

Queensland workers' compensation scheme statistics 2018–19



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Introduction

This is the 20th annual statistical report published by the Office of Industrial Relations 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 and the Industrial Court
 - Medical assessment tribunals.

All figures reported as at 30 June 2019, 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 Government.

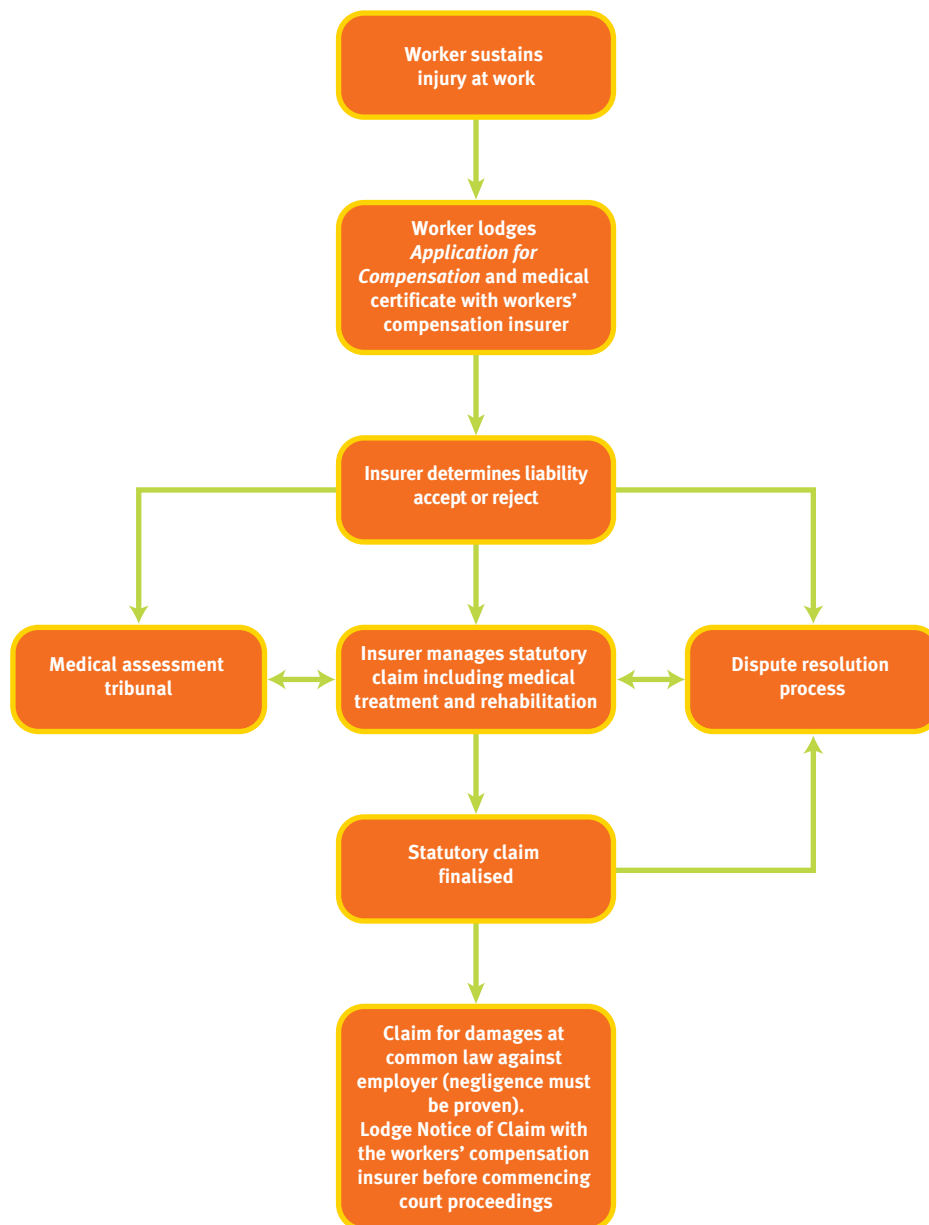
The Office of Industrial Relations is responsible for:

- monitoring insurer performance and compliance with the Act
- deciding self-insurance applications
- reviewing insurer decisions
- managing appeals of review decisions
- monitoring employer rehabilitation compliance and providing advice
- supporting the Medical assessment tribunal
- maintaining and analysing statistics and reporting on the scheme
- providing workers' compensation information and education
- administering grants.

As at 30 June 2019 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 throughout this publication.

1 Workers' compensation claims process

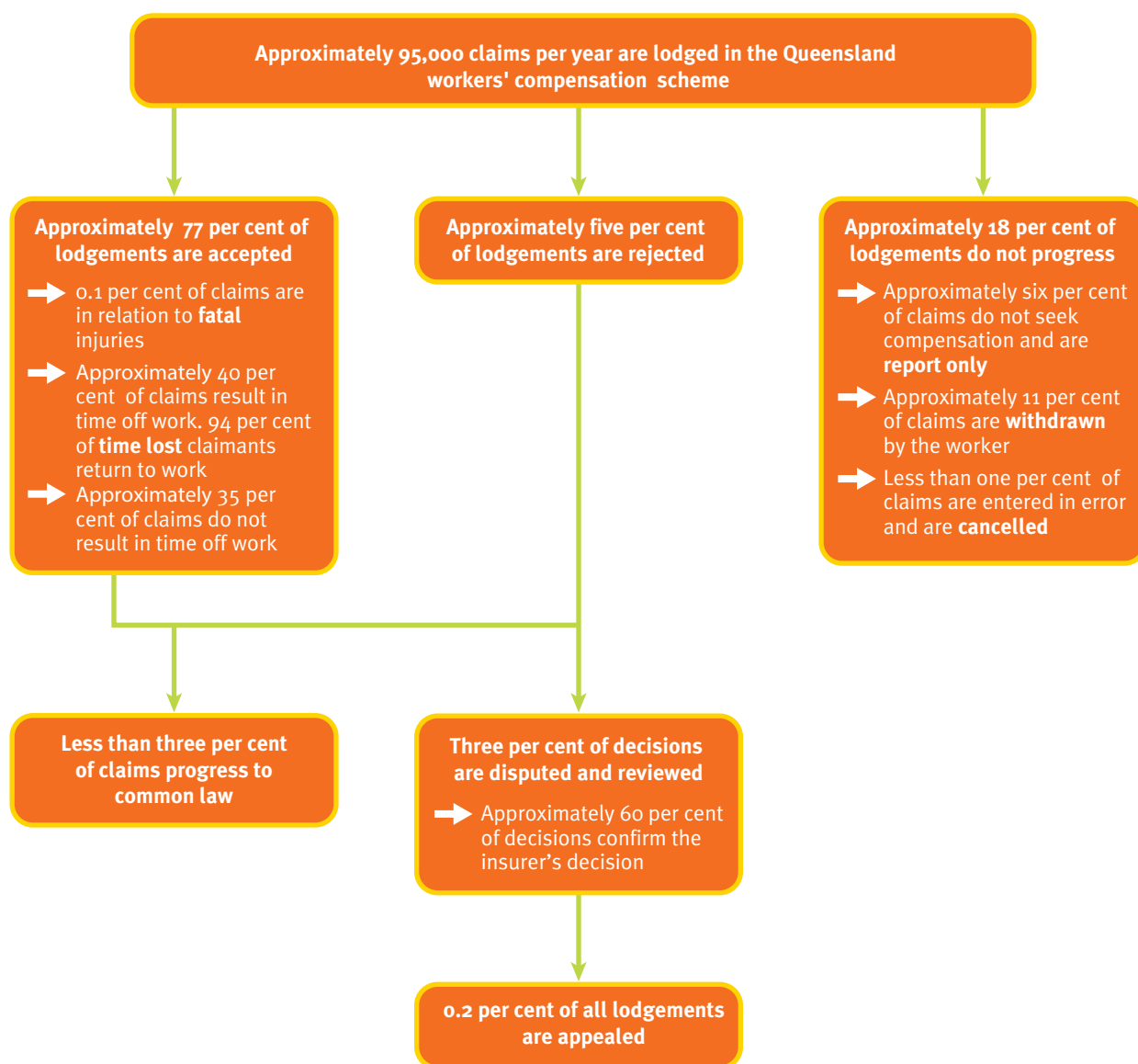


Claim profile

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 18 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 94,953 for 2018-19 were 2.1 per cent lower than 2017-18. While the number of employed people increased by 2.0 per cent for 2018-19, there was a 4.0 per cent decrease in the claim rate. The claim rate for 2018-19 has decreased to 38.0 claims per 1,000 employed people. Industries that have increases in claim rates this year include arts and recreation; information, media and telecommunications; professional, scientific and technical services; rental, hiring and real estate services and transport, postal and warehousing.

The proportion of psychological and psychiatric statutory claims increased for 2018-19 at 5.1 per cent (4.5 per cent in 2017-18). Psychological and psychiatric claims currently represent 6.6 per cent of total statutory payments (\$70.3 million for 2018-19) and have an average finalised time lost claim cost of \$47,565 (\$46,285 in 2017-18) which is two and a half times the average time lost claim cost of physical injuries (\$18,888 for 2018-19).

Statutory claim payments

Statutory payments for 2018-19 of \$1,068.1 million were 13.2 per cent higher than in 2017-18 (\$943.5 million). Weekly compensation payments, which represent 32.0 per cent of statutory payments, have increased 18.0 per cent for 2018-19 from \$404.5 million to \$477.3 million. Average work days lost increased from 49.2 days in 2017-18 to 51.6 days in 2018-19. The average cost of time lost claims increased by 4.8 per cent from \$18,771 in 2017-18 to \$19,672 in 2018-19.

Fatalities

There were 83 fatal claim lodgements in 2018-19. Fatal claim lodgements due to injuries at work represented just under a quarter of the 2018-19 figures (n = 20; 24.1 per cent). Manufacturing (n = 12); mining (n = 9); transport, postal and warehousing (n = 8) and construction (n = 8) industries contributed 44.6 per cent of fatalities in 2018-19.

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

Return to work

In 2018-19, the return to work rate increased slightly to 93.6 per cent (93.2 per cent for 2017-18).

Dispute resolution

Review applications have decreased slightly by 1.4 per cent, from 2,568 in 2017-18 to 2,532 in 2018-19. The proportion of review applications to statutory claims was stable at 2.7 per cent for 2018-19 (2.6 per cent for 2017-18). Appeals served in 2018-19 have decreased, down 7.3 per cent from 246 served in 2017-18 to 228 served in 2018-19.

Medical assessment tribunals

In 2018-19, 2,463 referrals were made to the Medical assessment tribunals. This is an increase of 1.7 per cent from the 2,422 referrals received in 2017-18. Of the cases determined by the Medical assessment tribunal, 45.8 per cent were for permanent impairment (PI) assessment (48.7 per cent in 2017-18) and 47.8 per cent were for ongoing capacity to work (44.7 per cent in 2017-18). The proportion of Medical assessment tribunal referrals to statutory claims was stable for 2018-19 at 2.6 per cent (2.5 per cent for 2017-18).

Common law lodgements

Common law lodgements increased slightly from 2,753 in 2017-18 to 2,825 in 2018-19. Strains and sprains accounted for 30.3 per cent of all common law claim lodgements in 2018-19.

Common law average damages

The average cost of finalised common law claims was stable, with a small increase of 1.5 per cent for 2018-19. The average defendant and plaintiff cost decreased 5.0 per cent from \$24,107 in 2017-18 to \$22,897 in 2018-19.

3 Scheme at a glance

Overview					
		2018-19	2017-18	% change from previous year	page number
Statutory claims	New claims	94,953	96,967	-2.1%	10
	Claims per 1,000 employed people	38.0	39.6	-4.0%	8
	New psychological claims (%)	5.1%	4.5%	0.6%	12
	Payments (\$M)	\$1,068.1	\$943.5	13.2%	23
Statutory decisions	Average time to decide (days)	9.2	8.1	13.6%	18
	Rejection rate – physical (%)	4.7%	5.8%	-1.1%	19
	Rejection rate – psychological and psychiatric (%)	55.7%	62.4%	-6.7%	19
Outcomes	Average work days lost (days) (time lost claims)	51.6	49.2	4.9%	32
	Return to work rate (%)	93.7%	93.2%	0.4%	28
Common law	New claims	2,825	2,753	2.6%	36
	Payments (\$M)	\$423.4	\$419.3	0.9%	41
	Average damages cost (excluding nil settlements)	\$157,531	\$155,195	1.5%	41
Regulator functions	Review applications	2,532	2,568	-1.4%	44
	Appeals served	228	246	-7.3%	47
	Medical assessment tribunal referrals	2,463	2,422	1.7%	50

Workers' compensation statutory claims

- The majority of employers (almost 90 per cent) covered by the scheme in 2018-19 did not have a claim for workers' compensation.
- The scheme-wide claim rate decreased 4.0 per cent.
- The manufacturing industry has the highest claim rate.

As at 30 June 2019, approximately 163,000 employers were covered by the Queensland workers' compensation scheme. During 2018-19, the scheme covered approximately 170,000 employers, taking into account fluctuations in cancelled and new policies.

4 Number of claims lodged by insurance type 2017-18 and 2018-19

Insurance type	2017-18	2018-19	% Variance
Employed people	96,589	94,468	-2.2
Volunteers, industrial placement / work experience, contracts of insurance (the Act s26)	268	364	35.8
Workplace personal injury insurance (self-employed, working directors)	81	89	9.9
Household workers	29	32	10.3
Total lodgements	96,967	94,953	-2.1

The majority of claims (99.5 per cent) are for 'workers' (as defined in the *Workers' Compensation and Rehabilitation Act 2003* – the Act).

5 Number of claims per employer by declared wages 2018-19

Number of claims	Declared wages						Total employers
	\$1M or less	\$1.01M to \$2.5M	\$2.51M to \$5M	\$5.01M to \$10M	\$10.01M to \$50M	Over \$50M	
No claims	144,284	4,596	942	275	107	4	150,208
1 claim	8,987	1,852	565	211	89	6	11,710
2 to 5 claims	2,590	1,797	1,015	502	290	26	6,220
6 to 10 claims	100	182	295	266	262	24	1,129
11 to 20 claims	28	34	82	176	268	38	626
Over 20 claims	20	0	14	59	280	196	569
Total with claims	11,725	3,865	1,971	1,214	1,189	290	20,254
Total	156,009	8,461	2,913	1,489	1,296	294	170,462
% without claims	92.5	54.3	32.3	18.5	8.3	1.4	88.1

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

The majority of employers (88.1 per cent) did not have a claim for workers' compensation in 2018-19. Smaller employers (\$1 million or less in declared wages) were the most likely to have no claims (92.5 per cent).

Claim rate

In 2018-19, 94,953 claims were lodged scheme-wide (excluding cancelled claims). The estimated rates per 1,000 employed people are detailed below.

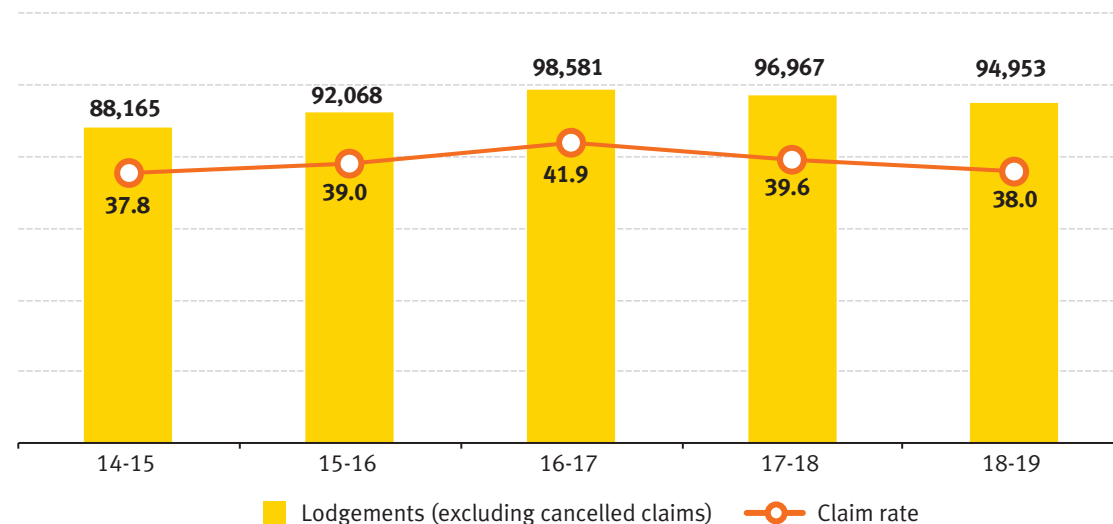
6 Claim rates (per 1,000 employed people) 2014-15 to 2018-19

	Annual comparison				
	2014-15	2015-16	2016-17	2017-18	2018-19
Queensland labour force					
Average number of employed people ('000) ^a	2,330.0	2,362.3	2,353.3	2,447.6	2,496.1
Change from previous year (%)	1.2	1.4	-0.4	4.0	2.0
Queensland workers' compensation scheme					
Number of lodged claims	88,165	92,068	98,581	96,967	94,953
Change from previous year (%)	-4.2	4.4	7.1	-1.6	-2.1
Claim rate					
Number per 1,000 employed people	37.8	39.0	41.9	39.6	38.0
Change from previous year (%)	-5.5	3.2	7.4	-5.5	-4.0

^a Australian Bureau of Statistics, Labour Force, Queensland Average of May Quarter to February Quarter, Cat. No. 6291.0.55.003, May 2019.

Figure 7 shows claim rates and claim lodgements in the scheme for the past five years. Lodgements for 2018-19 of 94,953 have decreased by 2.1 per cent from 2017-18 lodgements of 96,967.

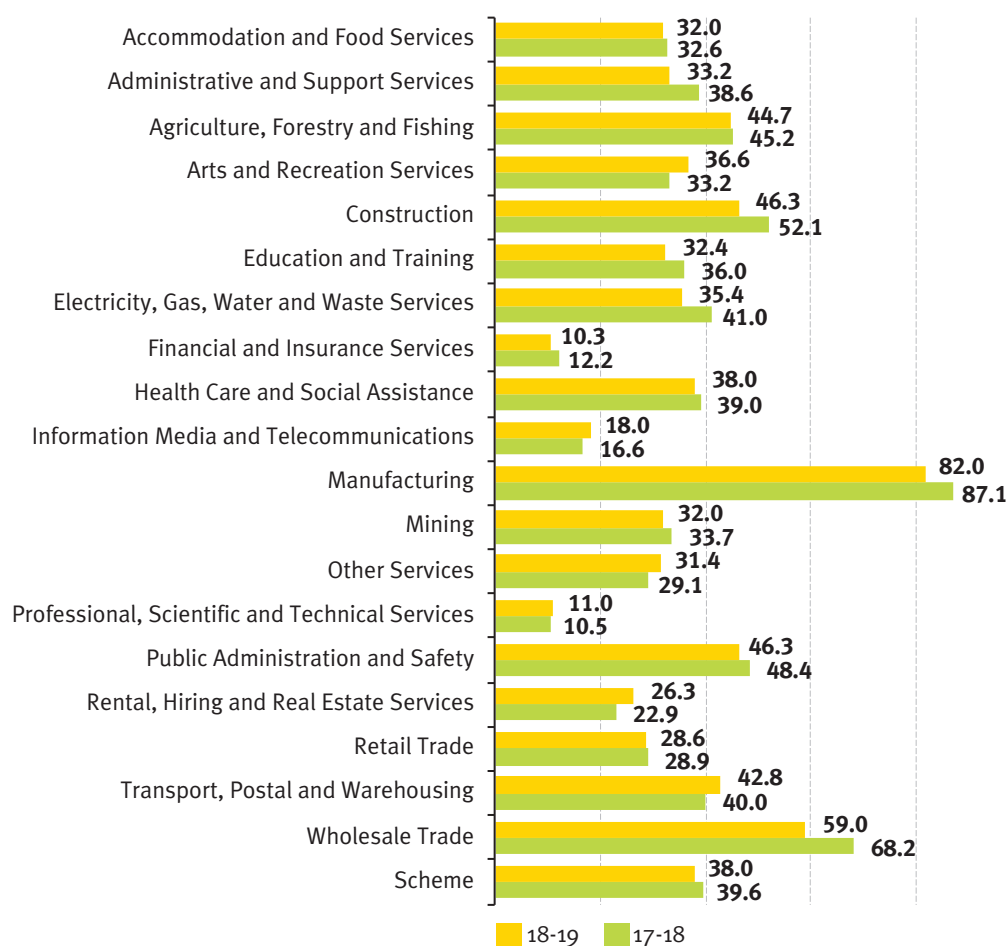
7 Claim rates (per 1,000 employed people) and lodgements 2014-15 to 2018-19



As shown in figure 8, manufacturing had the highest claim rate in the scheme, with 82.0 claim lodgements per 1,000 employed people in the industry. Other industries where the claim rate was larger than the scheme rate of 38.0 include:

- wholesale trade (59.0)
- construction (46.3)
- public administration and safety (46.3)
- agriculture, forestry and fishing (44.7)
- transport, postal and warehousing (42.8).

8 Claim rates (per 1,000 employed people) by industry 2017-18 and 2018-19



Statutory claim lodgements

- Lodgements decreased by 2.1 per cent in 2018-19.
- Note: cancelled claims have been excluded from the lodgements reported.
- There were 83 fatal claims lodged in 2018-19.

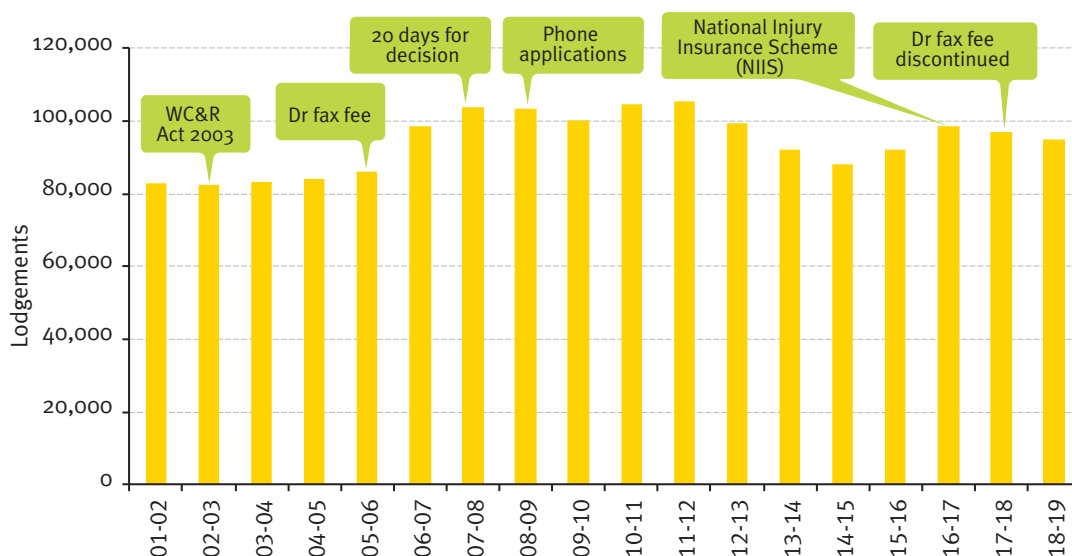
Many factors influence the number of claims lodged in the Queensland workers' compensation scheme. Some of the factors that may have contributed to changes in numbers of lodgements over the years include:

- 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 (e.g. 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 2018-19, there were 94,953 claims lodged (excluding cancelled), representing a 2.1 per cent decrease from 2017-18 (96,967).

