and Other Manufacturing

24 Machinery and Equipment Manufacturing

20 Non-Metallic Mineral Product Manufacturing

17 Petroleum and Coal Product Manufacturing

19 Polymer Product and Rubber Product Manufacturing

21 Primary Metal and Metal Product Manufacturing

16 Printing (including the Reproduction of Recorded Media)

15 Pulp, Paper and Converted Paper Product Manufacturing

13 Textile, Leather, Clothing and Footwear Manufacturing

23 Transport Equipment Manufacturing

14 Wood Product Manufacturing

B Mining

06 Coal Mining

10 Exploration and Other Mining Support Services

08 Metal Ore Mining

09 Non-Metallic Mineral Mining and Quarrying

07 Oil and Gas Extraction

S Other Services

95 Personal and Other Services

96 Private Households Employing Staff and Undifferentiated Goods- and Service- Producing Activities of Households for Own Use

94 Repair and Maintenance

M Professional, Scientific and Technical Services

70 Computer System Design and Related Services

69 Professional, Scientific and Technical Services (Except Computer System Design and Related Services)

O Public Administration and Safety

76 Defence

75 Public Administration

77 Public Order, Safety and Regulatory Services

L Rental, Hiring and Real Estate Services

67 Property Operators and Real Estate Services

66 Rental and Hiring Services (except Real Estate)

G Retail Trade

41 Food Retailing

40 Fuel Retailing

39 Motor Vehicle and Motor Vehicle Parts Retailing

43 Non-Store Retailing and Retail Commission-Based Buying and/
or Selling

42 Other Store-Based Retailing

I Transport, Postal and Warehousing

49 Air and Space Transport

50 Other Transport

51 Postal and Courier Pick-up and Delivery Services

47 Rail Transport

46 Road Transport

52 Transport Support Services

53 Warehousing and Storage Services

48 Water Transport

F Wholesale Trade

33 Basic Material Wholesaling

38 Commission-Based Wholesaling

36 Grocery, Liquor and Tobacco Product Wholesaling

34 Machinery and Equipment Wholesaling

35 Motor Vehicle and Motor Vehicle Parts Wholesaling

37 Other Goods Wholesaling

Appendix 3: Critical events history

Pre-1997

1. Irrevocable election to access common law was introduced by *Workers' Compensation Amendment Act (no 2) 1995* - provisions commenced 1 Jan 1996.
2. Interest on general damages (i.e. for pain and suffering and loss of impairment of the enjoyments of the amenities of life) was abolished.
3. Gratuitous care awards (*Griffiths v Kerkmeyer*) were abolished as a head of damage at common law and provision was made that a statutory lump sum payment of a maximum of \$150,000 be awarded (in lieu of gratuitous care awards in common law).
4. It was introduced that the Courts must give consideration to the steps that have been taken by the injured worker to mitigate their damages.
5. Introduction of interest to be paid on heads of damages due to unreasonable delay.

1 Jul 1997 - WorkCover Queensland Act 1996

6. Changed the definition of worker – went from anybody working under a contract of service to a PAYE taxpayer.
7. Changed the definition of injury – went from employment must be a 'significant contributing factor' to employment must be 'the major contributing factor'.
8. Provision for large employers to self-insure.

1 Jul 1999 - WorkCover Queensland Amendment Act 1999

9. Changed the definition of worker – went from PAYE taxpayer to anybody working under a contract of service.
10. Changed definition of an injury – went from employment being 'the major significant factor' to 'a significant contributing factor'.
11. Further diminution of industrial deafness claims reduced from five per cent to one per cent hearing loss.
12. The 'reasonable person' and 'ordinary susceptibility' tests for stress claims were removed.
13. Claims must be decided in three months not six months.
14. Establishment of a Review unit.

1 Jul 2001 - WorkCover Queensland Amendment Act 2001

15. Increased statutory benefits. Specifically, lump sum increased to \$250,000; maximum statutory benefits increased to \$150,000; increased the amount available for dependents of those fatally injured; reduced criteria required to access statutory gratuitous care.
16. Amended contributory negligence and mitigating loss provisions.
17. Amended interest on general damages and other heads of damages.
18. Introduction of the common law only process.