9 Statutory claim lodgement history 2001-02 to 2018-19

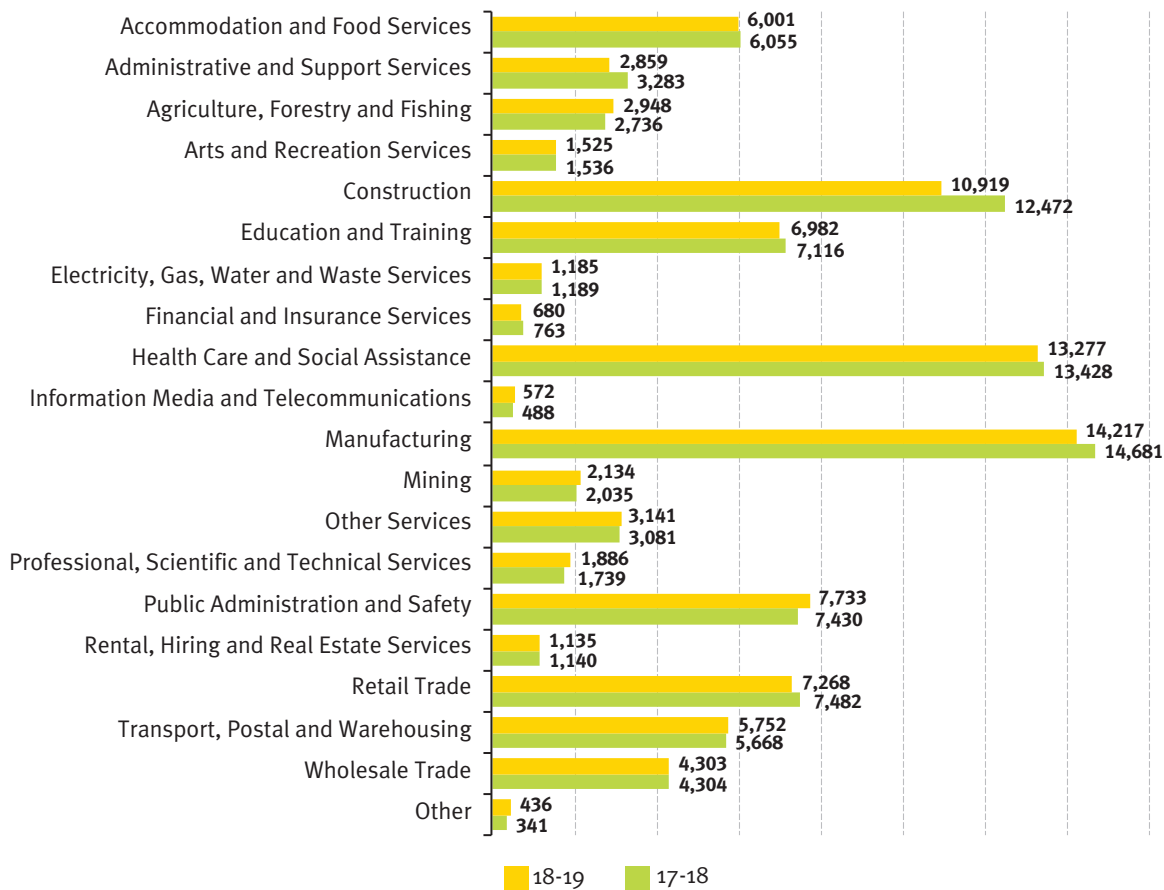


Industry

The manufacturing industry accounted for the largest proportion of claim lodgements with 15.0 per cent of all scheme lodgements.

The largest claim increases were in the Information Media and Telecommunications industry, up 17.2 per cent from 488 to 572 and the Professional, Scientific and Technical Services industry, up 8.5 per cent from 1,739 to 1,886 (figure 10).

10 Statutory claim lodgements by industry 2017-18 and 2018-19



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

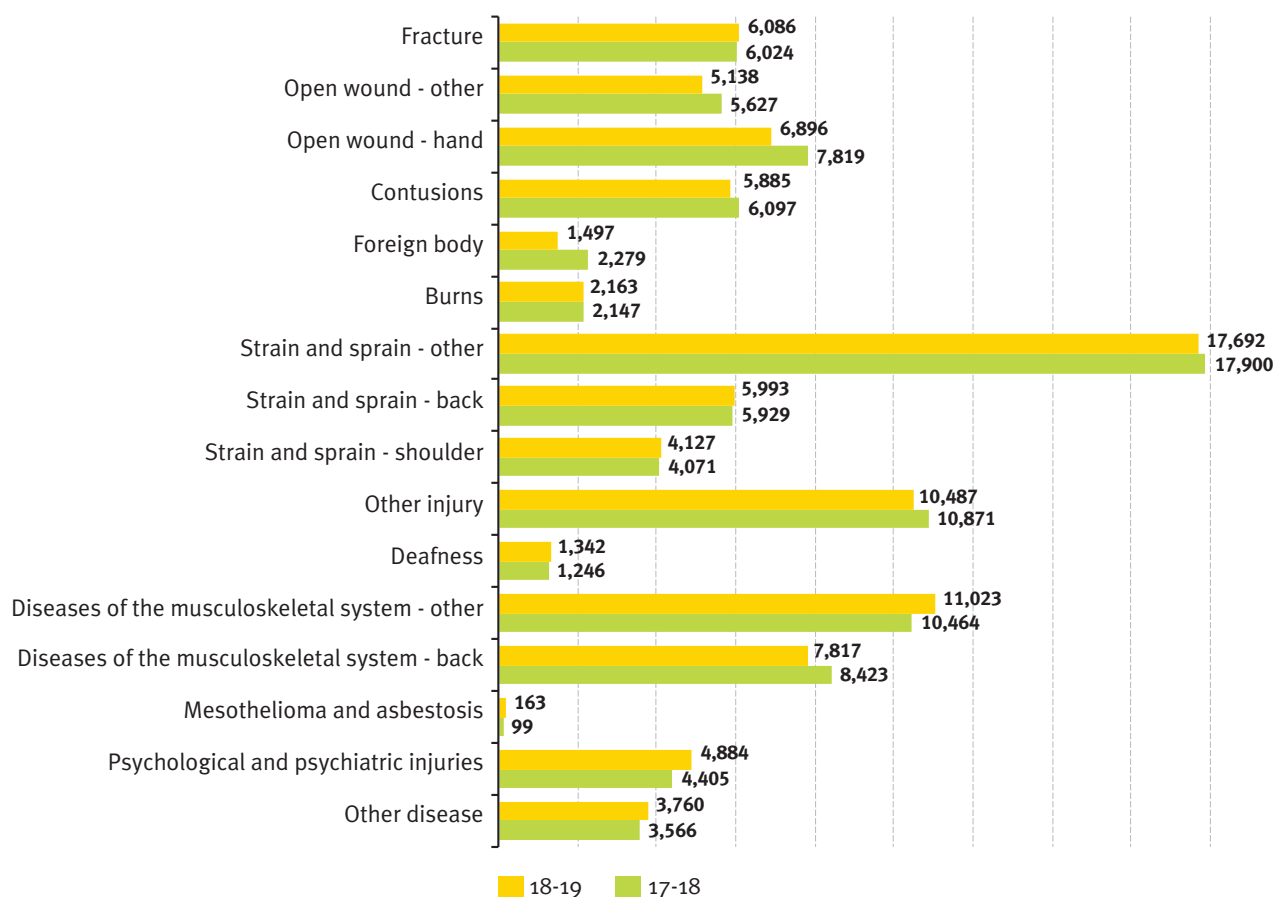
Injury type

Strain and sprain injury claims accounted for over a quarter (29.3 per cent) of all injuries lodged in 2018-19. Of these, the back was the major bodily location (accounting for 6.3 per cent of all lodgements).

Mesothelioma and asbestosis injuries experienced a 64.6 per cent increase in lodgements in 2018-19, from 99 in 2017-18 to 163 in 2018-19. One third of these lodgements were report only claims.

Psychological and psychiatric injuries increased in 2018-19, up 10.9 per cent from 4,405 in 2017-18 to 4,884.

11 Statutory claim lodgements by injury type 2017-18 and 2018-19

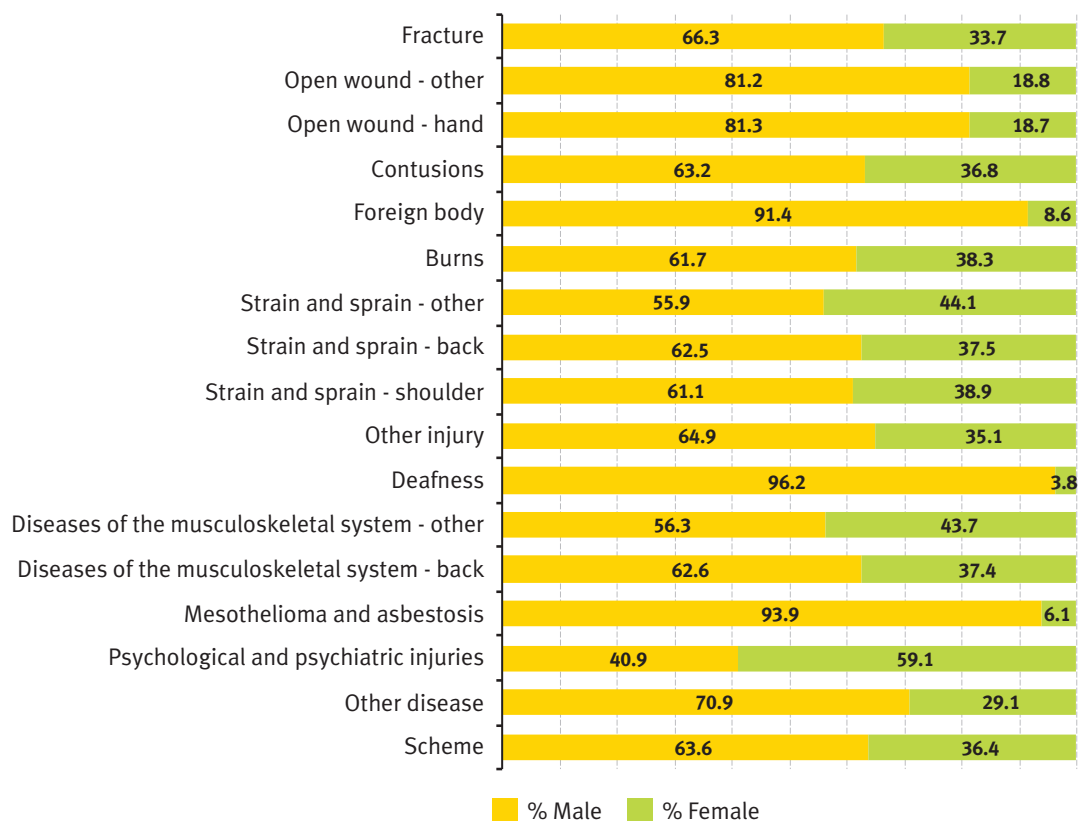


Gender

In 2018-19, males represented just under two-thirds of the 94,953 claims lodged in the Queensland workers' compensation scheme. Injuries where males represented a much higher proportion of claims than females were deafness (96.2 per cent), mesothelioma and asbestosis (93.9 per cent) and foreign body (91.4 per cent).

Psychological and psychiatric injury was the only injury type where females were represented more than males, with females accounting for 59.1 per cent of claims.

12 Proportion of statutory claim lodgements by injury type and gender 2018-19

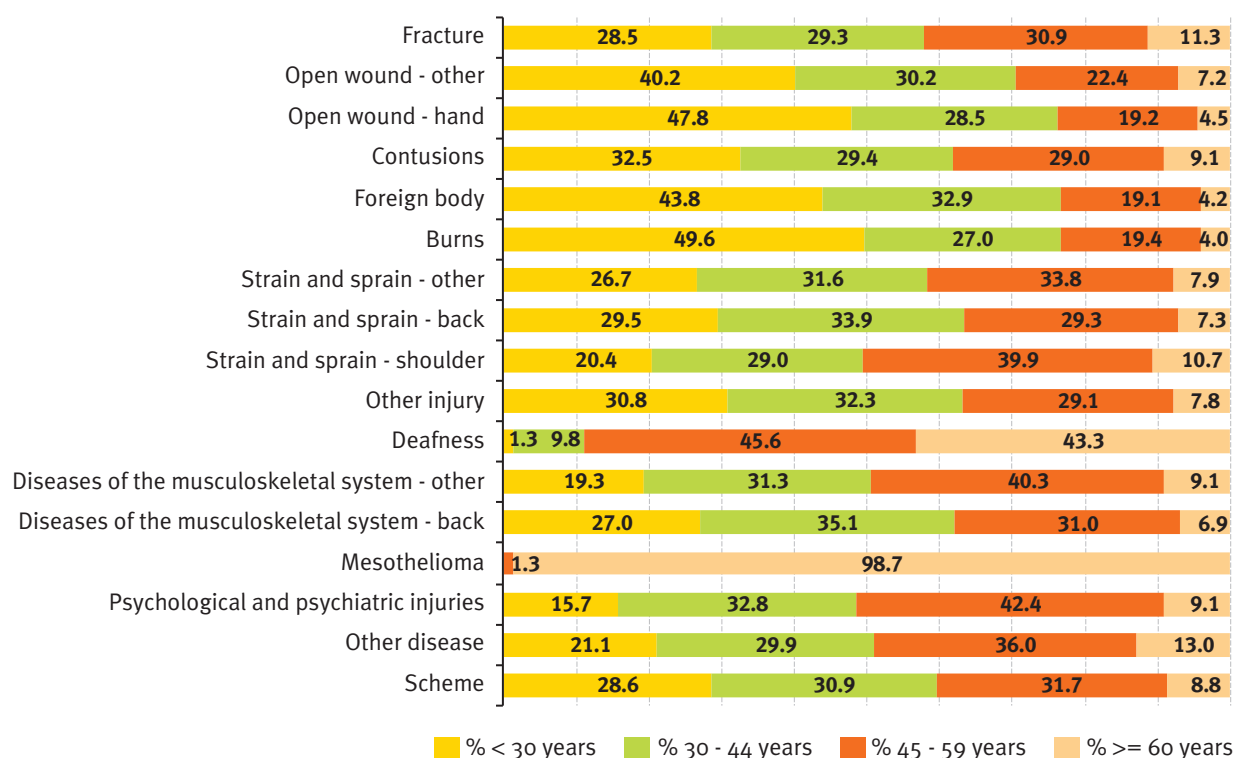


Age

While older workers (60 years or over) represented only 8.8 per cent of all claim lodgements, they have a high representation for injuries such as mesothelioma (98.7 per cent) and deafness (43.3 per cent).

Injury types where younger workers (less than 30 years) represented a greater proportion include burns (49.6 per cent), open wound to the hand (47.8 per cent), foreign body (43.8 per cent) and open wound to a location other than the hand (40.2 per cent).

13 Proportion of statutory claim lodgements by injury type and age group 2018-19



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

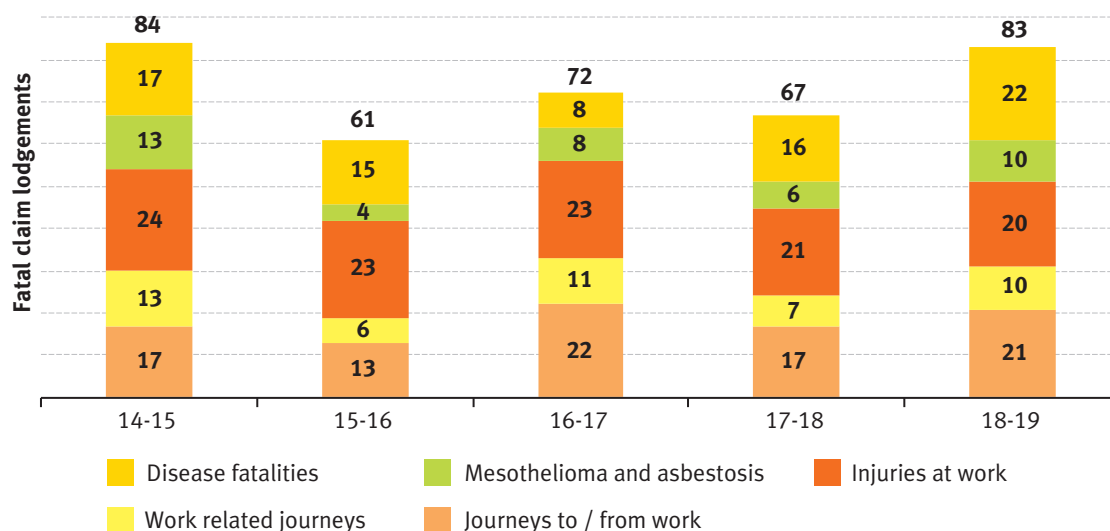
Compensated fatalities

Compensated fatalities are included in the year a workers' compensation claim is lodged, not the year the worker died. Considerable time can 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.

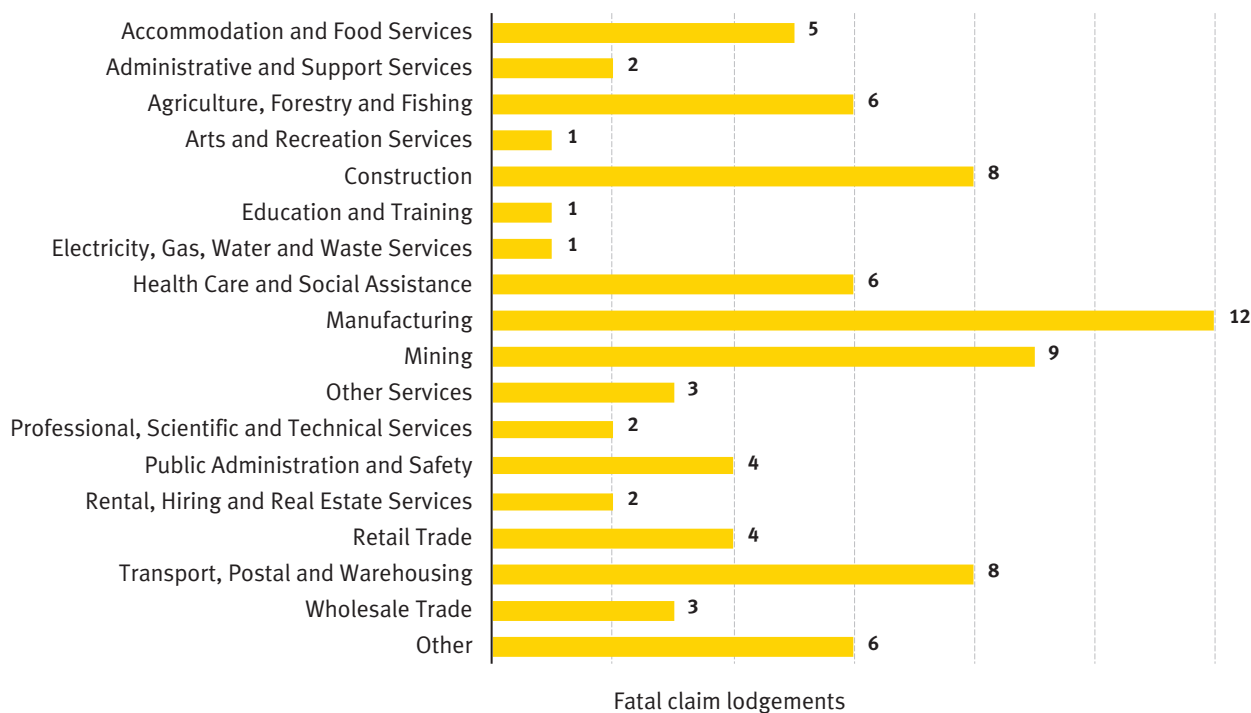
The Office of Industrial Relations reports the claim as a fatality if the claim is indicated by the insurer as a fatality under the Act on the individual application, taking into account the definitions of a worker, event and injury under the Act (s11, s31 and s32). Figure 14 below shows the fatal claim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

There were 83 fatalities lodged in 2018-19.

14 Fatal claim lodgements (excluding cancelled claims) 2014-15 to 2018-19



15 Fatal claim lodgements by industry 2018-19



Statutory claim decision-making process

- Decision timeframes have increased 13.6 per cent in 2018-19.
- Rejections and claims for psychological and psychiatric injuries take longer to decide.
- Claims for psychological and psychiatric injuries have a higher chance of rejection.
- 78.1 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, determined more quickly.
- Rejections are more likely to progress to a review than claims that 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 Medical assessment tribunal 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 the Office of Industrial Relations, followed by an appeal to the Queensland Industrial Relations Commission (QIRC) if the parties are dissatisfied with the Office of Industrial Relations review decision. The court or QIRC decision may be appealed in the Industrial Court (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 2017-18 and 2018-19.

17 Average time to decide by injury type 2017-18 and 2018-19

Injury type	Average decision time (days)	
	2017-18	2018-19
Fracture	4.4	5.5
Open wound – other	4.2	4.5
Open wound – hand	3.9	5.3
Contusions	4.8	9.5
Foreign body	4.5	4.9
Burns	4.6	9.4
Strain and sprain – other	6.5	7.4
Strain and sprain – back	7.3	10.8
Strain and sprain – shoulder	7.1	8.8
Other injury	6.6	6.6
Deafness	18.9	17.1
Diseases of the musculoskeletal system – other	9.6	9.5
Diseases of the musculoskeletal system – back	8.2	7.9
Mesothelioma and asbestosis	56.5	37.2
Psychological and psychiatric injuries	34.0	31.1
Other disease	18.5	19.0
Total average	8.1	9.2

Overall, the average decision-making timeframe has increased to 9.2 days in 2018-19.

The median decision-making timeframe is stable at four days in 2018-19.

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

Figure 18 illustrates decision-making timeframes and outcomes for claims determined in 2018-19. These timeframes are based on statutory claim decisions.

18 Decisions made and average time to decide by decision type and injury type 2018-19

Injury type	Number of decisions	Proportion of decisions		Average decision time		
		Admitted %	Rejected %	Admitted days	Rejected days	Total days
Fracture	5,395	96.5	3.5	5.2	15.2	5.5
Open wound - other	3,961	98.0	2.0	4.3	14.8	4.5
Open wound - hand	5,479	98.3	1.7	5.2	12.8	5.3
Contusions	4,666	97.2	2.8	9.3	16.1	9.5
Foreign body	1,139	97.5	2.5	4.7	12.3	4.9
Burns	1,561	97.6	2.4	9.3	15.8	9.4
Strain and sprain - other	15,010	96.7	3.3	6.9	21.9	7.4
Strain and sprain - back	5,149	96.2	3.8	10.4	21.0	10.8
Strain and sprain - shoulder	3,609	95.8	4.2	8.0	26.5	8.8
Other injury	7,836	95.4	4.6	5.8	22.4	6.6
Deafness	1,120	89.6	10.4	16.2	24.8	17.1
Diseases of the musculoskeletal system - other	9,368	92.4	7.6	8.0	28.1	9.5
Diseases of the musculoskeletal system - back	6,679	94.1	5.9	7.0	23.7	7.9
Mesothelioma and asbestosis	89	94.4	5.6	35.1	72.8	37.2
Psychological and psychiatric injuries	3,191	44.3	55.7	19.5	40.3	31.1
Other disease	2,882	83.7	16.3	16.2	33.1	19.0
Total	77,134	93.2	6.8	7.7	29.6	9.2

Most claims (93.2 per cent) were accepted by insurers with an average determination time of 7.7 days. On average, decision timeframes tended to be longer for:

- rejected claims – determined in 29.6 days on average compared to 7.7 days on average for accepted claims
- diseases – particularly psychological and psychiatric injury claims (average 31.1 days to determine), mesothelioma and asbestosis claims (average 37.2 days to determine) and deafness (average 17.1 days to determine).

In 2018-19, 55.7 per cent of psychological and psychiatric claims were rejected.

One 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 2018-19, 91.8 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 78.1 per cent of rejected claims, the reason for rejection was that the injury did not meet the definition under the Act.

Figure 19 details the main reasons claims were rejected.

19 Rejected claims by reason for rejection 2017-18 and 2018-19

Reason for rejection	2017-18		2018-19	
	Number of rejections	% of rejections	Number of rejections	% of rejections
Not an injury - s.32	4,917	78.4	4,089	78.1
Not a worker - s.11	551	8.8	337	6.4
Out of time - excluded under s.131	430	6.9	403	7.7
Journey - subsequent delay, interruption or deviation - s.36(2)(B)	81	1.3	62	1.2
Invalid application - s.132	3	0.0	2	0.0
Industrial deafness - excluded under s.125 - initial application	70	1.1	86	1.7
Not a journey - s.35	47	0.8	17	0.3
Other	170	2.7	240	4.6
Total	6,269	100	5,236	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 Medical assessment tribunal to determine whether the medical matters alleged in the application for compensation constitute an injury.

In 2018-19, only 94 claims were referred to the Medical assessment tribunal for determination of the worker's injury for an application for compensation. Of these cases, 71 (75.5 per cent) were accepted and the remaining 23 (24.5 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 (0.4 per cent), 28.4 per cent of rejected claims are disputed by either the employer or the injured worker.

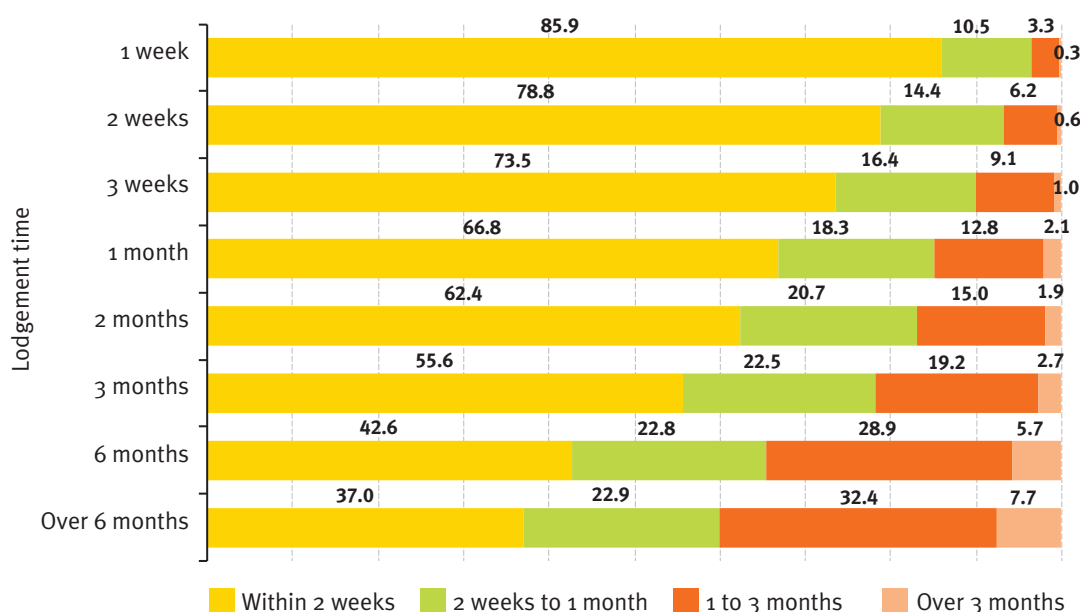
Impact of lodgement time on determination time

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.

85.9 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 37.0 per cent.

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

20 Decision-making timeframes for claims decided in 2018-19 by the time taken to lodge the claim



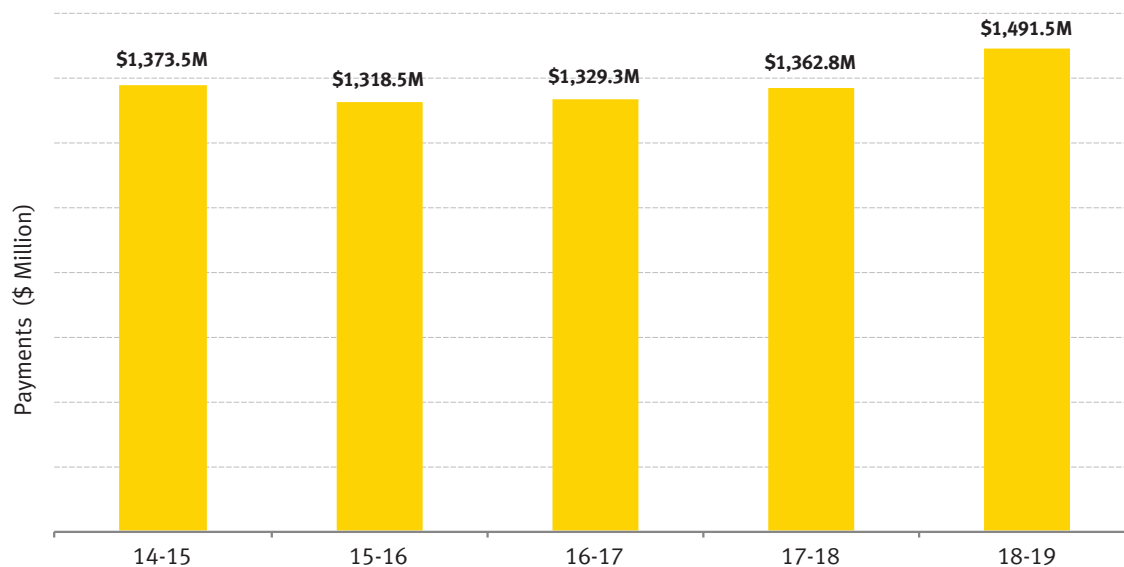
Claim payments

- Total scheme payments increased 9.4 per cent in 2018-19.
- There was a 0.9 per cent increase in common law payments made in 2018-19.
- Statutory payments increased by 13.2 per cent between 2017-18 and 2018-19.

Workers' compensation payments

Overall, the total scheme payments increased 9.4 per cent in 2018-19, with common law payments increasing by 0.9 per cent and statutory payments increasing by 13.2 per cent. Total payments for workers' compensation claims in 2018-19 were \$1,491.5 million. Common law payments made up 28.4 per cent (\$423.4 million) and statutory claim payments made up 71.6 per cent (\$1,068.1 million).

21 Scheme payments 2014-15 to 2018-19

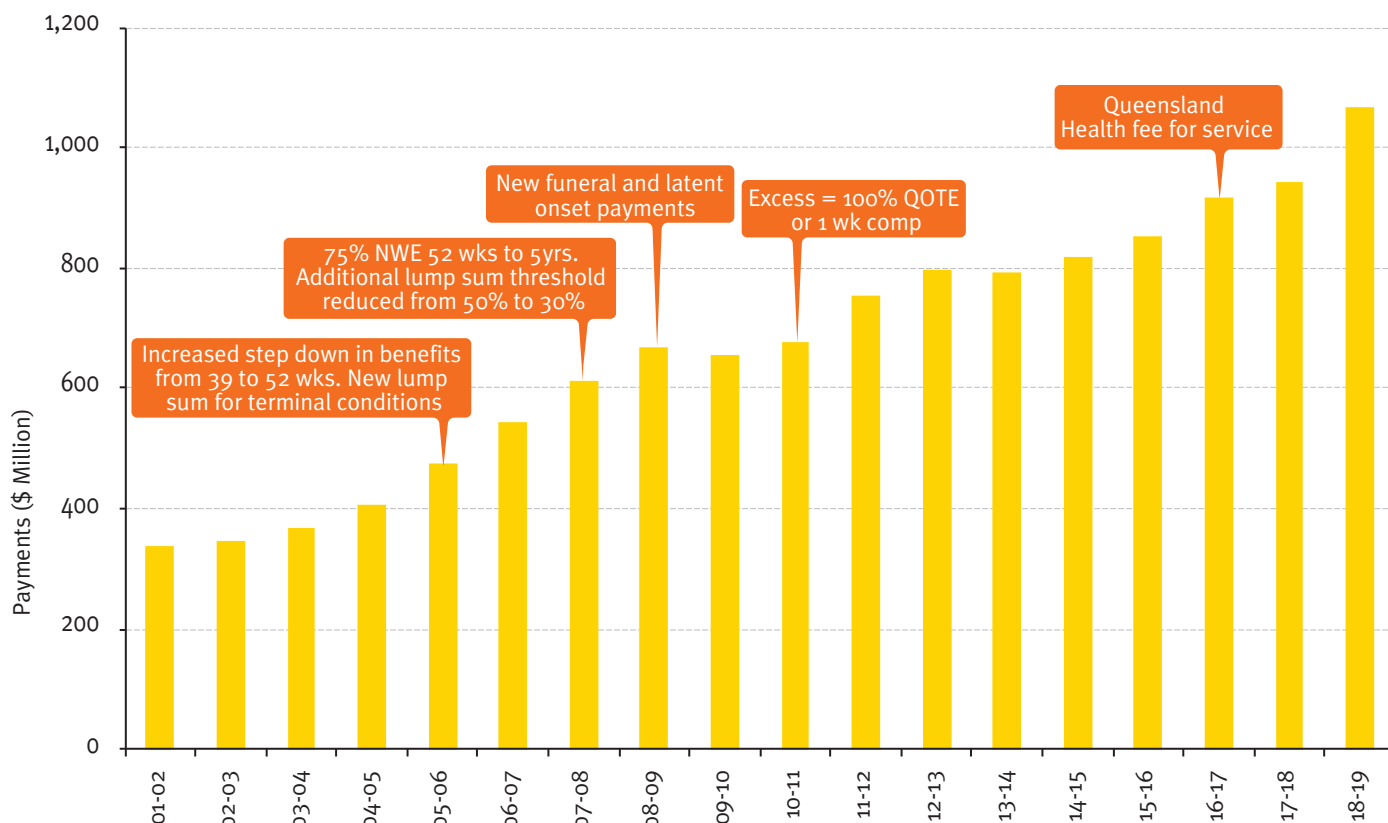


Statutory claim payments

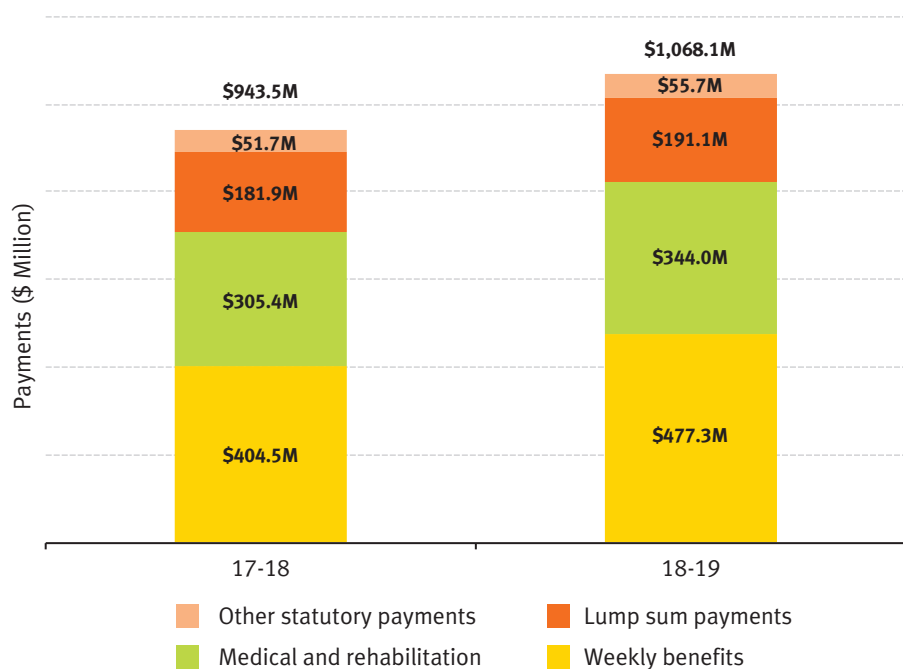
During the management of a claim, payments are made to the worker for weekly compensation to replace wages, lump sums for permanent impairment (PI) and a broad range of services such as medical treatment and rehabilitation.

Figure 22 below shows 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 2018-19



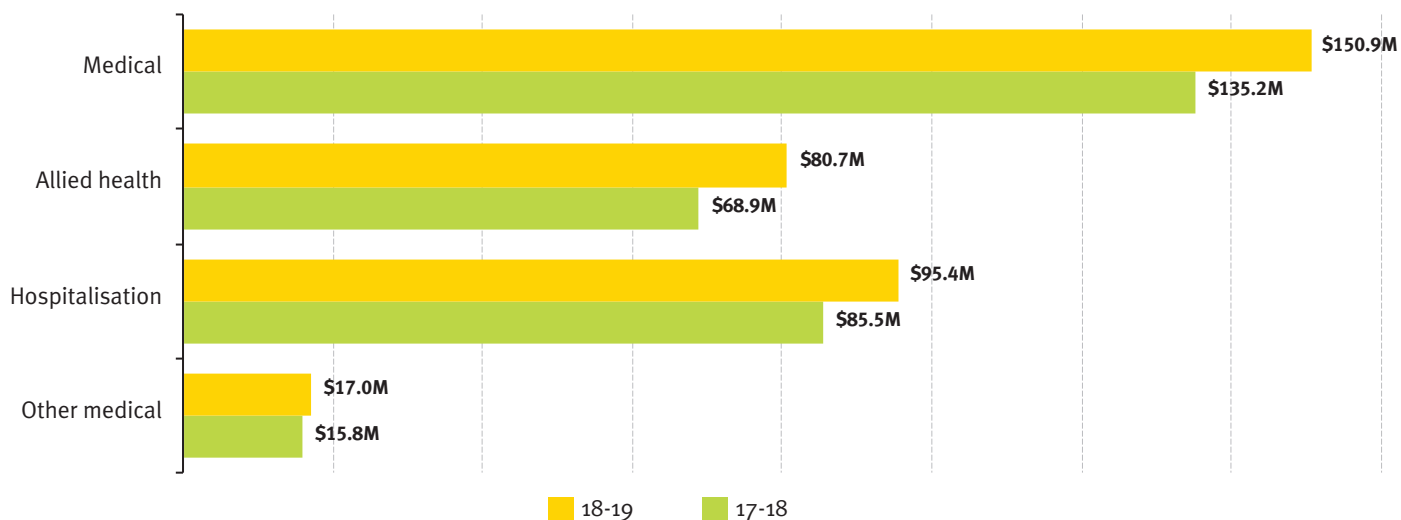
23 Statutory claim payments by payment type 2017-18 and 2018-19



The total amount spent on claims for the year has increased by 13.2 per cent from \$943.5 million in 2017-18 to \$1,068.1 million in 2018-19 (figure 23).

The largest payments increase was for weekly benefits payments, up 18.0 per cent from 2017-18.

24 Medical and rehabilitation payments 2017-18 and 2018-19

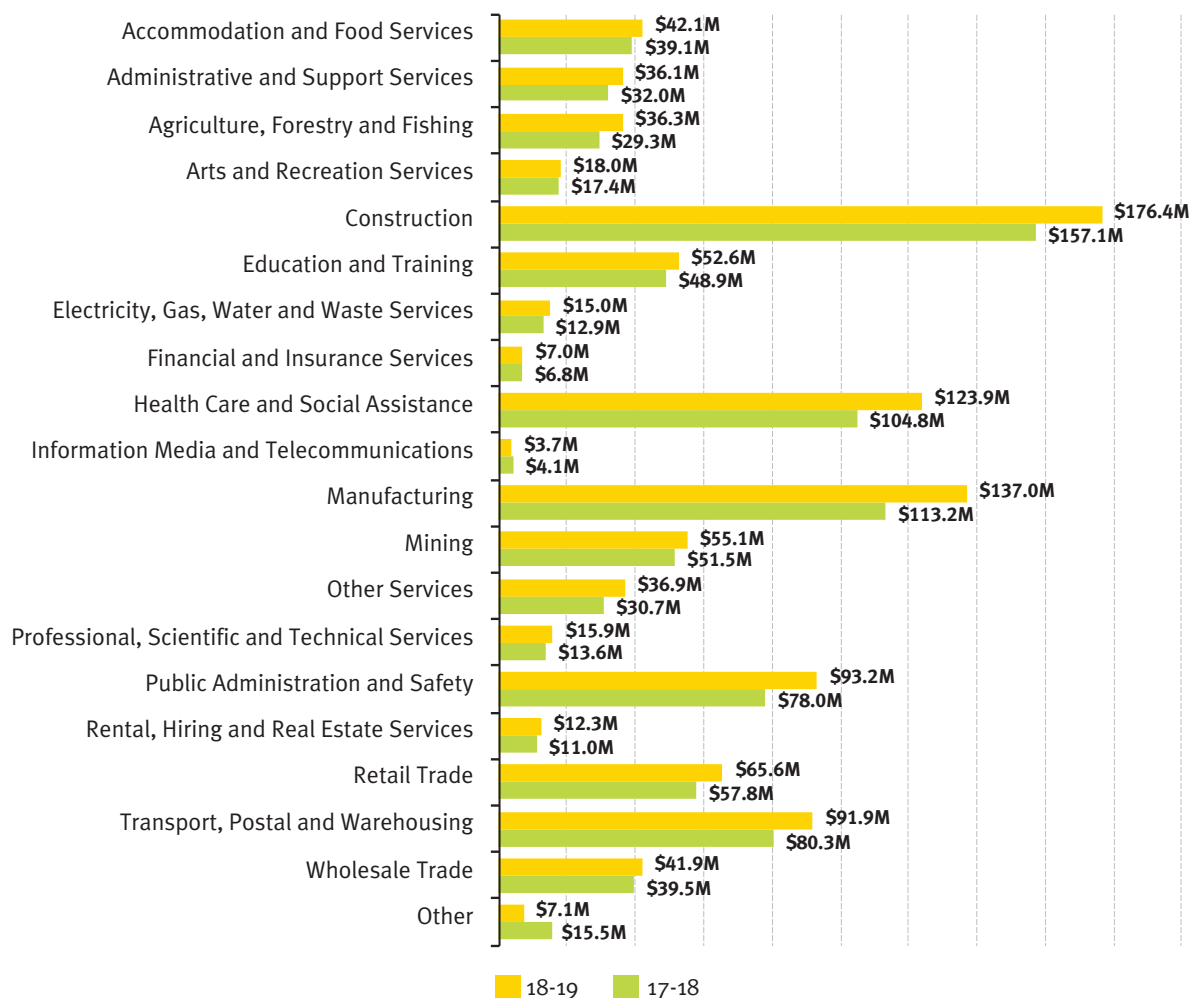


Medical and rehabilitation payments represent 32.2 per cent of statutory payments. Payments for medical treatment accounted for 43.9 per cent of all payments for medical and rehabilitation fees paid in the scheme in 2018-19. Allied health payments increased 17.1 per cent in 2018-19 from \$68.9 million in 2017-18 to \$80.7 million.

Payments by industry

Claims from the construction industry accounted for the largest proportion (16.5 per cent) of statutory claim payments in 2018-19. Manufacturing accounted for 12.8 per cent of statutory payments, while health care and social assistance accounted for 11.6 per cent (figure 25).