16 Jun 2002 – Restrictions of advertising from plaintiff lawyers

19. Personal Injuries Proceedings Act 2002 (Qld) places a restriction on lawyers advertising in Queensland. Specifically, it prohibits a lawyer from: "advertising personal injury services except by means of a statement that includes only the lawyers

name and contact details, together with information as to any areas of practice or speciality of the lawyer that is published by an 'allowable publication method'. An example of advertising that is restricted is advertising personal injury services on a 'no win, no fee' or other speculative basis.

6 Jun 2003 - Karanfilov v Inghams Enterprises P/L QCA 242

20. The decision in the case of *Karanfilov v Inghams Enterprises P/L* allowed the gratuitous care damages payment.

1 Jul 2003 - Workers' Compensation and Rehabilitation Act 2003

21. Established Q-COMP as the workers' compensation regulatory authority.
22. Changed the definition of worker – introduced a 'results test' for determining whether an injured person met the criteria for 'worker'.
23. Legislation amendments which affected liability and quantum.

27 Aug 2004 - Sheridan v Warrina Community Co-Operative Ltd and Anor QCA 308

24. The decision in the *Sheridan* provision eliminated all financial risk for unsuccessful plaintiffs in common law, thereby removing a notable barrier to claims that may previously have been speculative.

1 Nov 2005 - Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005

25. Increased injured worker benefits by extending the step down in benefits from 39 to 52 weeks.
26. Introduced a new lump sum amount payable to workers with terminal latent onset conditions.
27. Introduced a greater obligation on employers to take all reasonable steps to assist or provide rehabilitation and suitable duties to injured workers.

1 Jul 2006 – Dr Fax Fee

28. WorkCover Queensland introduced the doctor fax fee, a small financial incentive to encourage doctors to submit claim information quicker.

1 Jan 2008 - Workers' Compensation and Rehabilitation and Other Acts Amendment Bill 2007

29. Reduced the statutory claim decision timeframe to 20 days.
30. Removed the one and two year step down of benefits entitlements (increasing the benefit to 75 per cent of normal weekly earnings and 70 per cent of Queensland ordinary time earnings for 26 weeks to five years).
31. Increased maximum lump sum compensation payable to \$218,000 and improved access to additional lump sum compensation by reducing the work related impairment threshold from 50 per cent to 30 per cent.
32. Unassessed injuries claimed in relation to a common law claim cannot be assessed for PI.

25 Nov 2008 - Workplace Health and Safety and Other Legislation Amendment Act 2008

33. New payment introduced for reasonable funeral expenses (two per cent of maximum death benefit).

34. New entitlement of 15 per cent maximum death benefit for dependents of an injured worker with a terminal latent onset condition.

1 Aug 2008 - Bourk v Power Serve Pty Ltd and Anor QCA 225

35. The Court of Appeal upheld the decision that the *Workplace Health and Safety Act 1995* can provide an alternative route for common law when negligence cannot be proven. This decision was further upheld in 2009 in the decision of Parry v Woolworths Ltd.

1 Dec 2008 - Transport and Other Legislation Amendment Act 2008

36. Enabled injured workers to lodge applications by phone.

1 Jul 2010 - Workers' Compensation and Rehabilitation and Other Legislation Amendment Act

37. Insurers are obliged to notify Q-COMP of injured workers who fail to return to work (Return to Work Assist).
38. Provisions introduced closely modelled on the *Civil Liabilities Act 2003*, including the regulation of damages paid to a worker, including loss of earnings, general damages determined by assigning an injury scale value, structured settlements, and indexation. These provisions apply to injuries arising after 1 July 2010 or if the date of diagnosis of a latent onset injury is on or after 1 July 2010.
39. Allowed a court to award costs against plaintiffs whose claims are dismissed.
40. Increased the amount of employer excess to 100 per cent of Queensland Ordinary Time Earnings or one week's compensation, whichever is the lesser.
41. Amendments to increase the pre-trial obligations on third party contributors to exchange relevant documents and certify readiness for conference.
42. Amendments to expand the instances where a court must make orders as to costs to include situations where a court dismisses a worker's claim, makes no award of damages, or makes an award of damages that is equal to or less than the insurer's final written offer.
43. New provision that where a contribution claim is not settled at compulsory conference, each party must ensure that it makes a written final offer that would dispose of the contribution claim if accepted.
44. Amendments to the *Workplace Health and Safety Act* reversed the Bourk v Power Serve Pty Ltd and Anor decision.