25 Statutory claim payments by industry 2017-18 and 2018-19

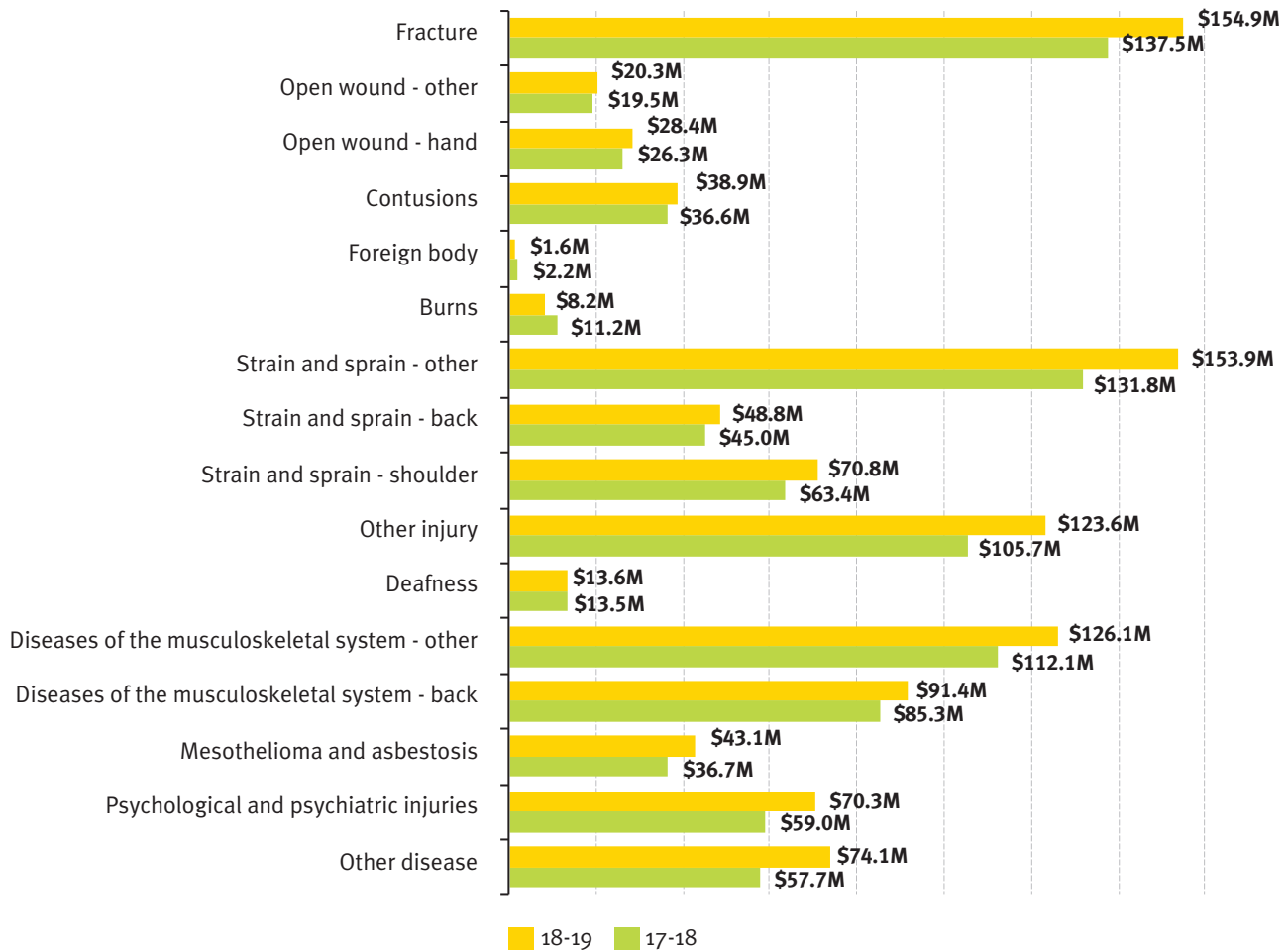


Payments by injury

As shown in figure 26, claims from strain and sprain injuries accounted for the largest proportion (25.6 per cent) of statutory claim payments in 2018-19 (4.6 per cent to the back, 6.6 per cent to the shoulder and 14.4 per cent to a location other than the back or shoulder). Disease of the musculoskeletal system claims accounted for 20.4 per cent of statutory claim payments made in 2018-19 (8.6 per cent to the back and 11.8 per cent to a location other than the back). Fractures accounted for 14.5 per cent of claim injuries in 2018-19.

Injury types that experienced the largest percentage increase in statutory claim payments from 2017-18 to 2018-19 were psychological and psychiatric injuries (19.2 per cent).

26 Statutory claim payments by injury type 2017-18 and 2018-19



Finalised claims and outcomes

- In 2018-19, 87.9 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 10.9 per cent.
- The average costs of finalised time lost claims increased by 4.8 per cent and the duration increased 4.9 per cent.

Work related impairment/degree of permanent impairment

Where a worker has a permanent impairment (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 2017-18 and 2018-19.

27 Finalised claims with a WRI/DPI 2017-18 and 2018-19

	2017-18	2018-19	Variance %
Finalised claims	77,943	76,652	-1.7
WRI/DPI	8,229	8,036	-2.3
Proportion of finalised claims with WRI/DPI	10.6%	10.5%	-0.1
Work related impairment/Degree of permanent impairment range			
0%	2,093	1,991	-4.9
0.1% - 4.9%	2,688	2,562	-4.7
5% - 9.9%	2,178	2,201	1.1
10% - 14.9%	624	625	0.2
15% - 19.9%	247	297	20.2
>=20%	399	360	-9.8

For 2018-19, 10.5 per cent of claims were finalised with a PI. Of these, the majority of claims (95.5 per cent) had a WRI/DPI of less than 20 per cent and 24.8 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 that 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 87.9 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 2017-18 and 2018-19

	2017-18		2018-19	
	Number	% of time lost claims	Number	% of time lost claims
Fit for work: same job/tasks with same employer	38,558	87.7	39,328	87.9
Fit for work: same job/tasks with different employer	571	1.3	604	1.4
Fit for work: different job/tasks with same employer	475	1.1	515	1.1
Fit for work: different job/tasks with different employer	1,367	3.1	1,436	3.2
Fit for work: no job	843	2.0	772	1.7
Fit for work: worker does not return	1,177	2.6	1,190	2.7
Not fit for work	923	2.1	831	1.9
Alternative outcome not claim related	63	0.1	63	0.1
Total	43,977	100	44,739	100

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

In 2018-19, 93.7 per cent of injured workers returned to some type of employment (93.2 per cent in 2017-18). 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 (1.7 per cent of time lost claims) or the worker chooses not to return (2.6 per cent of claims).

One of the factors that influence the RTW outcome on a claim is the severity of the injury. Figure 29 compares claims that 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 2017-18 and 2018-19

	2017-18			2018-19		
	PI Assessed			PI Assessed		
	% No	% Yes	Number	% No	% Yes	Number
Fit for work: same job/tasks with same employer	90.7	9.3	38,558	91.0	9.0	39,328
Fit for work: same job/tasks with different employer	73.4	26.6	571	71.2	28.8	604
Fit for work: different job/tasks with same employer	51.8	48.2	475	58.3	41.7	515
Fit for work: different job/tasks with different employer	52.5	47.5	1,367	54.7	45.3	1,436
Fit for work: no job	40.8	59.2	843	38.7	61.3	772
Fit for work: worker does not return	51.1	48.9	1,177	53.4	46.6	1,190
Not fit for work	24.3	75.7	923	30.1	69.9	831
Alternative outcome not claim related	47.6	52.4	63	42.9	57.1	63
Total	85.4	14.6	43,977	86.1	13.9	44,739

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 2018-19, 9.0 per cent of workers returning to the same job with the same employer had a PI assessed.

Another factor that 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 2017-18 and 2018-19

	2017-18			2018-19		
	Physical only %	Psych only %	Psych and Physical %	Physical only %	Psych only %	Psych and Physical %
Fit for work: same job/tasks with same employer	90.0	61.5	39.3	90.1	60.8	46.0
Fit for work: same job/tasks with different employer	1.2	2.2	3.2	1.3	3.6	2.3
Fit for work: different job/tasks with same employer	0.9	3.9	3.9	1.1	2.2	2.8
Fit for work: different job/tasks with different employer	2.7	10.5	10.8	2.6	10.3	12.8
Fit for work: no job	1.6	4.1	9.6	1.4	2.9	8.7
Fit for work: worker does not return	2.2	8.0	12.5	2.2	9.6	10.8
Not fit for work	1.3	9.6	19.3	1.2	10.2	15.2
Alternative outcome not claim related	0.1	0.2	1.4	0.1	0.4	1.4
Total	100	100	100	100	100	100
Number	41,535	993	1,449	42,139	1,113	1,487

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

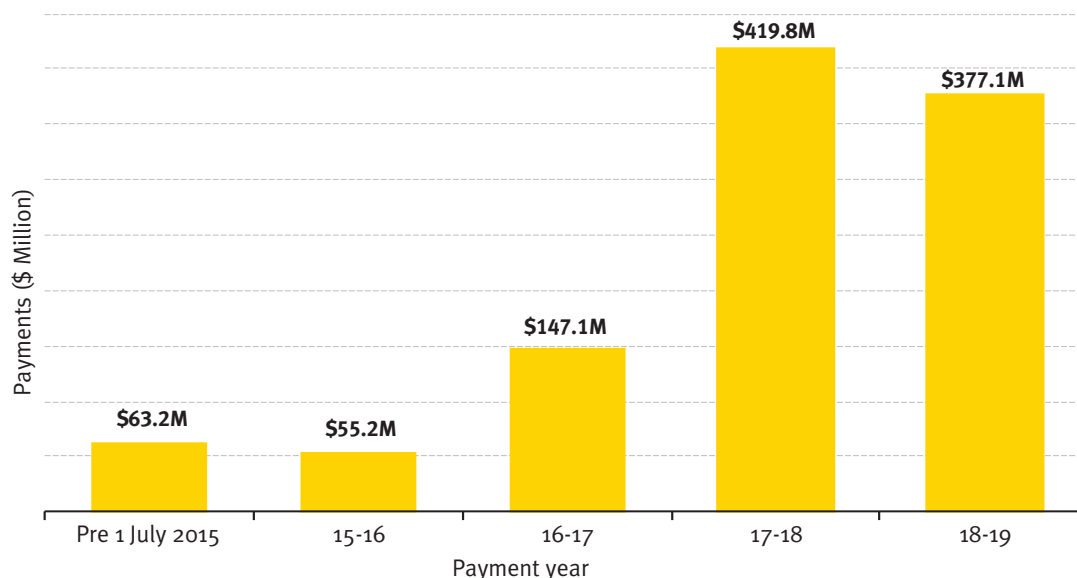
Workers having claims with both a physical and psychological or psychiatric component are the least likely to return to employment and in 2018-19, 15.2 per cent were not fit for work at the end of their claim.

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 2018-19. Over 60 per cent of the payments for these claims occurred in previous years. Only 35.5 per cent of the statutory payments made on claims finalised in 2018-19 were also paid in that financial year. A further 39.5 per cent of payments were made in the 2017-18 financial year. The remaining 25.0 per cent of the payments were made in 2016-17 or earlier.

31 Payments by payment year for claims finalised in 2018-19



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 8.1 per cent from \$11,777 in 2017-18 to \$12,736 in 2018-19).

The number of claims finalised in the past two financial 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 97.4 per cent of all finalised claims during 2018-19.

32 Finalised claims and average claim costs by claim type 2017-18 and 2018-19

Claim type	Number of claims			Average claim cost		
	2017-18	2018-19	Variance %	2017-18 \$	2018-19 \$	Variance %
Time lost claim	43,984	44,751	1.7	18,771	19,672	4.8
Medical expense only claim	31,886	29,913	-6.2	2,128	2,360	10.9
Total	75,870	74,664	-1.6	11,777	12,736	8.1

The median claim costs for time lost and medical expense only claims has increased from \$1,509 in 2017-18 to \$1,899 in 2018-19.

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 the 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 2018-19

Indicator	% change from previous year
Average finalised time lost claim cost	4.8
Average finalised medical expense only claim cost	10.9
Consumer price index	
Average of all groups, Brisbane (excluding GST) ^a	1.5
Health, Brisbane (excluding GST) ^b	3.3
Full time adult ordinary earnings ^c	3.0

^a Australian Bureau of Statistics, consumer price index, Australia Cat. No. 6401.0 - Consumer Price Index, Australia, March 2019, Tables 1 and 2 CPI - all groups, index numbers and percentages changes, Index Numbers; All groups; Brisbane. [Percentage change from March 2018 to March 2019.]

^b Australian Bureau of Statistics, Australia Cat. No. 6401.0 - Consumer Price Index, Australia, March 2019, Table 5 CPI - groups, index numbers by capital city, Index Numbers; Health; Brisbane. [Percentage change from March 2018 to March 2019.]

^c Australian Bureau of Statistics, average weekly earnings, Australia Cat. No 6302.0 - Average weekly earnings Australia, November 2018. Table 13C Average weekly earnings Queensland (dollars) - Original Earnings; Queensland; Persons; Full Time; Adult; Ordinary time earnings. [Percentage change from November 2017 to November 2018.]

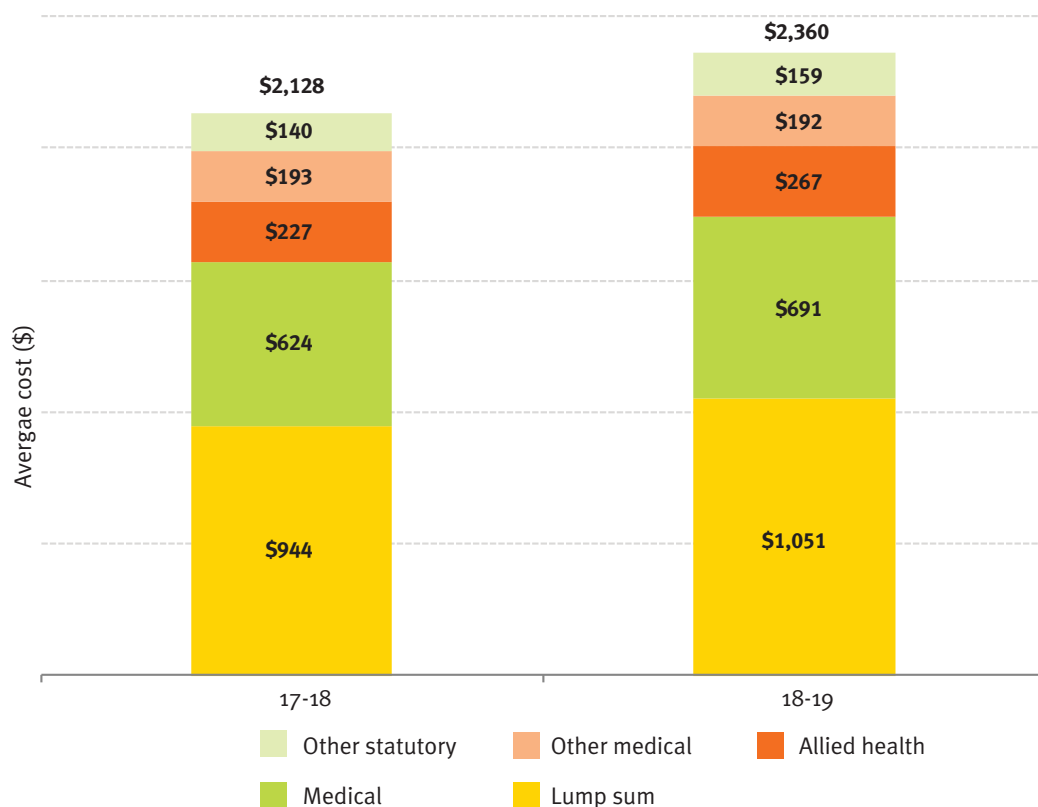
Average finalised medical expense only claim costs

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 10.9 per cent from \$2,128 in 2017-18 to \$2,360 in 2018-19 (figure 34).

The breakdown of the average cost for 2018-19 shows 44.4 per cent of the cost is made up of lump sum payments followed by medical and rehabilitation payments of 29.3 per cent. Allied health payments account for 11.3 per cent and other medical payments (including hospitalisation) account for 8.1 per cent. The remaining 6.7 per cent of the average cost is made up of other statutory payments.

34 Average finalised medical expense only claim costs by payment type 2017-18 and 2018-19



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 2018-19, up 1.7 per cent from 43,984 in 2017-18 to 44,751.

Durations for finalised time lost claims including the excess paid period by the employer (where applicable) have increased from 49.2 days in 2017-18 to 51.6 days in 2018-19.

Over 70 per cent of time lost claims have 40 or less workdays lost (70.4 per cent), while the median workdays lost for all time lost claims is 14 days. This illustrates how the small number of long term claims impact the average duration. Only 10.8 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 (the Act s150).

35 Number of time lost claims by workdays lost time band 2017-18 and 2018-19

Workdays lost	2017-18		2018-19	
	Number of claims	% of claims	Number of claims	% of claims
1 - 5 days	15,190	34.5	14,592	32.6
6 - 10 days	5,353	12.2	5,374	12.0
11 - 20 days	5,451	12.4	5,621	12.6
21 - 40 days	5,572	12.7	5,901	13.2
41 - 65 days	3,719	8.5	3,987	8.9
66 - 130 days	4,150	9.3	4,473	9.9
131 - 260 days	2,839	6.5	2,937	6.6
> 260 days	1,710	3.9	1,866	4.2
Total time lost claims	43,984	100	44,751	100

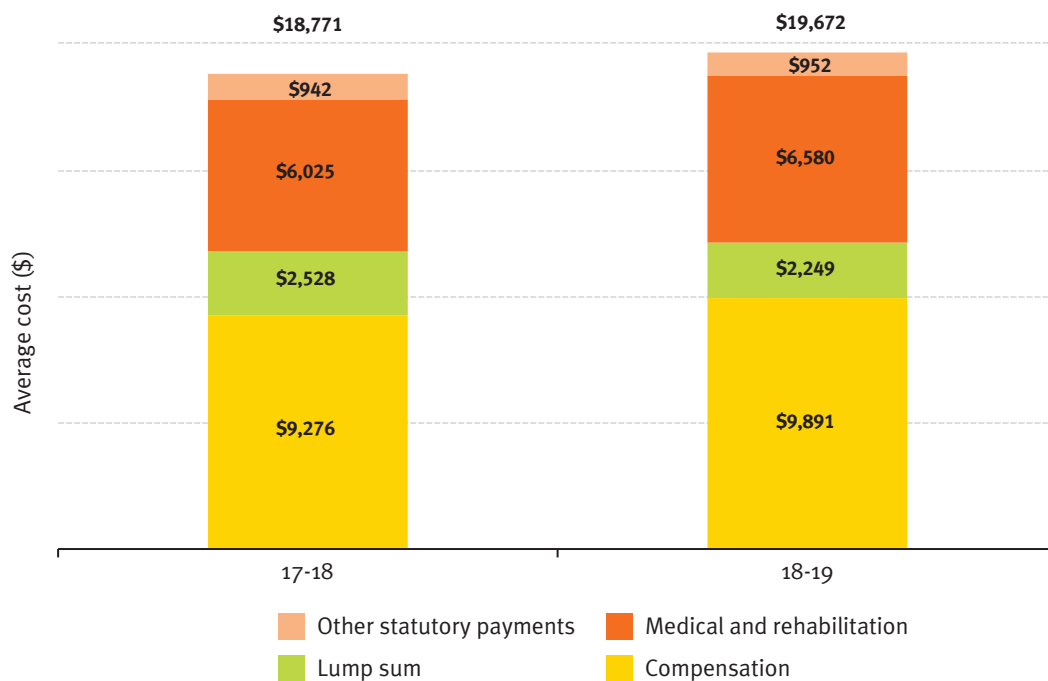
Average finalised time lost claim costs

The average cost of finalised time lost claims increased by 4.8 per cent from \$18,771 in 2017-18 to \$19,672 in 2018-19 (figure 36).

The breakdown of the average cost in 2018-19 shows half (50.3 per cent) of the cost is made up of weekly compensation payments.

In 2018-19, medical and rehabilitation payments accounted for a third (33.4 per cent) of the average cost and lump sum payments accounted for 11.4 per cent. The remaining 4.8 per cent of the average cost was made up of other statutory payments.

36 Average finalised time lost claim costs by payment type 2017-18 and 2018-19

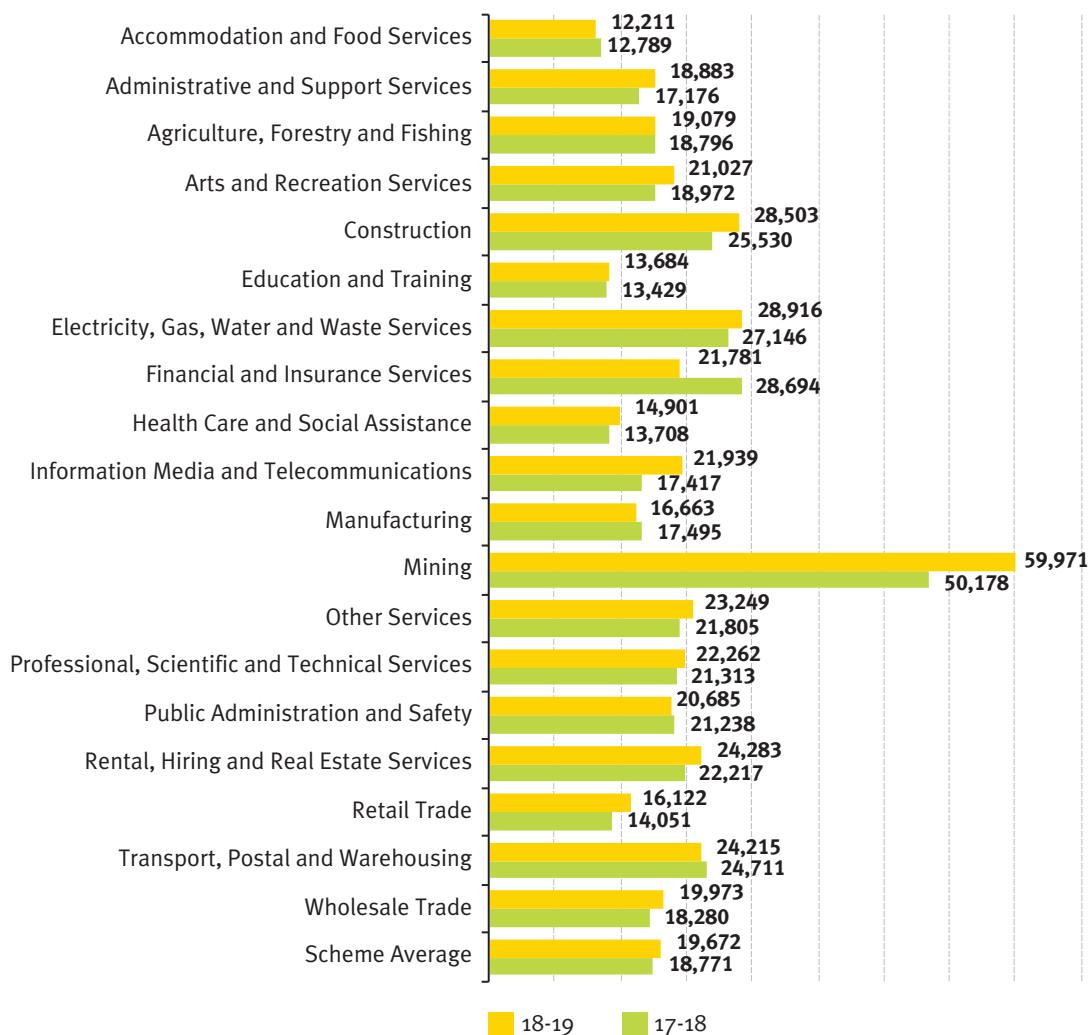


Average cost by industry

Of all industry claims, those from the mining industry had the highest average finalised time lost claim cost (\$59,971) partially due to the higher wages paid in the industry (figure 37). Being the highest of all industries, the Australian average weekly earnings (full time adult ordinary time earnings) for workers within the mining industry is \$2,573*.

Similarly, industries that tended to have a lower average finalised time lost claim cost (e.g. accommodation and food services and retail trade) – also had the lowest Australian average weekly earnings of all industries - \$1,162 and \$1,200 respectively.

37 Average finalised time lost claim costs by industry 2017-18 and 2018-19



*Source: ABS, Average Weekly Earnings, Cat. No. 6302.0, May 2019, table 10G. Average Weekly Earnings, Industry, Australia (Dollars) - Original - Persons, Full Time Adult Ordinary Time Earnings.

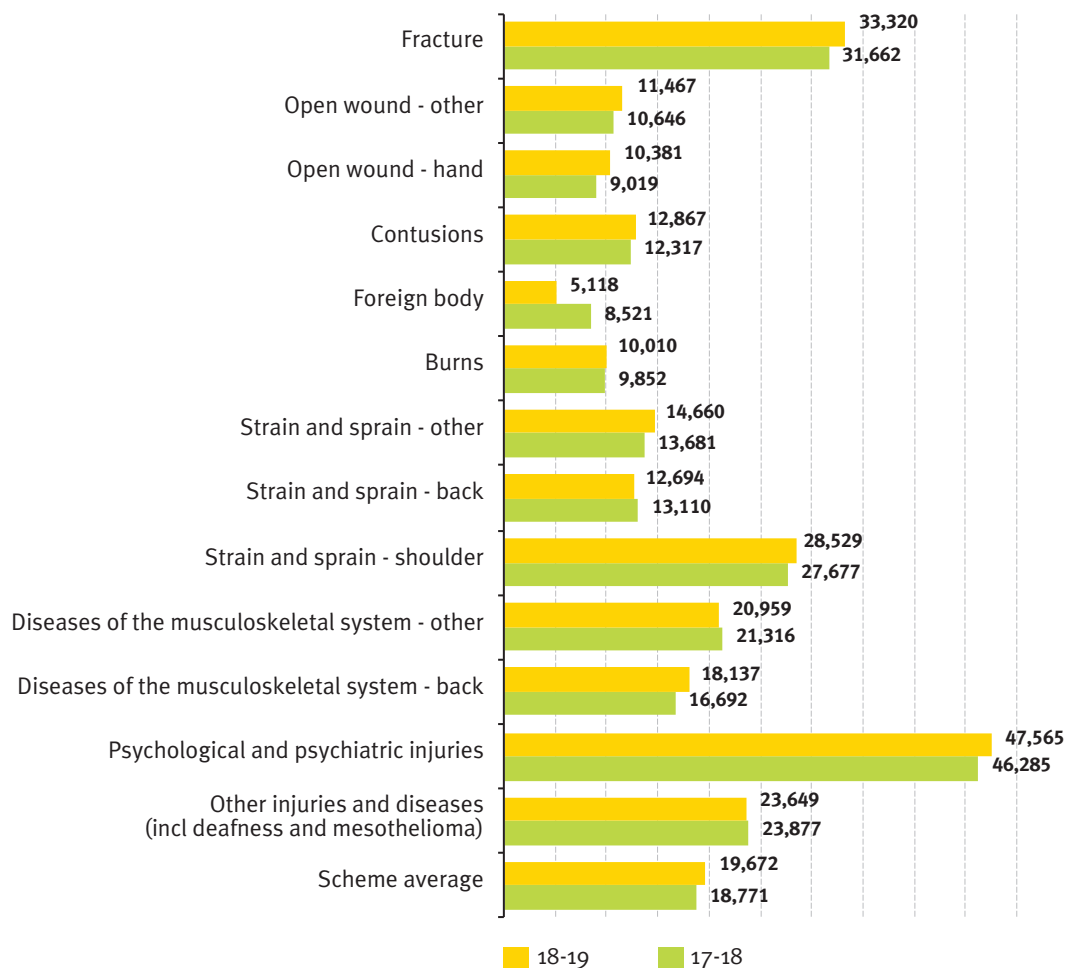
Average cost by injury type

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 \$47,565 in 2018-19.

In 2018-19, the average duration of a psychological or psychiatric injury claim was 147.1 days (145.3 days in 2017-18) compared with the overall scheme average of 51.6 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 \$33,320 (\$31,662 in 2017-18).

38 Average finalised time lost claim cost by injury type 2017-18 and 2018-19



Claims for damages at common law

- Common law lodgements have increased 2.6 per cent over the last year.
- The majority of lodgements are for injuries that occurred two to three years prior.
- Over half (59.5 per cent) of common law lodgements have a work related impairment of less than five per cent.
- Psychological and psychiatric injury claims represent 8.7 per cent of common law lodgements. They represent only 5.1 per cent of statutory claim lodgements.
- In 2018-19, the average settlement cost of a finalised common law claim was \$157,531.

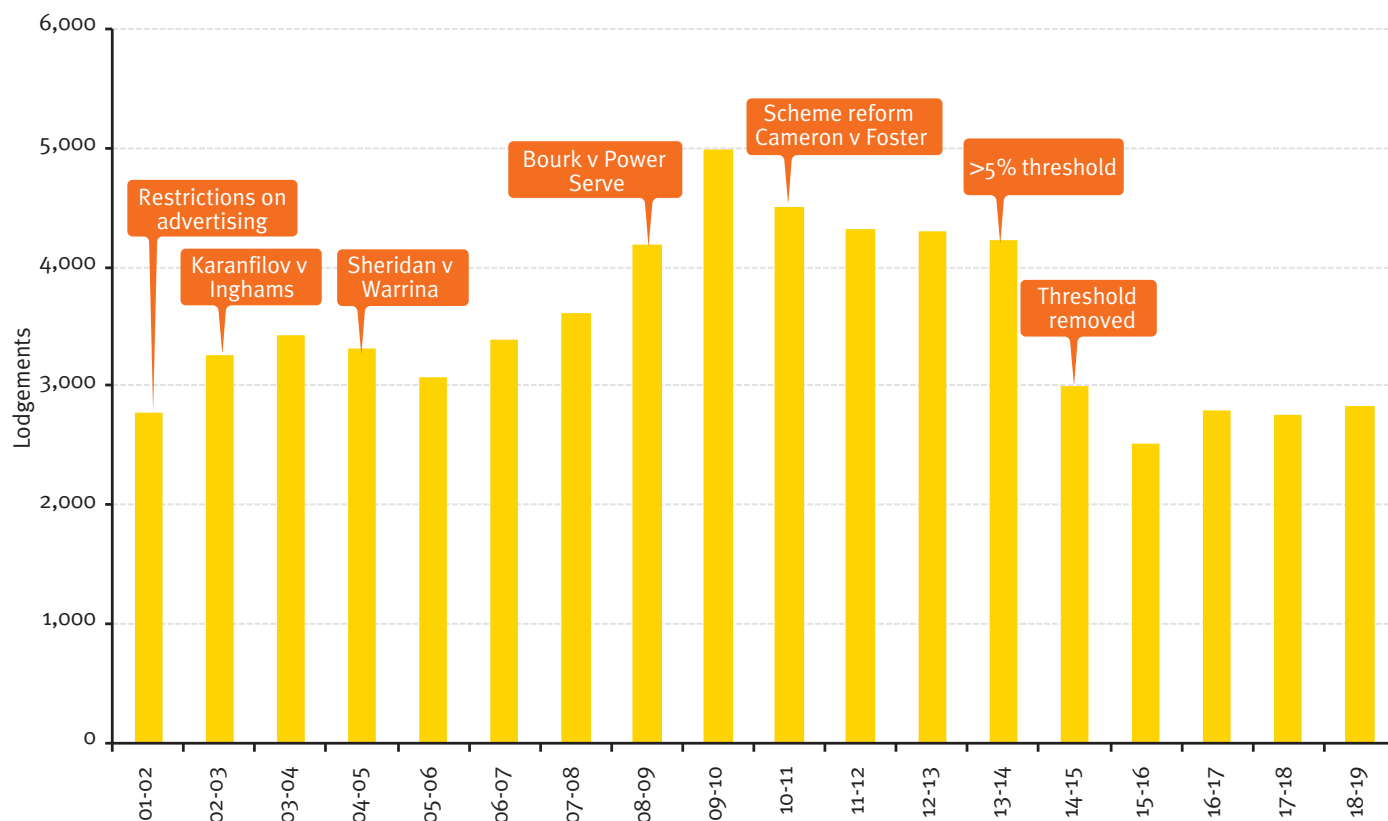
Legislative amendments in 2013 introduced a threshold to restrict access to common law damages. This threshold required workers with injuries on or after 15 October 2013 to have a degree of permanent impairment (DPI) greater than five per cent to access common law damages.

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 2018-19



In 2018-19, common law claim lodgements increased by 2.6 per cent, increasing from 2,753 in 2017-18 to 2,825 in 2018-19. Figure 40 shows common law claim lodgements over the past eight years by the date of injury.

40 Common law claim lodgements 2011-12 to 2018-19 by injury year

Injury year	Lodgement year							
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Pre 01/07/2003	62	39	60	31	26	21	19	16
2003-04	8	6	5	7	2	4	0	0
2004-05	12	8	3	2	0	4	2	1
2005-06	24	12	6	5	2	1	2	2
2006-07	40	19	5	4	3	0	4	3
2007-08	64	24	16	12	6	4	4	4
2008-09	921	43	22	13	10	3	4	1
2009-10	1,348	908	53	18	12	4	3	2
2010-11	1,624	1,379	948	44	21	13	8	4
2011-12	210	1,640	1,436	866	40	12	12	3
2012-13		223	1,526	1,236	855	27	13	11
2013-14			148	717	852	634	47	11
2014-15				41	576	940	674	35
2015-16					108	1,008	1,001	744
2016-17						116	865	1,039
2017-18							95	858
2018-19								91
Total	4,313	4,301	4,228	2,996	2,513	2,791	2,753	2,825

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 2018-19 by the injured worker's WRI/DPI.

41 Common law claim lodgements by WRI/DPI 2018-19

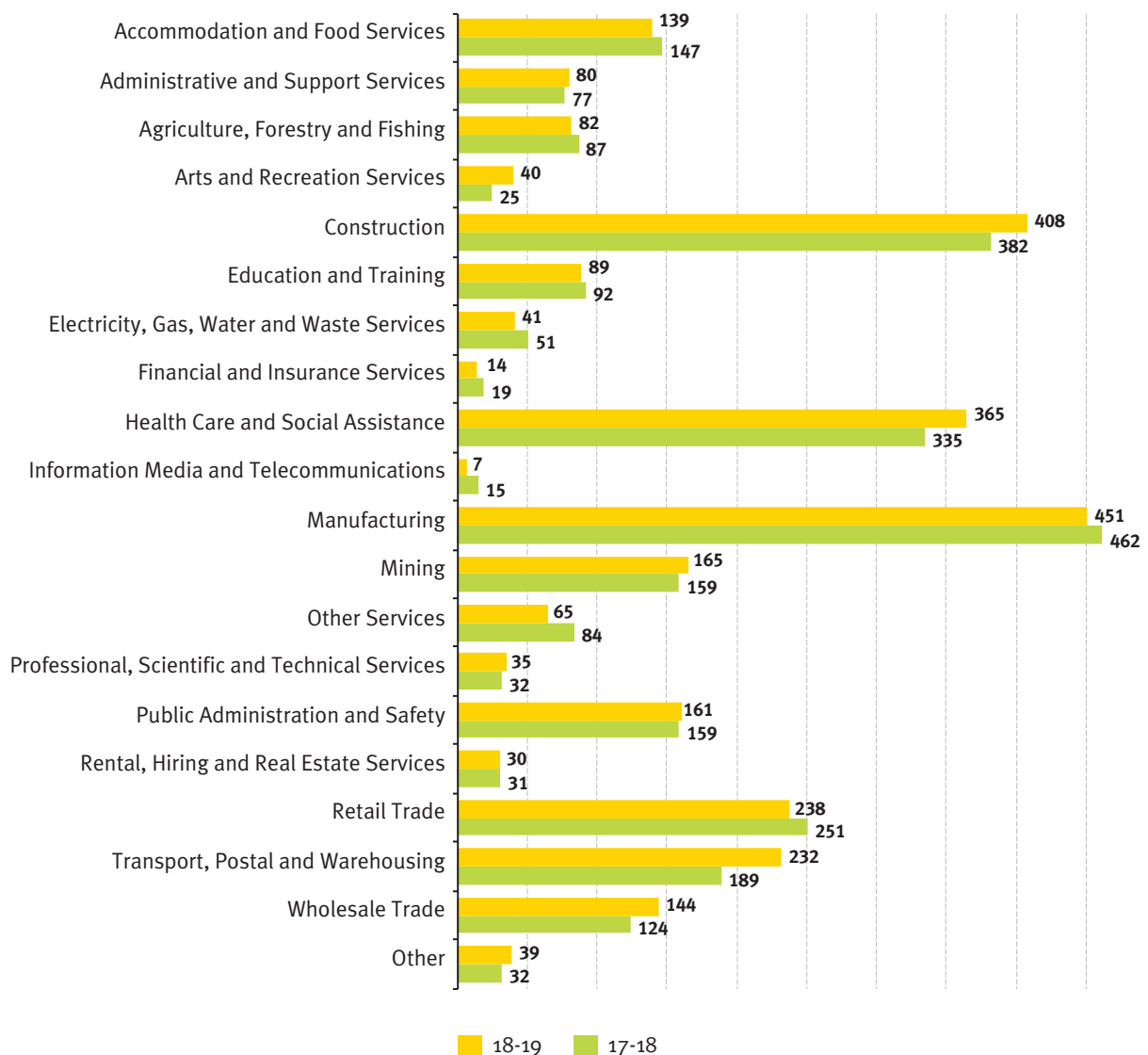
WRI/DPI	Common law lodgements	% of common law lodgements
No impairment assessed	369	13.1
0%	645	22.8
0.1 - 4.9%	666	23.6
5 - 9.9%	734	26.0
10 - 14.9%	176	6.2
15 - 19.9%	87	3.1
>=20%	148	5.2
Total	2,825	100

If the injured worker's work related impairment/degree of permanent 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/degree of permanent 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 (5.2 per cent) are able to access lump sum payment and pursue common law.

Industry

The manufacturing (16.0 per cent), construction (14.4 per cent) and health care and social assistance (12.9 per cent) industries represented the highest proportion of common law claims lodged in the Queensland Workers' Compensation scheme (figure 42).

42 Common law claim lodgements by industry 2017-18 and 2018-19



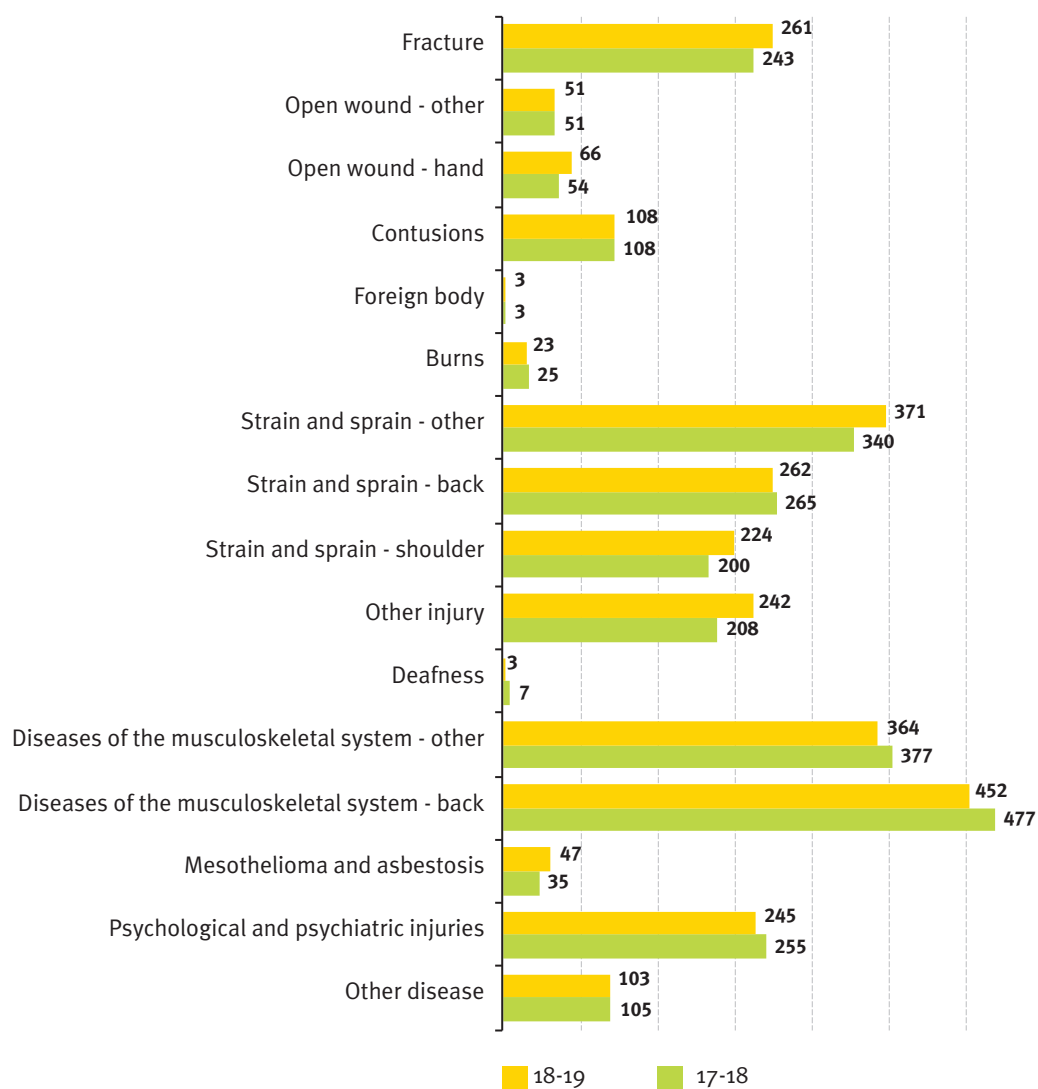
For industry 'Other', this includes injuries pre July 1997 (pre ANZSIC classifications), household workers, workplace personal injury insurance (self-employed, working directors) and volunteers.

Injury type

Strains and sprains accounted for 30.3 per cent of all common law claim lodgements in 2018-19.

Although psychological and psychiatric injury claims represented only 5.1 per cent of statutory claim lodgements, they represented 8.7 per cent of all common law claim lodgements in 2018-19.

43 Common law claim lodgements by injury type 2017-18 and 2018-19



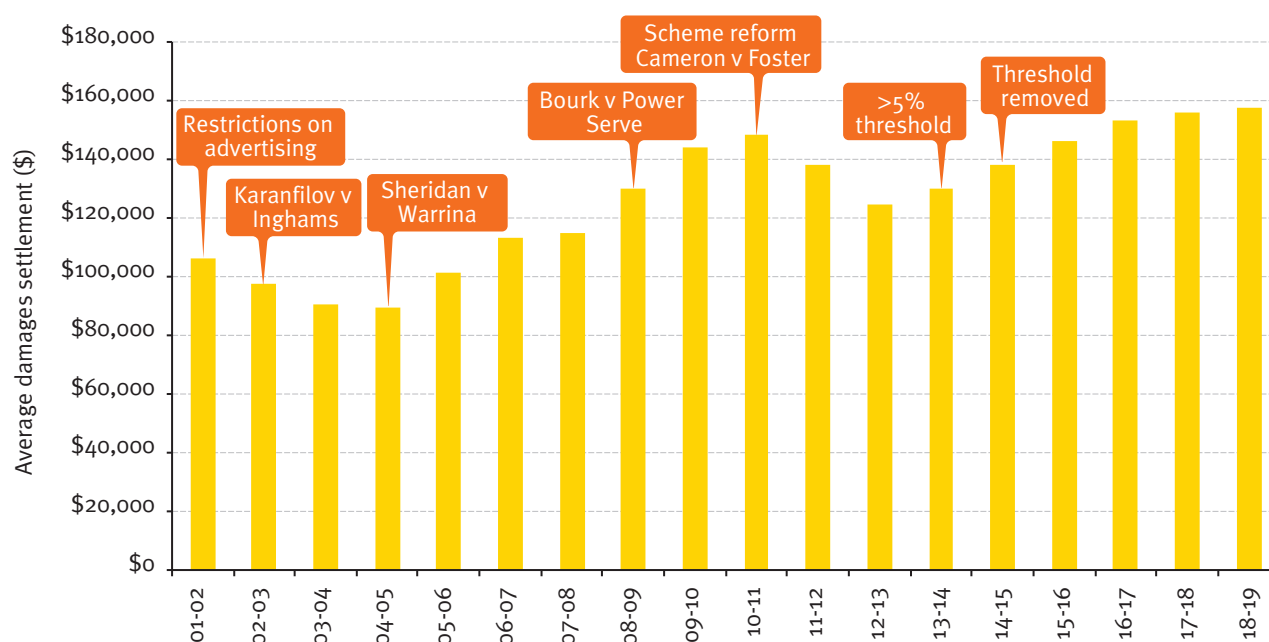
Total common law payments

In 2018-19, common law claims cost a total of \$423.4 million. This represents a 0.9 per cent increase from the 2017-18 cost of \$419.6 million.

Average costs

A history of the 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.