29 Sep 2010 - Cameron v Foster and Anor QSC 372

45. The Cameron decision was significant due to the ruling that courts may make future economic loss allowances past the age of retirement, and also can make allowances for future paid services provided gratuitously by family members.

6 Jun 2011 - Work Health and Safety Act 2011

46. Introduced a key structural review recommendation to review the workers' compensation scheme every five years.
47. Allowed for a worker to accrue leave while off work on workers' compensation.

29 Oct 2013 - Workers' Compensation and Rehabilitation and Other Legislation Amendment Act

48. Abolished the statutory body Q-COMP as the workers' compensation regulator. These functions are now the

responsibility of the Workers' Compensation Regulator within the Office of Industrial Relations.

49. Introduced a threshold of greater than five per cent degree of permanent impairment (DPI) to access common law damages (applicable to injuries from 15 October 2013).
50. Injuries from 15 October 2013 will be assessed using the Guide to the Evaluation of Permanent Impairment (GEPI) (which references AMA5). Injured workers will receive an offer of lump sum compensation based on their degree of permanent impairment (DPI).
51. Definition of injury change - employment is to be 'the major significant contributing factor' for psychological or psychiatric claims when determining entitlement to compensation.
52. From 29 October 2013, employers can request a prospective worker to provide them with information about pre-existing injuries or medical conditions.
53. The Office of the Workers' Compensation Regulator is to manage all fraud cases, and the penalties for these offences were increased.
54. Insurers are required to provide a mandatory accredited return to work program for common law claimants, thereby removing the need for the Q-COMP service Return to work Assist.
55. Rehabilitation and return to work coordinators are no longer required to be accredited or certified through the Workers' Compensation Regulator.
56. Clarified the entitlement to gratuitous care damages caused by Cameron v Foster and Anor.

17 September 2015 - Workers' Compensation and Rehabilitation and Other Legislation Amendment Act

57. Removed the common law threshold of greater than five per cent degree of permanent impairment (DPI) to access common law damages. Applicable to injuries on or after 31 January 2015.
58. Established the ability to provide additional compensation to particular workers impacted by the common law threshold, for injuries on or after 15 October 2013 and before 31 January 2015.
59. Introduced provisions for firefighters diagnosed with one of 12 specified diseases that deem their injury to be work related.
60. Removed the entitlement prospective employers had to obtain a copy of a prospective worker's compensation claims history from the Queensland Workers' Compensation Regulator.

8 September 2016 - Workers' Compensation and Rehabilitation and Other Legislation Amendment Act

61. Implemented the National Injury Insurance Scheme for work-related catastrophic injuries connected with Queensland.
62. Amended the self-insurance licensing requirements to provide greater flexibility for applicants.
63. Reversed the impact of the Byrne decision and restoring arrangements in relation to third party liability and prosecutions for fraud.
64. Amended the indexation method used to calculate workers' compensation benefits.

Appendix 4: Definitions

Statutory definitions

Admitted claims – The insurer allows the application for compensation and liability continues to be accepted by the insurer (this is considered to be an initial decision on the claim).

Average finalised claim cost – The average statutory cost of finalised claims.

Average finalised time lost claim cost – The average statutory cost of finalised time lost claims, including any excess amount paid for by the employer. Claims with compensation and lump sum payments are included as time lost claims.

Average finalised time lost claim durations – Workdays lost due to an injury on finalised time lost claims, including any workdays lost paid for by the employer. Including claims with compensation payments and excluding fatality payments.

Cancelled claims – Claims are cancelled when they should never have been lodged (e.g. the application has already been lodged at least once on the system).