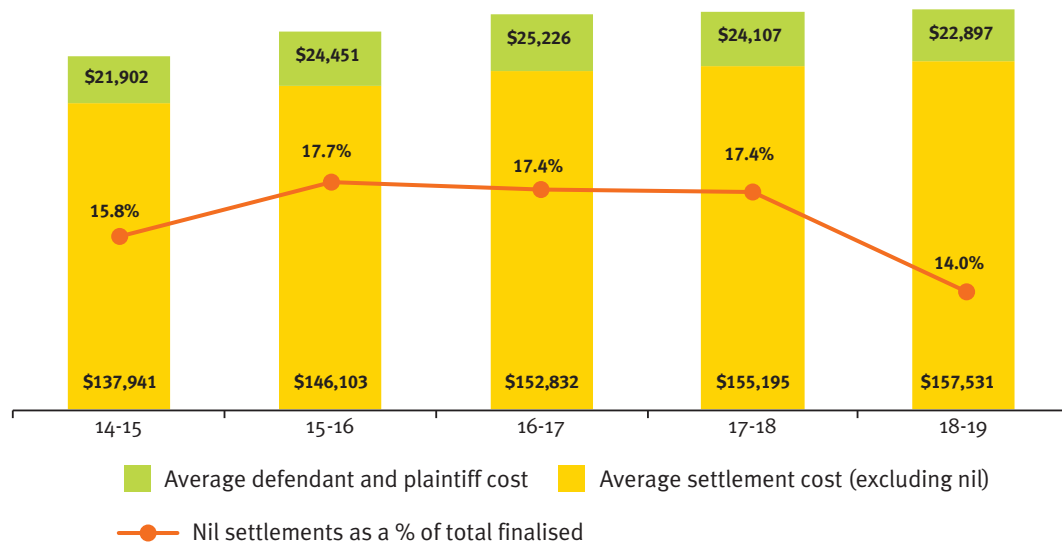
44 Common law average damages settlement history 2001-02 to 2018-19



Over the last year, the average settlement cost of a finalised common law claim (excluding nil settlements) has increased 1.5 per cent from \$155,195 in 2017-18 to \$157,531 in 2018-19. The average defendant and plaintiff cost decreased 5.0 per cent from \$24,107 in 2017-18 to \$22,897 in 2018-19. Figure 45 shows average cost fluctuations between 2014-15 and 2018-19.

In 2018-19, there were 352 common law claims finalised with a nil settlement.

45 Average costs for finalised common law claims by payment type 2014-15 to 2018-19



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 2017-18 and 2018-19

	2017-18		2018-19	
	\$	%	\$	%
General damages	20,558	8.6	20,117	8.4
Past economic loss	58,366	24.5	58,921	24.6
Future economic loss	125,965	52.9	125,534	52.4
Rehabilitation	29,338	12.3	29,832	12.4
Gratuitous care	2,057	0.9	2,218	0.9
Other	1,995	0.8	3,198	1.3
Gross settlement	238,280	100	239,820	100

Average timeframes

For claims lodged in the financial year, the average time from date of injury to lodgement of a common law claim increased by 4.6 per cent (2.18 years in 2017-18; 2.28 years in 2018-19).

For claims finalised in the financial year, the average time from the lodgement of a common law claim to finalisation decreased 2.0 per cent to 0.96 years in 2018-19 (0.98 years in 2017-18).

Review of insurer decisions

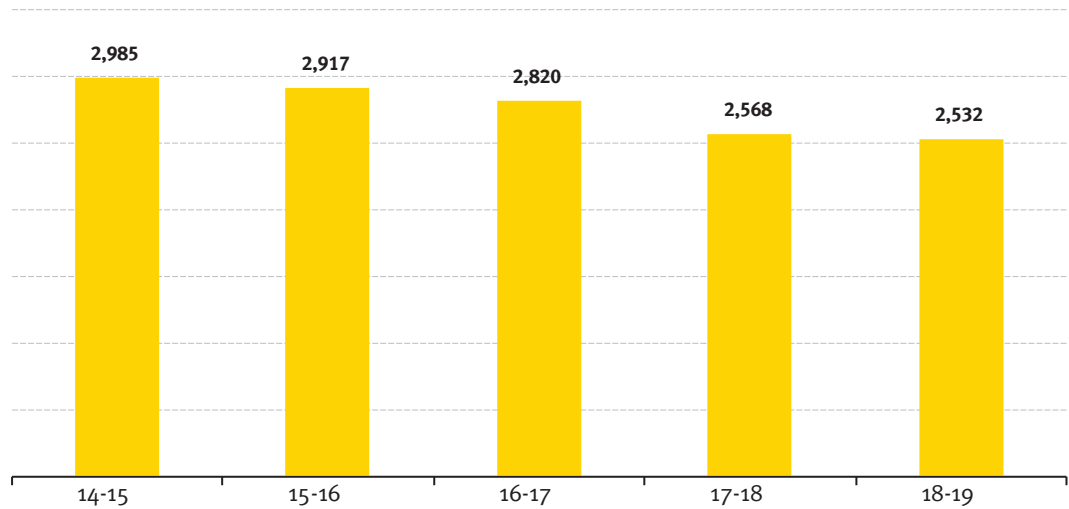
Applications received

A party aggrieved by an insurer decision may apply to the Office of Industrial Relations for review.

Review applications received have decreased (1.4 per cent) in 2018-19, down from 2,568 in 2017-18 to 2,532 in 2018-19.

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

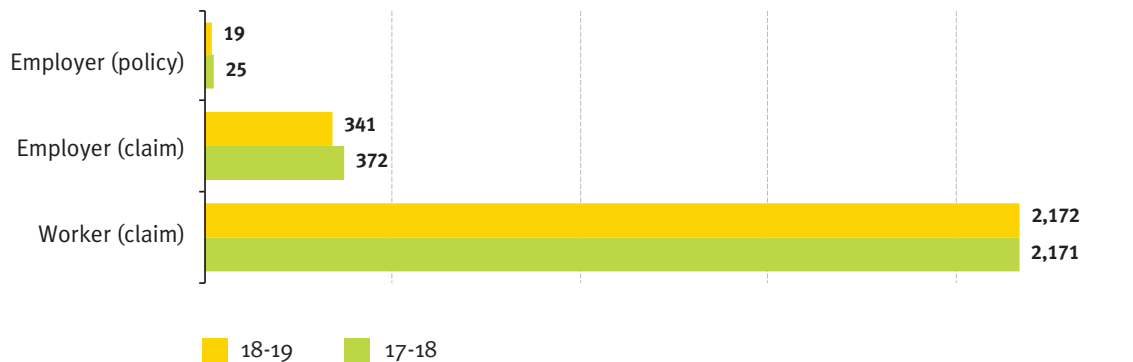
47 Review applications received 2014-15 to 2018-19



Types of applications

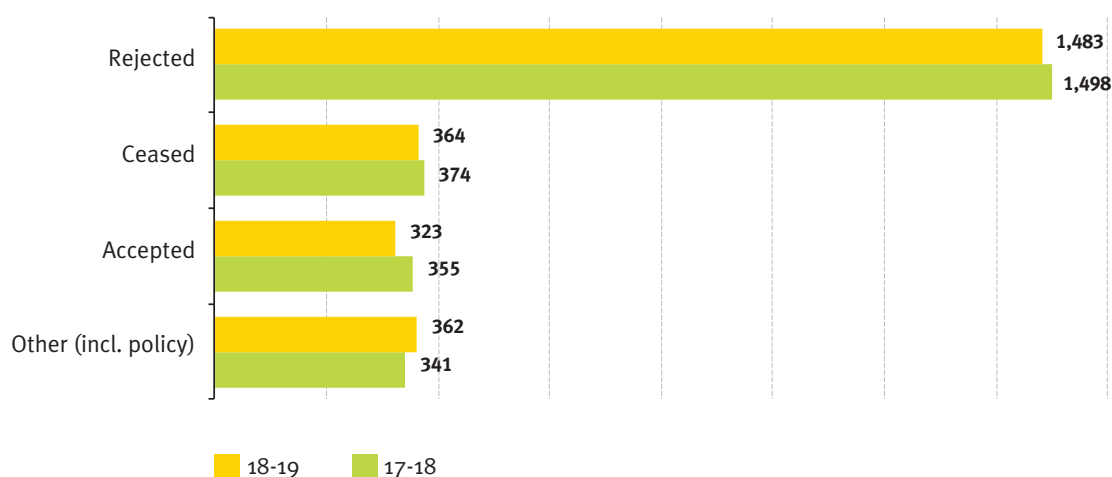
Of the applications lodged in 2018-19, 85.8 per cent were lodged by workers, up from 84.5 per cent in 2017-18. Employers lodged 13.5 per cent of reviews in 2018-19, down from 14.5 per cent in 2017-18. The remaining 0.8 per cent of applications were lodged by employers having a policy decision reviewed.

48 Review applications received by type 2017-18 and 2018-19



Over half (58.6 per cent) of all review applications received in 2018-19 related to the insurer decision to reject the claim, 12.8 per cent were lodged after the claim had been accepted and a further 14.4 per cent were following the cessation of the claim.

49 Review applications received by insurer decision 2017-18 and 2018-19



Outcomes

As shown in figure 50, in 2018-19, 90.6 per cent of reviews finalised were decided (as compared to 90.5 per cent in 2017-18), 5.7 per cent were cancelled (6.0 per cent in 2017-18), and the remaining 3.7 per cent were withdrawn (3.4 per cent in 2017-18)

50 Review outcomes 2017-18 and 2018-19

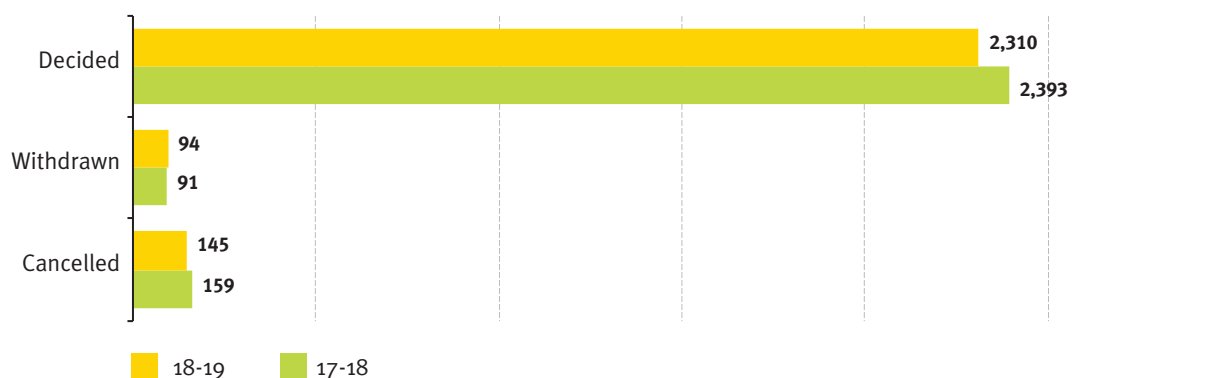
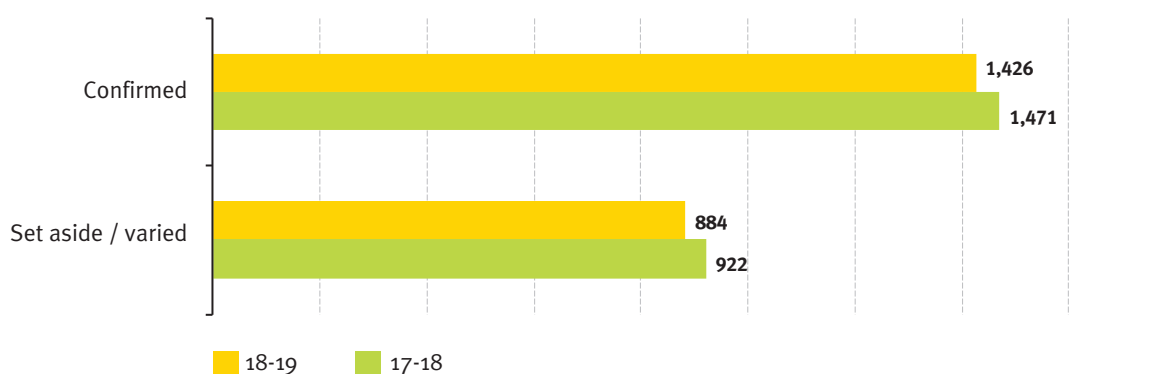


Figure 51 demonstrates in 2018-19, the original decision of the insurer was confirmed by the Review Unit in 61.7 per cent of review decisions made, compared to 61.5 per cent in 2017-18.

51 Decided review outcomes 2017-18 and 2018-19



Appeals of review decisions

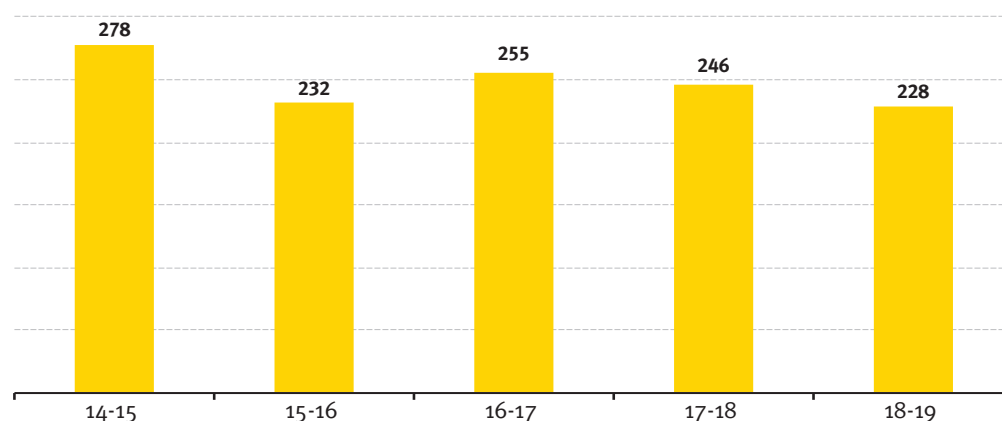
Appeal lodgements

A party aggrieved by a decision of the Office of Industrial Relations may apply for appeal. In December 2010, the Queensland Industrial Relations Commission (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 2018-19, 228 appeals were lodged with the QIRC. Of these, five further appealed in the Industrial Court (IC).

Appeal lodgements have experienced a decrease of 7.3 per cent in 2018-19 compared with 2017-18 (figure 52).

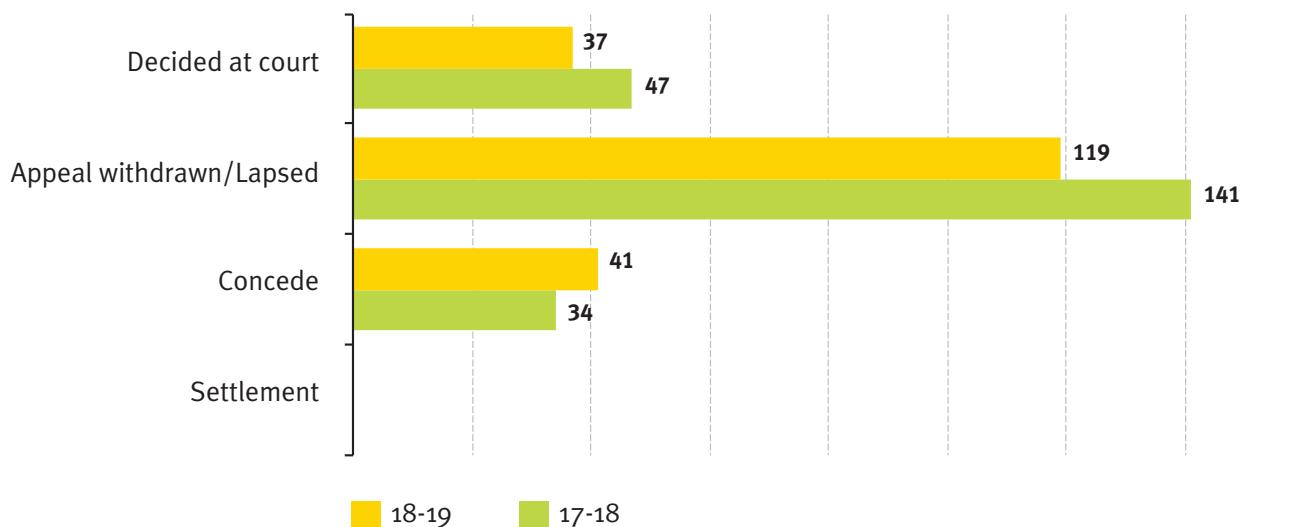
52 Appeals lodged 2014-15 to 2018-19



Appeal outcomes

In 2018-19, 81.2 per cent of appeals were finalised before reaching the QIRC. Of these, 74.4 per cent of cases were withdrawn by the appellant and 25.6 per cent were conceded (figure 53).

53 Appeals finalised by outcome 2017-18 and 2018-19



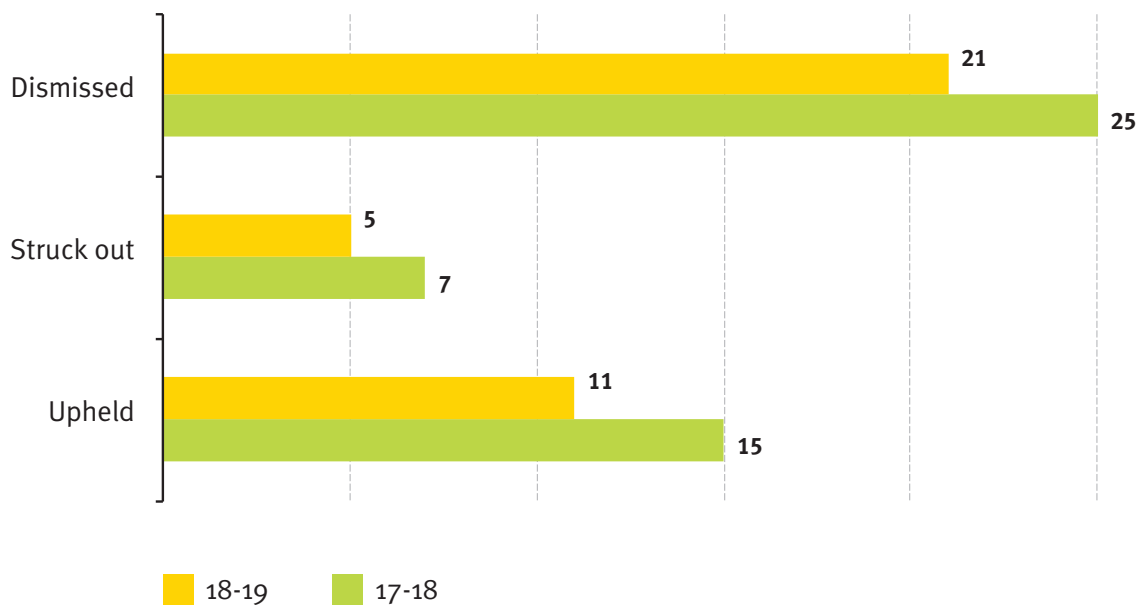
Non-judicial resolution

In 2018-19, 160 appeals were finalised before reaching the court or commission. This is a decrease of 8.6 per cent when compared to 175 in 2017-18.

Judicial resolution

The total percentage of cases determined by a court or commission in 2018-19 was 18.8 per cent which is in line with the figure for 2017-18 (21.2 per cent). Of these, 21 cases (56.8 per cent) were dismissed or struck-out and 11 cases (29.7 per cent) were upheld in favour of the appellant (figure 54).

54 Appeals finalised judicially by outcome 2017-18 and 2018-19



Medical assessment tribunals

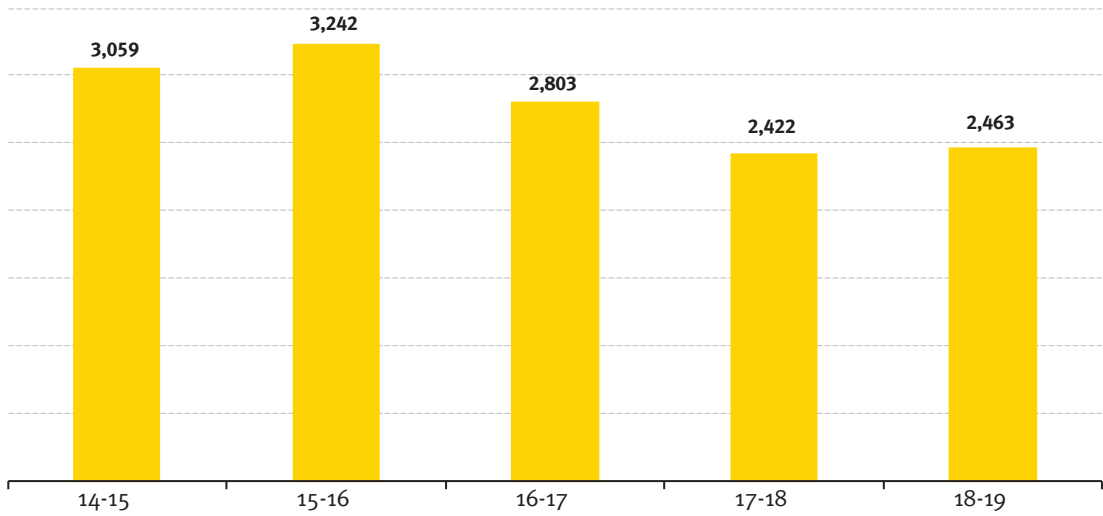
Referrals

Medical assessment tribunals are coordinated by the Office of Industrial Relations to determine ongoing incapacity of an injured worker or the assessment of permanent impairment.

In 2018-19, 2,463 cases were referred to a Medical assessment tribunal. This is a 1.7 per cent increase on the 2,422 cases referred in 2017-18.

Figure 55 illustrates the number of Medical assessment tribunal referrals received over the past five years.

55 Medical assessment tribunal referrals received 2014-15 to 2018-19



Cases determined

In 2018-19, 1,812 cases were determined by a Medical assessment tribunal. This represented a 9.8 per cent decrease from 2017-18 (2,008 determinations).

Of the cases heard in 2018-19, 70.5 per cent (1,277) were heard at a General medical assessment tribunal (GMAT) – Psychiatric compared to 61.8 per cent (1,240) in 2017-18.

A further 22.0 per cent (398) of cases in 2018-19 were determined at an Orthopaedic Tribunal as compared to 29.0 per cent (582) in 2017-18 (figure 56).

56 Cases determined by tribunal type 2017-18 and 2018-19

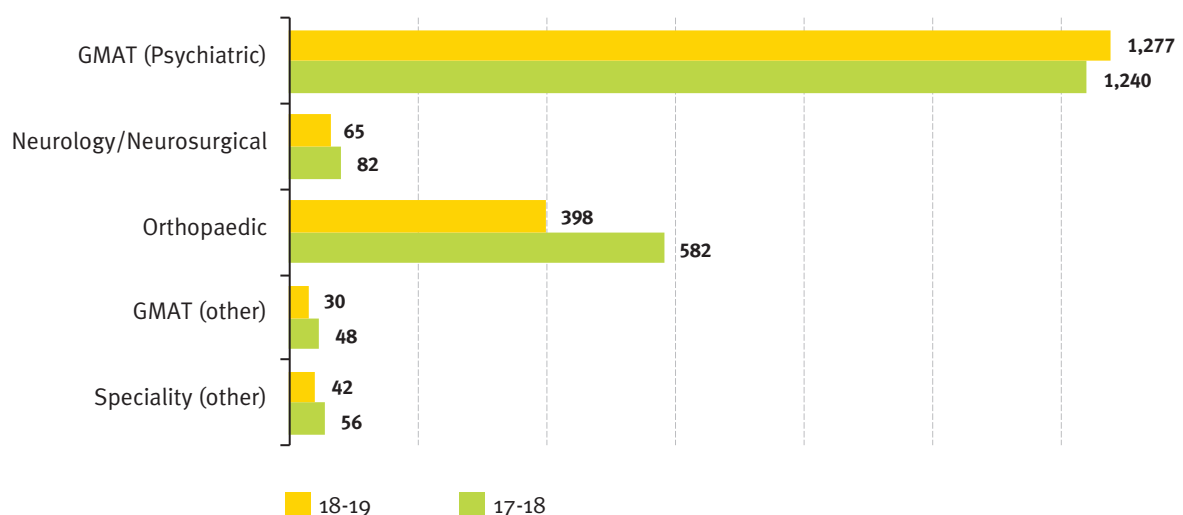


Figure 57 shows the average number of cases heard per tribunal in 2017-18 and 2018-19.

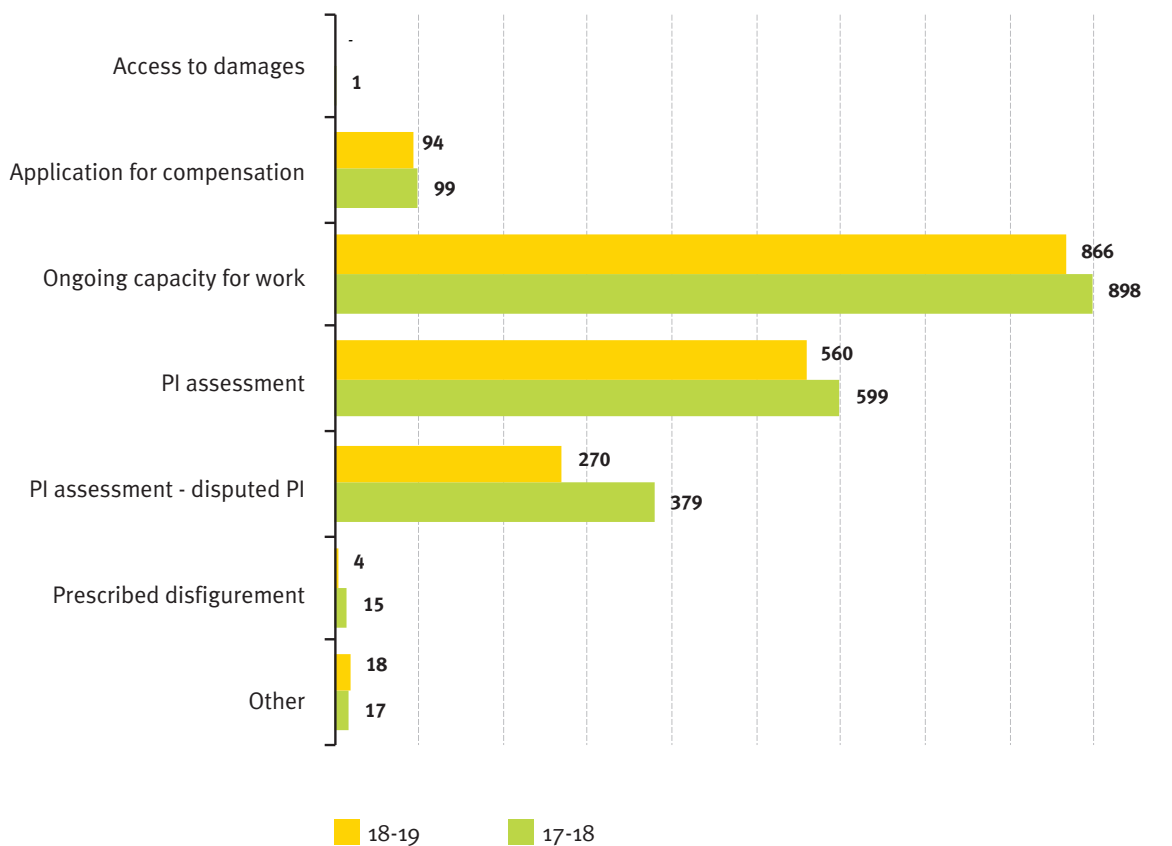
57 Average number of cases heard per tribunal by tribunal type 2017-18 and 2018-19

Tribunal	Average number of cases heard per tribunal	
	17-18	18-19
GMAT (psychiatric)	1.9	1.9
Neurology/neurosurgical	1.9	1.8
Orthopaedic	2.0	2.0
GMAT (other)	1.5	1.4
Speciality (other)	2.2	1.8
Total	1.8	1.9

Referral reason

In 2018-19, 45.8 per cent of the cases determined by the Medical assessment tribunal were for PI assessment, compared to 48.7 per cent in 2017-18.

58 Cases determined by referral reason 2017-18 and 2018-19



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 2017-18 and 2018-19

	Claim lodgements			Claim payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	17-18	18-19	Vari- ance	17-18	18-19	Vari- ance	17-18	18-19	Vari- ance	17-18	18-19	Vari- ance
	No.	No.	%	\$M	\$M	%	\$	\$	%	Days	Days	%
Accommodation and Food Services	6,055	6,001	-0.9	39.1	42.1	7.7	12,789	12,211	-4.5	44.2	44.1	-0.2
Accommodation	1,443	1,431	-0.8	9.4	10.5	11.5	12,684	12,737	0.4	43.8	45.7	4.3
Food and Beverage Services	4,453	4,392	-1.4	28.8	30.4	5.6	12,926	12,163	-5.9	44.3	43.6	-1.6
Labour Hire	159	178	11.9	0.9	1.2	33.5	10,390	8,909	-14.3	43.9	42.2	-3.9
Administrative and Support Services	3,283	2,859	-12.9	32.0	36.1	12.8	17,176	18,883	9.9	52.5	59.2	12.8
Administrative Services	1,128	837	-25.8	8.2	9.7	17.7	16,870	20,689	22.6	45.3	57.2	26.3
Building Cleaning, Pest Control and Other Support Services	2,083	1,975	-5.2	22.6	25.7	14.0	17,416	18,137	4.1	55.5	59.7	7.6
Labour Hire	72	47	-34.7	1.2	0.7	-42.9	5,910	25,166	325.8	12.0	65.3	444.2
Agriculture, Forestry and Fishing	2,736	2,948	7.7	29.3	36.3	23.9	18,796	19,079	1.5	45.4	45.4	0.0
Agriculture	2,188	2,274	3.9	23.6	27.1	14.5	18,034	19,215	6.5	43.0	46.6	8.4
Agriculture, Forestry and Fishing Support Services	313	380	21.4	4.1	6.8	64.9	21,297	18,832	-11.6	52.3	42.5	-18.7
Aquaculture	37	32	-13.5	0.2	0.2	-26.3	13,948	7,219	-48.2	37.4	22.6	-39.6
Fishing, Hunting and Trapping	33	37	12.1	0.3	0.4	43.5	20,173	23,808	18.0	58.3	84.1	44.3
Forestry and Logging	17	26	52.9	0.1	0.5	283.0	76,738*	29,353*	-61.7	133.1	84.8	-36.3
Labour Hire	148	199	34.5	0.9	1.4	54.8	19,112	17,597	-7.9	53.6	29.8	-44.4
Arts and Recreation Services	1,536	1,525	-0.7	17.4	18.3	4.9	18,972	21,027	10.8	57.2	65.5	14.5
Creative and Performing Arts Activities	227	219	-3.5	1.6	1.8	13.5	20,227	17,484	-13.6	62.8	56.3	-10.4
Gambling Activities	169	182	7.7	1.7	2.2	26.0	8,805	15,668	77.9	27.1	44.3	63.5
Heritage Activities	253	233	-7.9	1.6	1.6	0.1	12,434	14,050	13.0	38.3	35.7	-6.8

	Claim lodgements			Claim payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance
	No.	No.	%	\$M	\$M	%	\$	\$	%	Days	Days	%
Sports and Recreation Activities	883	888	0.6	12.5	12.7	1.5	22,563	24,389	8.1	67.1	78.4	16.8
Labour Hire	4	3	-25.0	0.0	0.0	10.6	30,429*	37,918*	24.6	107.3	156.0	45.4
Construction	12,472	10,919	-12.5	157.1	176.7	12.4	25,530	28,503	11.6	58.7	65.0	10.7
Building Construction	2,062	1,806	-12.4	27.1	31.6	16.6	27,258	24,973	-8.4	55.7	53.7	-3.6
Construction Services	8,296	6,987	-15.8	102.8	115.4	12.3	22,846	28,739	25.8	56.1	67.2	19.8
Heavy and Civil Engineering Construction	1,251	1,269	1.4	17.2	18.4	7.0	42,585	38,833	-8.8	84.0	78.1	-7.0
Labour Hire	863	857	-0.7	9.9	11.2	13.0	24,240	21,344	-11.9	57.6	54.5	-5.4
Education and Training	7,116	6,982	-1.9	48.9	52.6	7.6	13,429	13,684	1.9	32.3	32.9	1.9
Adult, Community and Other Education	242	212	-12.4	2.0	1.7	-14.6	15,569	13,985	-10.2	39.3	40.8	3.8
Preschool and School Education	5,180	5,453	5.3	38.4	42.0	9.1	13,864	13,911	0.3	32.6	32.9	0.9
Tertiary Education	1,686	1,310	-22.3	8.4	8.9	6.2	11,594	12,679	9.4	30.4	31.5	3.6
Labour Hire	8	7	-12.5	0.1	0.1	-9.7	0*	15,433*	0.0	0.0	35.5	0.0
Electricity, Gas, Water and Waste Services	1,189	1,185	-0.3	12.9	15.0	16.4	27,146	28,916	6.5	61.4	72.3	17.8
Electricity Supply	474	456	-3.8	4.4	5.0	13.0	29,150	30,812	5.7	54.6	74.4	36.3
Gas Supply	21	29	38.1	0.2	0.5	143.9	65,427*	7,951*	-87.8	79.2	17.4	-78.0
Waste Collection, Treatment and Disposal Services	457	452	-1.1	4.9	5.2	5.8	26,798	27,129	1.2	70.3	77.0	9.5
Water Supply, Sewerage and Drainage Services	160	147	-8.1	2.2	1.3	-39.9	18,112	23,611	30.4	56.1	39.8	-29.1
Labour Hire	77	101	31.2	1.1	3.0	160.7	17,891	41,052	129.5	39.3	95.2	142.2
Financial and Insurance Services	763	680	-10.9	6.8	7.0	2.9	28,694	21,781	-24.1	63.7	49.3	-22.6
Auxiliary Finance and Insurance Services	152	129	-15.1	1.1	1.1	-0.5	30,695	33,317	8.5	70.5	75.4	7.0
Finance	272	241	-11.4	3.1	2.9	-6.6	37,547	19,637	-47.7	72.1	44.4	-38.4

	Claim lodgements			Claim payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance
	No.	No.	%	\$M	\$M	%	\$	\$	%	Days	Days	%
Insurance and Superannuation Funds	329	304	-7.6	2.6	3.0	14.4	22,088	20,167	-8.7	56.5	45.7	-19.1
Labour Hire	10	6	-40.0	0.0	0.0	331.0	3,660*	3,257*	-11.0	17.2	10.3	-40.1
Health Care and Social Assistance	13,428	13,277	-1.1	104.8	123.9	18.2	13,708	14,901	8.7	45.6	50.2	10.1
Hospitals	5,439	5,074	-6.7	45.4	52.4	15.6	15,005	16,125	7.5	45.1	49.2	9.1
Medical and Other Health Care Services	1,666	1,821	9.3	10.6	13.8	29.7	15,226	14,660	-3.7	42.4	42.9	1.2
Residential Care Services	3,275	3,238	-1.1	24.8	28.5	15.0	11,908	13,276	11.5	48.0	56.1	16.9
Social Assistance Services	2,951	3,054	3.5	23.1	27.8	20.6	12,968	14,386	10.9	43.6	47.1	8.0
Labour Hire	97	90	-7.2	0.9	1.3	39.9	24,928	24,768	-0.6	88.7	77.1	-13.1
Information Media and Telecommunications	488	572	17.2	4.1	3.7	-9.2	17,417	21,939	26.0	43.4	53.2	22.6
Broadcasting (except Internet)	68	62	-8.8	0.6	0.4	-25.6	18,539	30,784	66.0	57.4	72.1	25.6
Internet Publishing and Broadcasting	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	12	9	-25.0	0.0	0.0	-16.8	1,342*	5,405*	302.8	4.3	12.9	200.0
Library and Other Information Services	11	14	27.3	0.0	0.1	33.0	4,549*	17,567*	286.2	6.8	56.2	726.5
Motion Picture and Sound Recording Activities	154	245	59.1	2.1	1.5	-29.8	14,904	17,954	20.5	35.4	40.2	13.6
Publishing (except Internet and Music Publishing)	63	57	-9.5	0.7	0.7	0.9	24,464	22,076	-9.8	45.8	49.3	7.6
Telecommunications Services	160	173	8.1	0.5	0.8	83.8	30,772	52,328	70.1	114.2	151.6	32.7
Labour Hire	20	12	-40.0	0.2	0.2	-4.5	7,049*	15,747*	123.4	12.3	57.9	370.7
Manufacturing	14,681	14,217	-3.2	113.2	137.0	21.0	17,495	16,663	-4.8	42.1	41.3	-1.9
Basic Chemical and Chemical Product Manufacturing	322	312	-3.1	2.6	3.6	38.9	21,986	19,147	-12.9	47.4	47.4	0.0

	Claim lodgements			Claim payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	17-18	18-19	Vari- ance	17-18	18-19	Vari- ance	17-18	18-19	Vari- ance	17-18	18-19	Vari- ance
	No.	No.	%	\$M	\$M	%	\$	\$	%	Days	Days	%
Beverage and Tobacco Product Manufacturing	145	143	-1.4	1.2	1.1	-9.2	19,210	15,796	-17.8	36.0	34.0	-5.6
Fabricated Metal Product Manufacturing	3,280	2,906	-11.4	20.9	23.4	12.1	15,513	12,601	-18.8	38.0	31.5	-17.1
Food Product Manufacturing	3,275	3,483	6.4	26.6	32.8	23.5	14,477	15,439	6.6	37.4	39.9	6.7
Furniture and Other Manufacturing	485	429	-11.5	5.1	5.3	2.6	27,387	24,380	-11.0	61.7	50.6	-18.0
Machinery and Equipment Manufacturing	1,208	1,137	-5.9	10.5	12.1	16.0	20,186	22,397	11.0	48.4	53.1	9.7
Non-Metallic Mineral Product Manufacturing	883	1,017	15.2	8.5	14.7	72.3	19,358	25,114	29.7	53.8	61.8	14.9
Petroleum and Coal Product Manufacturing	46	39	-15.2	0.5	0.5	-10.6	98,690	22,112	-77.6	160.4	28.9	-82.0
Polymer Product and Rubber Product Manufacturing	512	489	-4.5	4.7	4.9	4.6	16,816	28,717	70.8	48.3	61.3	26.9
Primary Metal and Metal Product Manufacturing	510	570	11.8	3.8	3.6	-6.4	29,754	25,295	-15.0	45.4	50.0	10.1
Printing (including the Reproduction of Recorded Media)	175	133	-24.0	1.3	1.3	-1.3	16,200	11,353	-29.9	43.9	27.0	-38.5
Pulp, Paper and Converted Paper Product Manufacturing	132	106	-19.7	1.4	0.9	-36.9	32,720	34,080	4.2	68.0	67.0	-1.5
Textile, Leather, Clothing and Footwear Manufacturing	257	251	-2.3	0.9	2.3	143.8	13,432	12,125	-9.7	44.1	38.2	-13.4
Transport Equipment Manufacturing	1,244	1,298	4.3	8.3	11.5	39.3	16,369	13,926	-14.9	36.7	35.7	-2.7
Wood Product Manufacturing	1,116	993	-11.0	8.7	11.1	27.3	18,614	14,469	-22.3	43.0	40.1	-6.7
Labour Hire	1,091	911	-16.5	8.2	8.0	-3.5	15,649	14,152	-9.6	39.3	39.5	0.5
Mining	2,035	2,134	4.9	51.5	55.1	7.1	50,178	59,971	19.5	91.1	102.3	12.3
Coal Mining	834	771	-7.6	27.6	25.5	-7.9	66,046	80,184	21.4	100.4	116.5	16.0

	Claim lodgements			Claim payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance
	No.	No.	%	\$M	\$M	%	\$	\$	%	Days	Days	%
Exploration and Other Mining Support Services	324	335	3.4	5.8	8.1	39.2	45,255	36,947	-18.4	119.8	94.5	-21.1
Metal Ore Mining	362	438	21.0	7.7	8.2	6.6	48,336	79,156	63.8	76.7	99.0	29.1
Non-Metallic Mineral Mining and Quarrying	197	235	19.3	3.4	5.0	45.9	25,190	35,403	40.5	48.8	79.4	62.7
Oil and Gas Extraction	34	29	-14.7	0.4	0.7	79.4	52,533	38,348*	-27.0	129.2	93.4	-27.7
Labour Hire	284	326	14.8	6.5	7.6	17.4	36,358	47,579	30.9	79.6	98.9	24.2
Other Services	3,081	3,141	1.9	30.7	36.9	20.2	21,805	23,249	6.6	55.1	60.8	10.3
Personal and Other Services	1,055	1,095	3.8	9.5	11.6	22.1	15,308	19,082	24.7	46.1	58.0	25.8
Repair and Maintenance	1,723	1,723	0.0	19.8	23.3	17.7	27,796	29,213	5.1	63.9	68.7	7.5
Labour Hire	303	323	6.6	1.4	2.0	41.4	10,015	11,486	14.7	35.6	35.3	-0.8
Professional, Scientific and Technical Services	1,739	1,886	8.5	13.6	15.9	16.6	21,313	22,262	4.5	49.4	48.5	-1.8
Computer System Design and Related Services	146	177	21.2	1.1	1.4	18.5	24,054	27,208	13.1	36.3	41.7	14.9
Professional, Scientific and Technical Services (Except Computer System Design and Related Services)	1,578	1,694	7.4	12.4	14.5	17.1	20,725	22,062	6.5	50.4	49.7	-1.4
Labour Hire	15	15	0.0	0.1	0.0	-74.4	91,025*	4,754*	-94.8	263.5	16.5	-93.7
Public Administration and Safety	7,430	7,733	4.1	78.0	93.2	19.6	21,238	20,685	-2.6	53.7	49.5	-7.8
Defence	14	5	-64.3	0.2	0.1	-68.5	59,770*	23,918*	-60.0	143.9	9.0	-93.7
Public Administration	3,236	3,154	-2.5	34.1	34.5	1.4	17,110	18,038	5.4	43.8	42.7	-2.5
Public Order, Safety and Regulatory Services	3,979	4,361	9.6	41.7	55.4	33.0	24,993	23,436	-6.2	62.6	56.2	-10.2
Labour Hire	201	213	6.0	2.0	3.2	60.1	21,345	16,442	-23.0	56.6	46.3	-18.2
Rental, Hiring and Real Estate Services	1,140	1,135	-0.4	11.0	12.3	12.0	22,217	24,283	9.3	61.7	62.0	0.5

	Claim lodgements			Claim payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance
	No.	No.	%	\$M	\$M	%	\$	\$	%	Days	Days	%
Property Operators and Real Estate Services	589	650	10.4	5.6	6.3	12.3	19,656	24,290	23.6	56.9	64.2	12.8
Rental and Hiring Services (except Real Estate)	541	468	-13.5	5.2	5.7	8.9	24,845	24,377	-1.9	65.8	59.6	-9.4
Labour Hire	10	17	70.0	0.1	0.3	125.2	27,040*	20,429*	-24.4	98.5	54.8	-44.4
Retail Trade	7,482	7,268	-2.9	57.8	65.6	13.5	14,051	16,122	14.7	43.9	49.0	11.6
Food Retailing	2,765	2,625	-5.1	22.6	23.0	1.8	14,998	16,044	7.0	46.4	49.0	5.6
Fuel Retailing	232	270	16.4	1.8	1.8	-1.4	14,749	18,803	27.5	52.3	58.2	11.3
Motor Vehicle and Motor Vehicle Parts Retailing	1,398	1,270	-9.2	8.7	10.0	14.8	13,617	14,566	7.0	39.8	41.0	3.0
Non-Store Retailing and Retail Commission-Based Buying and/or Selling	63	68	7.9	0.8	2.2	170.2	14,235	16,766	17.8	44.7	54.5	21.9
Other Store-Based Retailing	2,932	2,945	0.4	23.0	27.8	21.3	13,360	16,583	24.1	43.0	51.4	19.5
Labour Hire	92	90	-2.2	1.0	0.8	-13.9	12,994	18,503	42.4	40.3	56.8	40.9
Transport, Postal and Warehousing	5,668	5,752	1.5	80.3	92.0	14.5	24,711	24,215	-2.0	59.8	60.1	0.5
Air and Space Transport	333	358	7.5	3.3	4.0	21.3	17,120	20,317	18.7	35.5	35.7	0.6
Other Transport	244	221	-9.4	2.2	2.3	2.6	16,451	16,330	-0.7	40.3	50.4	25.1
Postal and Courier Pick-up and Delivery Services	221	227	2.7	2.1	4.1	92.9	18,301	20,399	11.5	60.5	63.4	4.8
Rail Transport	567	479	-15.5	9.0	8.2	-9.2	27,923	34,631	24.0	39.6	57.2	44.4
Road Transport	2,823	3,031	7.4	49.5	57.6	16.3	28,614	27,104	-5.3	71.1	69.5	-2.3
Transport Support Services	594	661	11.3	5.7	5.7	1.0	18,906	15,281	-19.2	46.1	36.1	-21.7
Warehousing and Storage Services	424	244	-42.5	3.8	3.6	-5.0	18,464	28,864	56.3	47.3	75.2	59.0
Water Transport	108	122	13.0	1.4	1.9	40.5	30,159	19,725	-34.6	68.6	48.5	-29.3
Labour Hire	354	409	15.5	3.3	4.6	38.9	15,579	14,488	-7.0	46.5	43.7	-6.0
Wholesale Trade	4,304	4,303	0.0	39.5	41.9	6.0	18,280	19,973	9.3	48.7	50.2	3.1
Basic Material Wholesaling	1,260	1,221	-3.1	11.6	12.5	7.4	16,793	17,112	1.9	42.3	42.5	0.5