Degree of permanent impairment (DPI) - Injuries on or after 15 October 2013 are assessed under the Guidelines to the Evaluation of Permanent Impairment (GEPI) (which references AMA5). From this assessment injured workers receive a degree of permanent impairment (DPI).

Employed people – Employed people for Queensland is obtained from the Australian Bureau of Statistics (ABS) labour force survey Cat. no. 6291.0.55.003 - Labour Force, Queensland, Employed total, Average of May quarter to February quarter.

Fatal claims – All claims where an injury or disease caused the death of an injured worker, excluding cancelled or rejected claims. A claim is a fatality if the claim is indicated by the insurer as a fatality under the Act, on the individual application, taking into account the definitions of a worker, event and injury under the Act (s11, s31 and s32).

Finalised claims – The statutory finalisation of a claim during a financial year; identified by the date of the closure status.

Industry – All industry codes are based on the insurers' coding of industry to the divisions from the "Australian and New Zealand Standard Industry Classification" (ANZSIC), Australian Bureau of Statistics (ABS), 2006.

Injury nature – Injury nature groupings are based on the insurers' coding of primary injury nature and location. The injury nature and location coding by the insurer is provided using the Type of Occurrence Classification System as published by Safe Work Australia.

Lodgements – All claims lodged with insurers, regardless of the outcome (i.e. excludes cancelled claims, includes withdrawn and report only claims).

Medical expense only claim – All accepted claims which have had medical treatment and rehabilitation payments, excluding those that also had weekly compensation or fatality payments.

Mesothelioma or asbestosis – The injury nature codes '783' and '861' from the "Type of Occurrence Classification System", Third Edition, Revision 1 Safe Work Australia have been renamed mesothelioma or asbestosis injury in this publication.

Permanent impairment (PI) – A permanent impairment from an injury is an impairment that is stable and stationary and not likely

to improve with further medical or surgical treatment (s38).

Psychological or psychiatric injury – The injury nature codes '702', '703', '704', '705', '706', '707', '718' and '719' from the "Type of Occurrence Classification System", Third Edition, Revision 1 Safe Work Australia have been renamed psychological or psychiatric injury in this publication.

QOTE – The *Workers' Compensation and Rehabilitation Act 2003* describes Queensland ordinary time earnings (QOTE) for a financial year as being "the seasonally adjusted amount of Queensland full-time adult persons ordinary time earnings as declared by the Australian Statistician in the statistician's report about average weekly earnings published immediately before the start of the financial year". (6302.0 - Average Weekly Earnings, Australia, Australian Bureau of Statistics).

Rejected claims – The application for compensation is rejected as the initial decision on the claim (s134).

Statutory claim decisions – The first decision about the application for compensation to either allow or reject the application. Statutory decisions exclude decisions cancelled, withdrawn, report only and common law only (s134).

Statutory claim payments – All statutory payments made in the relevant year, including any payments for time lost made by the employer as part of the compensation period (excess) as reported by WorkCover Queensland.

Time lost claims – All accepted claims which have resulted in time lost from work excluding fatalities.

Withdrawn claims – Lodged claims are withdrawn when a notice is initiated and provided by the injured worker to the insurer to formally withdraw the application for compensation.

Work related impairment (WRI) - The degree of work related impairment is calculated after one or more permanent impairments (PI) are assessed. WRI applies to injuries before 15 October 2013.

Common law definitions

Average defendant's cost – The average defendant's cost, regardless of when payments were made, of finalised common law claims.

Average plaintiff's cost – The average plaintiff's cost, regardless of when payments were made, of finalised common law claims.

Average settlement cost – The average settlement cost, regardless of when payments were made, of finalised common law claims (excludes claims with a nil settlement).

Average time from injury to lodgement – The average time, in years, from injury date to common law lodgement. These are based on the lodgement year of the common law claim.

Average time from lodgement to finalisation – The average time, in years, from the common law claim lodgement to common law finalisation. These are based on the finalisation year of the common law claim.

Common law claim lodgements – All common law claims lodged with insurers, regardless of the outcome. If a common law claim is associated with more than one statutory claim, it will be counted for each statutory claim it is associated with (if one common law claim is associated with three statutory claims, the common law lodgement has been counted three times).