	Claim lodgements			Claim payments			Average finalised time lost claims cost			Average finalised time lost claims durations		
	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance	17-18	18-19	Variance
	No.	No.	%	\$M	\$M	%	\$	\$	%	Days	Days	%
Commission-Based Wholesaling	109	77	-29.4	1.1	1.3	15.8	21,575	52,118	141.6	52.7	86.4	63.9
Grocery, Liquor and Tobacco Product Wholesaling	722	848	17.5	8.5	8.8	3.1	17,140	17,385	1.4	54.9	53.4	-2.7
Machinery and Equipment Wholesaling	1,177	1,130	-4.0	9.5	10.0	4.6	20,717	25,441	22.8	49.5	58.5	18.2
Motor Vehicle and Motor Vehicle Parts Wholesaling	384	395	2.9	3.0	3.2	8.1	14,690	14,118	-3.9	41.0	35.6	-13.2
Other Goods Wholesaling	574	527	-8.2	5.1	4.9	-3.5	21,507	19,834	-7.8	54.8	52.0	-5.1
Labour Hire	78	105	34.6	0.7	1.2	87.8	13,607	19,409	42.6	47.0	50.6	7.7
Other	341	436	27.9	15.5	7.1	-53.9	27,311	33,131	21.3	70.6	75.7	7.2
Total	96,967	94,953	-2.1	943.5	1,068.1	13.2	18,771	19,672	4.8	49.2	51.6	4.9

*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 2018-19

	Claim decisions			Time lost claim finalisation								
	Admit	Reject- ed	Total claims decided	Total time lost claims final- ised	Fit for work: same job / tasks with same employ- er	Fit for work: same job / tasks with diff employ- er	Fit for work: diff job / tasks with same employ- er	Fit for work: diff job / tasks with diff employ- er	Fit for work: no job	Fit for work: worker does not return	Not fit for work	Alterna- tive out- come not claim related
	%	%			%	%	%	%	%	%	%	%
Accommodation and Food Services	93.8	6.2	4,830	2,863	86.3	2.2	1.3	3.8	1.4	3.3	1.6	0.1
Accommodation	93.7	6.3	1,176	735	87.6	2.2	1.1	3.0	0.9	3.8	1.4	0.0
Food and Beverage Services	93.8	6.2	3,519	2,041	86.1	2.3	1.4	4.1	1.4	3.0	1.7	0.0
Accommodation and Food Services Labour Hire	94.1	5.9	135	87	79.3	1.1	1.1	5.7	3.5	5.8	2.3	1.2
Administrative and Support Services	92.3	7.7	2,286	1,617	87.6	0.9	0.5	3.2	2.3	3.3	2.1	0.1
Administrative Services	87.2	12.8	609	382	83.3	1.3	0.8	5.5	3.1	3.9	2.1	0.0
Building Cleaning, Pest Control and Other Support Services	94.2	5.9	1,640	1,202	89.4	0.7	0.5	2.3	1.9	3.0	2.1	0.1
Labour Hire	91.9	8.1	37	33	75.8	0.0	0.0	9.0	6.1	6.1	3.0	0.0
Agriculture, Forestry and Fishing	95.6	4.4	2,298	1,442	82.6	1.6	1.1	5.3	2.1	5.6	1.6	0.1
Agriculture	96.0	4.0	1,770	1,148	83.3	1.5	1.1	5.0	2.4	5.3	1.4	0.0
Agriculture, Forestry and Fishing Support Services	96.0	4.0	300	172	75.6	2.9	1.2	7.0	1.7	8.7	2.3	0.6
Aquaculture	95.8	4.2	24	12	75.0	0.0	0.0	16.7	0.0	8.3	0.0	0.0
Fishing, Hunting and Trapping	69.0	31.0	29	8	75.0	12.5	0.0	0.0	0.0	12.5	0.0	0.0
Forestry and Logging	95.0	5.0	20	12	91.7	0.0	0.0	0.0	0.0	8.3	0.0	0.0
Labour Hire	94.8	5.2	155	90	87.8	0.0	1.1	4.4	0.0	2.3	4.4	0.0
Arts and Recreation Services	94.7	5.3	1,298	739	85.0	2.7	1.2	5.0	1.4	2.0	2.6	0.1
Creative and Performing Arts Activities	97.3	2.7	186	87	82.8	5.7	0.0	6.9	1.1	1.2	2.3	0.0
Gambling Activities	90.1	9.9	171	80	90.0	0.0	6.2	0.0	0.0	1.3	2.5	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Reject- ed	Total claims decided	Total time lost claims final- ised	Fit for work: same job / tasks with same employ- er	Fit for work: same job / tasks with diff employ- er	Fit for work: diff job / tasks with same employ- er	Fit for work: diff job / tasks with diff employ- er	Fit for work: no job	Fit for work: worker does not return	Not fit for work	Alterna- tive out- come not claim related
	%	%			%	%	%	%	%	%	%	%
Heritage Activities	96.2	3.8	209	116	92.2	2.6	0.9	0.9	0.8	0.9	1.7	0.0
Sports and Recreation Activities	94.8	5.2	731	455	82.6	2.6	0.7	6.6	1.8	2.6	2.9	0.2
Labour Hire	0.0	100.0	1	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Construction	94.5	5.5	8,512	4,956	81.8	2.5	0.5	6.1	3.8	3.1	2.1	0.1
Building Construction	95.7	4.3	1,439	859	84.5	2.5	0.5	5.1	3.0	2.8	1.5	0.1
Construction Services	94.3	5.7	5,430	3,223	81.7	2.5	0.3	6.1	4.0	3.0	2.2	0.2
Heavy and Civil Engineering Construction	94.4	5.6	959	488	80.7	3.1	0.0	6.1	4.5	2.7	2.9	0.0
Labour Hire	93.9	6.1	684	386	78.2	2.9	2.1	7.3	3.1	4.6	1.8	0.0
Education and Training	93.0	7.0	6,150	3,457	95.2	0.8	0.3	0.9	0.5	1.4	0.8	0.1
Adult, Community and Other Education	85.6	14.4	167	111	83.8	5.4	1.8	5.4	1.8	0.0	1.8	0.0
Tertiary Education	90.0	10.0	1,131	648	93.1	1.2	0.2	1.9	1.2	2.0	0.4	0.0
Preschool and School Education	100.0	0.0	6	4	75.0	0.0	0.0	25.0	0.0	0.0	0.0	0.0
Labour Hire	94.0	6.0	4,846	2,694	96.2	0.4	0.3	0.6	0.2	1.3	0.8	0.2
Electricity, Gas, Water and Waste Services	93.5	6.5	964	469	87.2	1.3	0.6	3.6	1.1	4.5	1.3	0.4
Electricity Supply	94.3	5.7	350	162	92.6	1.2	0.6	1.3	0.6	3.1	0.6	0.0
Gas Supply	90.5	9.5	21	7	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Waste Collection, Treatment and Disposal Services	92.3	7.7	378	200	86.5	1.0	0.5	3.5	1.0	4.5	2.5	0.5
Water Supply, Sewerage and Drainage Services	93.2	6.8	133	57	91.2	1.8	1.8	1.7	0.0	3.5	0.0	0.0
Labour Hire	96.3	3.7	82	43	62.8	2.3	0.0	16.3	4.7	11.6	0.0	2.3
Financial and Insurance Services	77.8	22.2	572	289	88.9	1.4	0.7	4.2	0.7	2.1	1.7	0.3

	Claim decisions			Time lost claim finalisation								
	Admit	Reject- ed	Total claims decided	Total time lost claims final- ised	Fit for work: same job / tasks with same employ- er	Fit for work: same job / tasks with diff employ- er	Fit for work: diff job / tasks with same employ- er	Fit for work: diff job / tasks with diff employ- er	Fit for work: no job	Fit for work: worker does not return	Not fit for work	Alterna- tive out- come not claim related
	%	%			%	%	%	%	%	%	%	%
Auxiliary Finance and Insurance Services	84.6	15.4	104	44	81.8	2.3	2.3	4.5	0.0	2.3	6.8	0.0
Finance	75.5	24.5	212	116	89.5	0.9	0.9	4.3	0.9	1.7	0.9	0.9
Insurance and Superannuation Funds	76.5	23.5	251	126	91.2	1.6	0.0	3.2	0.8	2.4	0.8	0.0
Labour Hire	100.0	0.0	5	3	66.7	0.0	0.0	33.3	0.0	0.0	0.0	0.0
Health Care and Social Assistance	91.9	8.1	10,843	7,705	91.9	0.8	1.1	1.2	0.8	2.1	1.9	0.2
Hospitals	93.1	6.9	4,080	3,157	95.2	0.1	1.2	0.3	0.3	1.2	1.5	0.2
Medical and Other Health Care Services	92.1	7.9	1,416	741	90.5	1.2	0.9	1.4	1.4	2.0	2.3	0.3
Residential Care Services	90.6	9.4	2,747	2,068	89.9	0.8	1.3	1.4	0.9	2.9	2.6	0.2
Social Assistance Services	91.3	8.7	2,529	1,684	89.3	1.5	0.7	2.5	1.1	2.9	2.0	0.0
Labour Hire	91.6	8.5	71	55	74.5	5.5	3.6	10.9	3.7	1.8	0.0	0.0
Information Media and Tele- communications	94.0	6.0	348	153	80.4	3.9	0.0	7.8	3.3	2.6	2.0	0.0
Broadcasting (except Internet)	87.0	13.0	46	21	85.7	0.0	0.0	0.0	4.8	9.5	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
Internet Service Providers, Web Search Portals and Data Processing Services	85.7	14.3	7	7	71.4	14.3	0.0	0.0	14.3	0.0	0.0	0.0
Library and Other Information Services	92.3	7.7	13	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Motion Picture and Sound Recording Activities	97.1	2.9	204	71	77.5	7.0	0.0	9.9	2.8	1.4	1.4	0.0
Publishing (except Internet and Music Publishing)	100.0	0.0	39	33	84.8	0.0	0.0	6.1	0.0	3.0	6.1	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Reject- ed	Total claims decided	Total time lost claims final- ised	Fit for work: same job / tasks with same employ- er	Fit for work: same job / tasks with diff employ- er	Fit for work: diff job / tasks with same employ- er	Fit for work: diff job / tasks with diff employ- er	Fit for work: no job	Fit for work: worker does not return	Not fit for work	Alterna- tive out- come not claim related
	%	%			%	%	%	%	%	%	%	%
Telecommunica- tions Services	79.3	20.7	29	9	66.7	0.0	0.0	22.2	11.1	0.0	0.0	0.0
Labour Hire	90.0	10.0	10	7	85.7	0.0	0.0	14.3	0.0	0.0	0.0	0.0
Manufacturing	95.4	4.6	11,847	5,835	88.5	1.0	0.8	3.1	1.9	3.0	1.6	0.1
Basic Chemical and Chemical Product Manufacturing	93.8	6.2	274	99	88.9	0.0	0.0	0.0	2.0	4.0	5.1	0.0
Beverage and Tobacco Product Manufacturing	94.0	6.0	117	54	87.0	1.9	0.0	7.4	0.0	3.7	0.0	0.0
Fabricated Metal Product Manufacturing	96.7	3.3	2,467	1,171	91.4	1.2	0.4	3.5	1.1	1.5	0.9	0.0
Food Product Manufacturing	93.4	6.6	2,810	1,470	86.5	1.0	2.0	2.4	1.4	4.8	1.7	0.2
Furniture and Other Manufacturing	95.3	4.8	337	216	85.6	1.4	0.5	3.7	1.9	3.7	3.2	0.0
Machinery and Equipment Manufacturing	96.4	3.6	1,003	455	90.1	1.1	1.3	1.8	1.1	2.6	1.6	0.4
Non-Metallic Mineral Product Manufacturing	96.4	3.7	823	291	84.5	0.7	0.3	5.5	2.7	2.1	3.8	0.4
Petroleum and Coal Product Manufacturing	96.4	3.6	28	12	91.7	0.0	0.0	0.0	0.0	0.0	8.3	0.0
Polymer Product and Rubber Product Manufacturing	95.9	4.1	414	220	86.9	1.8	0.9	4.1	1.8	1.8	2.7	0.0
Primary Metal and Metal Product Manufacturing	93.9	6.1	428	116	90.5	0.0	0.0	3.4	2.6	2.6	0.9	0.0
Printing (including the Reproduction of Recorded Media)	97.4	2.6	115	72	95.8	0.0	0.0	1.4	0.0	1.4	1.4	0.0
Pulp, Paper and Converted Paper Product Manufacturing	91.9	8.1	86	27	81.5	0.0	0.0	7.4	0.0	7.4	3.7	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Reject- ed	Total claims decided	Total time lost claims final- ised	Fit for work: same job / tasks with same employ- er	Fit for work: same job / tasks with diff employ- er	Fit for work: diff job / tasks with same employ- er	Fit for work: diff job / tasks with diff employ- er	Fit for work: no job	Fit for work: worker does not return	Not fit for work	Alterna- tive out- come not claim related
	%	%			%	%	%	%	%	%	%	%
Textile, Leather, Clothing and Footwear Manufacturing	83.7	16.3	141	63	92.1	0.0	0.0	1.6	6.3	0.0	0.0	0.0
Transport Equipment Manufacturing	97.0	3.0	1,128	509	90.4	0.8	0.0	2.2	2.6	2.2	1.4	0.4
Wood Product Manufacturing	97.1	2.9	861	501	91.2	0.4	0.0	3.0	2.0	1.8	1.4	0.2
Labour Hire	96.1	3.9	815	559	83.9	1.4	0.7	4.7	4.1	3.9	1.3	0.0
Mining	92.1	7.9	1,781	814	80.1	1.4	2.5	5.2	1.8	4.0	4.3	0.7
Coal Mining	91.5	8.5	645	291	79.1	1.0	3.8	4.1	0.7	4.5	5.8	1.0
Exploration and Other Mining Support Services	93.4	6.6	273	152	87.5	0.7	0.0	4.6	2.6	2.6	1.3	0.7
Metal Ore Mining	90.4	9.6	387	107	81.3	0.9	4.7	0.9	1.9	2.8	6.6	0.9
Non-Metallic Mineral Mining and Quarrying	92.4	7.6	184	85	78.8	1.2	1.2	8.2	2.4	2.4	5.8	0.0
Oil and Gas Extraction	91.3	8.7	23	14	50.0	7.1	0.0	21.5	7.1	0.0	7.1	7.2
Mining Labour Hire	94.4	5.6	269	165	77.6	2.4	1.8	7.3	2.4	6.7	1.8	0.0
Other Services	92.7	7.3	2,474	1,268	82.7	2.1	0.5	4.9	3.3	4.0	2.4	0.1
Personal and Other Services	90.7	9.3	849	512	83.7	1.0	0.2	4.7	1.8	5.3	3.1	0.2
Repair and Maintenance	93.7	6.3	1,372	622	82.3	2.7	0.7	4.8	4.4	3.2	1.9	0.0
Labour Hire	94.1	5.9	253	134	79.9	3.7	0.7	6.0	4.5	3.0	2.2	0.0
Professional, Scientific and Technical Services	88.8	11.2	1,414	652	89.7	1.7	0.3	3.1	1.1	2.3	1.8	0.0
Computer System Design and Related Services	90.1	9.9	131	59	89.8	1.7	0.0	5.1	1.7	0.0	1.7	0.0
Professional, Scientific and Technical Services (Except Computer System Design and Related Services)	88.7	11.3	1,270	583	89.5	1.7	0.4	2.9	1.0	2.6	1.9	0.0

	Claim decisions			Time lost claim finalisation								
	Admit	Reject- ed	Total claims decided	Total time lost claims final- ised	Fit for work: same job / tasks with same employ- er	Fit for work: same job / tasks with diff employ- er	Fit for work: diff job / tasks with same employ- er	Fit for work: diff job / tasks with diff employ- er	Fit for work: no job	Fit for work: worker does not return	Not fit for work	Alterna- tive out- come not claim related
	%	%			%	%	%	%	%	%	%	%
Labour Hire	84.6	15.4	13	10	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Public Administration and Safety	92.3	7.7	6,057	3,554	93.6	0.8	0.8	1.0	0.5	1.4	1.8	0.1
Defence	100.0	0.0	3	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Public Administration	90.7	9.3	2,854	1,644	93.6	0.9	1.2	0.9	0.4	1.5	1.3	0.2
Public Order, Safety and Regulatory Services	93.6	6.5	3,007	1,779	94.1	0.3	0.6	1.0	0.4	1.3	2.2	0.1
Labour Hire	94.8	5.2	193	129	86.0	4.6	0.8	3.1	2.3	1.6	1.6	0.0
Rental, Hiring and Real Estate Services	91.4	8.6	873	504	85.5	2.0	0.2	4.7	2.4	3.2	1.8	0.2
Property Operators and Real Estate Services	90.3	9.7	483	272	84.2	2.6	0.4	4.8	2.5	4.4	1.1	0.0
Rental and Hiring Services (except Real Estate)	92.6	7.5	376	226	86.7	1.3	0.0	4.9	2.2	1.8	2.7	0.4
Rental, Hiring and Real Estate Services Labour Hire	100.0	0.0	14	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Retail Trade	92.5	7.6	5,946	3,447	86.2	1.2	2.4	4.1	1.6	2.8	1.6	0.1
Food Retailing	91.1	8.9	2,138	1,226	85.6	1.1	5.4	3.4	0.7	1.8	1.8	0.2
Fuel Retailing	91.5	8.5	211	95	83.2	1.0	1.1	9.4	1.1	3.1	1.1	0.0
Motor Vehicle and Motor Vehicle Parts Retailing	94.9	5.2	1,029	632	87.7	1.9	1.3	3.2	2.5	2.5	0.9	0.0
Non-Store Retailing and Retail Commission- Based Buying and/or Selling	93.3	6.7	60	34	67.7	0.0	2.9	14.7	11.8	2.9	0.0	0.0
Other Store- Based Retailing	92.4	7.6	2,434	1,392	86.9	0.9	0.4	4.2	1.8	3.8	1.9	0.1
Labour Hire	100.0	0.0	74	68	80.9	1.5	1.5	8.8	1.4	4.4	1.5	0.0
Transport, Postal and Warehousing	92.4	7.6	4,860	3,042	83.4	1.7	3.7	3.6	2.3	2.5	2.7	0.1

	Claim decisions			Time lost claim finalisation								
	Admit	Reject- ed	Total claims decided	Total time lost claims final- ised	Fit for work: same job / tasks with same employ- er	Fit for work: same job / tasks with diff employ- er	Fit for work: diff job / tasks with same employ- er	Fit for work: diff job / tasks with diff employ- er	Fit for work: no job	Fit for work: worker does not return	Not fit for work	Alterna- tive out- come not claim related
	%	%			%	%	%	%	%	%	%	%
Air and Space Transport	87.1	13.0	332	214	88.3	0.0	7.0	0.5	0.9	1.4	1.9	0.0
Other Transport	94.6	5.4	167	121	88.4	1.7	0.8	4.1	1.7	2.5	0.8	0.0
Postal and Courier Pick-up and Delivery Services	90.6	9.4	171	115	85.2	0.9	0.0	3.5	5.2	4.3	0.9	0.0
Rail Transport	92.8	7.2	458	168	88.7	3.0	1.2	0.6	0.0	4.2	2.3	0.0
Road Transport	92.2	7.8	2,540	1,746	80.0	1.9	5.3	4.2	2.8	2.2	3.5	0.1
Transport Support Services	94.1	6.0	555	300	91.7	1.0	0.3	2.3	0.3	2.7	1.3	0.4
Warehousing and Storage Services	93.1	7.0	187	106	82.0	1.9	0.0	2.8	5.7	3.8	3.8	0.0
Water Transport	96.7	3.3	92	51	94.1	3.9	0.0	0.0	0.0	2.0	0.0	0.0
Labour Hire	93.9	6.2	358	221	85.5	1.4	0.9	5.9	2.3	2.7	1.3	0.0
Wholesale Trade	94.4	5.6	3,525	1,836	88.1	1.0	0.8	3.8	2.5	2.2	1.4	0.2
Basic Material Wholesaling	94.7	5.3	1,001	518	89.0	0.8	0.6	3.3	1.9	3.4	1.0	0.0
Commission-Based Wholesaling	89.1	10.9	64	39	94.9	0.0	0.0	0.0	5.1	0.0	0.0	0.0
Grocery, Liquor and Tobacco Product Wholesaling	94.3	5.7	735	382	85.9	1.3	1.6	3.9	3.9	1.8	1.3	0.3
Machinery and Equipment Wholesaling	94.8	5.2	891	431	87.5	1.4	0.9	4.4	3.0	0.9	1.4	0.5
Motor Vehicle and Motor Vehicle Parts Wholesaling	95.8	4.2	312	184	92.4	0.5	0.0	3.3	1.6	1.1	1.1	0.0
Other Goods Wholesaling	92.8	7.2	431	228	88.2	0.4	0.4	5.3	0.9	2.2	2.2	0.4
Labour Hire	94.5	5.5	91	54	79.6	3.7	0.0	0.0	3.7	9.3	3.7	0.0
Other	91.4	8.6	256	97	80.5	1.0	1.0	8.3	4.1	3.1	1.0	1.0
Total	93.2	6.8	77,134	44,739	87.9	1.4	1.2	3.2	1.7	2.7	1.9	0.1

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 that 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.

1 January 2016 - Change in administration process of Queensland Health

- 61. Change in the administration process of Queensland Health moving to a fee for service arrangement with WorkCover Queensland in relation to public hospital payments.

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

- 62. Implemented the National Injury Insurance Scheme for work related catastrophic injuries connected with Queensland.
- 63. Amended the self-insurance licensing requirements to provide greater flexibility for applicants.

- 64. Reversed the impact of the Byrne decision and restoring arrangements in relation to third party liability and prosecutions for fraud.
- 65. Amended the indexation method used to calculate workers' compensation benefits.

23 August 2017 – Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill 2017

- 66. Improved the workers' compensation scheme for workers who have been diagnosed, or suspect they may have, coal workers' pneumoconiosis, also known as CWP or 'black lung'. Changes included establishing medical examination process, introducing an additional lump sum compensation for workers with pneumoconiosis, and clarifying a worker with pneumoconiosis can access further workers' compensation entitlements if they experience disease progression.
- 67. Amended the *Industrial Relations Act 2016* to clarify that the power to grant a stay under the *Industrial Relations Act 2016* does not apply to an appeal under the *Workers' Compensation and Rehabilitation Act 2003*.

1 December 2017 - Doctor fax fee

- 68. The doctor fax fee was discontinued by WorkCover Queensland.

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 – The average workdays lost due to an injury on finalised time lost claims, includes any workdays lost paid for by the employer. Including claims with compensation payments and excludes 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 (example: 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.

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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