Common law claim payments – All common law payments made within the financial year.

Defendant's costs – Costs incurred by the defendant.

Heads of damage – Heads of damage consist of two distinct parts: general damages and special damages.

The legislative amendments in 2010 introduced caps on the amount of general damages that can be awarded for pain and suffering, loss of amenity, loss of expectation of life and general disfigurement. The caps align the workers' compensation scheme with the *Civil Liability Act 2003*, and limit the amount of compensation that can be awarded to an injury based on the severity of the injury, or its 'injury scale value'. Special damages consists of future economic loss, past economic loss, care and treatment and rehabilitation. This incorporates loss of past and future earnings, future medical needs and care due to the ongoing disability. The amount of future earnings loss must not exceed the amount equal to the present value of three times QOTE per week for each week of the period of loss of earnings as specified within the Act.

Nil settlement – A nil settlement is where a common law claim has finalised with no damages paid.

Plaintiff's costs – Costs incurred by the plaintiff.

Settlement payments – Settlement payments are calculated as the gross settlement amount less contributory negligence less contribution from third party less statutory claim payments.

Medical assessment tribunal definitions

Access to damages – This is for instances where an application for statutory compensation has not been lodged and the insurer has not admitted that the worker sustained an injury. The worker is seeking common law damages.

Application for compensation – This reference is used when a worker has made an application for compensation. (Liability has not been accepted for the injury for which the worker is claiming). The insurer is unable to determine liability for the claim due to matters of a medical nature.

Cases determined – All cases heard and determined by the Medical Assessment Tribunals (MAT).

GMAT (Other) – General Medical Assessment Tribunals including the medical, vascular, surgical, Urology, Gynaecology, thoracic and rheumatology specialties. (Excludes General Medical Assessment Tribunal – Psychiatric).

GMAT (Psychiatric) – General Medical Assessment Tribunal – Psychiatric.

Ongoing capacity for work – The insurer is asking whether the worker's ongoing incapacity for work is related to the accepted work injury.

Other reasons for referral – Includes level of dependency, further material deterioration, etc.

Permanent impairment (PI) assessment – The insurer is asking the tribunal to determine whether the worker has sustained a permanent impairment. Under the legislation for psychological or psychiatric injury claims the MAT must determine the degree of permanent impairment.

Permanent impairment (PI) assessment – disputed PI – The insurer is asking the tribunal to determine whether the worker has sustained a permanent impairment. This reference would be used if the worker does not agree with the permanent impairment which has been independently assessed by the insurer.

Prescribed disfigurement – The insurer requests the tribunal to assess, by physical examination, whether the bodily scarring or facial disfigurement is severe enough to be considered prescribed disfigurement.

Referral reasons – The specific questions which can be asked of the Medical Assessment Tribunals are defined in the Act.

Specialty (Other) – Medical Assessment Tribunals including the cardiac, dermatology, ear, nose and throat, ophthalmology and disfigurement specialties.

Review definitions

Confirmed – Insurers' decision is confirmed by the Review Unit.

Set aside – Insurers' decision is set aside by the Review Unit and a new decision substituted.

Varied – Insurers' decision is varied by the Review Unit.

Appeal definitions

Conceded – The regulator indicates to the parties to the appeal and the court or commission that it will not be defending the review decision.

Decided at court – Appeals that have been dismissed, upheld or struck out at the Queensland Industrial Relations Commission or Industrial Magistrates Court.

Dismissed – After hearing evidence, the Commissioner or Magistrate has dismissed the appeal and confirmed the review decision.

Lapsed – The QIRC determined that the appeal has not been progressed by the appellant within an appropriate timeframe and the appeal is closed.

Settled – The parties to the appeal have negotiated a settlement out of court.

Struck out – Appeals struck out by the Commissioner or Magistrate because of failure of the appellant to comply with legislative, court or Commission requirements.

Upheld – After hearing evidence, the Commissioner or Magistrate has upheld the appeal and set aside or varied the review decision.

Withdrawn – Appeals withdrawn by the appellant prior to hearing.

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