

Workers' Compensation Regulatory Services

Applying for a premium/policy review

An employer can apply to the Workers' Compensation Regulatory Services (WCRS) for a review of some decisions by Insurers relating to their policy of insurance and the premium which is set on that policy.

The review - in brief

- WCRS is not a part of WorkCover or a self-insurer.
- Our review service is free.
- An application for review must be lodged within three months of receiving the Insurer's written decision or the premium notice.
- If the written notice of the Insurer's decision does not include reasons for the decision then it is essential for you to request those reasons within 20 business days of receipt of the notice.
- A review decision will be made within 25 business days, unless an extension has been agreed or information is being exchanged through procedural fairness processes.
- If you apply for a review you have the opportunity for a 'right of appearance'. This means you can meet with the Review Officer in person, or make representations over the phone or by another method.
- You do not need a legal representative in the review process. Any legal advice or representation you may obtain is at your expense.
- Employers can obtain advice from the Chamber of Commerce and Industry Queensland (Workers' Compensation Advice Line) on 1300 365 855 or associations of which you are a member.

To lodge an application for review

- Complete the Application for policy/premium review Form 542P
- Provide your grounds for review—why you believe the Insurer decision is wrong in your own words
- Attach all of your supporting documents to your application
- Sign the form
- Submit your review application to WCRS within three months of receiving the written notice or reasons for the decision from the Insurer

You can submit your review application by any of the below methods:

Online: visit WorkSafe.qld.gov.au and search for 'lodging a review'

Post: Workers' Compensation Regulatory Services
Review Unit
PO BOX 10119
Brisbane Adelaide Street, QLD, 4000

E-mail: reviewunit@oir.qld.gov.au

Frequently asked questions

What does 'grounds for review' mean?

Your grounds for review are the reasons why you believe the Insurer decision is wrong. Your grounds for review must be relevant to the issue you are disputing (e.g. the insurer did not consider information when setting your premium). You should attach appropriate material to support your contention.

WCRS cannot review Insurers' procedures. It is important your grounds for review relate to your issue with the decision that has been made by the Insurer. By providing detailed grounds for review, it will help the Review Officer better understand the issue.

If there are not sufficient grounds for review or the grounds are not adequately described, your application may be deemed as non-compliant and will require more information in order to proceed.

What supporting information do I need?

We conduct what is called an 'administrative review'. This means in most cases there will be no further investigations.

The Review Officer will not contact witnesses. Any information that you consider supports your contention should be provided with your application for review. If you have any additional witness statements, payslips, bank statements etc. that support the issue you wish to have reviewed, it is crucial you submit them with the application.

The Review Officer will make the review decision based on the information the Insurer had at the time of the decision, and any additional information provided with the application for review.

Does my review application and information get sent to the other party?

We make an administrative decision and are obliged to ensure there is procedural fairness. This means that it is likely that new information you provide may be disclosed to the other parties impacted by the information.

What if three months has passed and I haven't lodged my review?

The Workers' Compensation and Rehabilitation Act 2003 (the Act) allows us to extend the legislative timeframe to lodge your application if special circumstances exist.

What if I require more time to lodge my review?

We have the discretion to grant extensions to applicants for a review only once.

A request for an extension of the three month timeframe may be requested and must be supported by special circumstances. The request must specify how long the extension is required and the special circumstances/reasons as to why you require an extension.

As the timeframe to lodge a review is three months, it is expected that requests for the policy file and seeking additional information are attended to during this three month period, i.e. these do not constitute special circumstances.

Once the extension request has been received, we will make a decision as to whether or not the extension is granted within five business days.

Our policies and procedures regarding extensions can be found on our website. Visit worksafe.qld.gov.au and search for 'Policy and procedure regarding the review process'.

How long does a review take?

The decision is made within 25 business days unless we have agreed to an extension. You and the other party will receive the written decision within 10 days after the decision is made.

The review decision will either:

- confirm the original decision
- vary the original decision
- set aside the original decision and substitute another decision
- set aside the original decision and return it to the Insurer with directions. The 25 business day decision period can be extended only if you:
 - agree to allow us to obtain more information for your application
 - apply for an extension to supply more information for your application and we allow that extension. The 25 business day timeframe can be extended due to procedural fairness if we determine this is required.

What is a Right of Appearance?

A Right of Appearance is the opportunity for the applicant to highlight matters they consider support their application for review or expand upon their grounds for review. This is commonly referred to as making submissions.

Your submissions can be made in the manner most appropriate to you such as by telephone or in person by making an appointment to meet with the Review Officer.

The Right of Appearance is an opportunity to put forward your view on how you consider the evidence should be interpreted.

If you have a particular issue or submission you wish to make clear it may be beneficial to also provide this in writing, for the Review Officer's later consideration. Likewise, should you have new evidence, such as a further statement from yourself or another witness, these should be provided in writing.

When making first contact with you, the Review Officer will ask whether you wish to exercise your Right of Appearance. At this time you should advise whether you wish to have a Right of Appearance and, if so, how you wish to appear - i.e. by telephone or in person.

If in person, the Review Officer will arrange a suitable time for you to attend our premises at 347 Ann Street, Brisbane.

We undertake the Right of Appearance in a polite, professional and non-adversarial manner and expect that attendees behave accordingly. Aggressive behaviour, threats or abusive language may lead to early termination of the Right of Appearance.

Common questions:

1. How long does a right of appearance take?

Depending upon the extent of the submissions being made and how they are being given, a right of appearance can vary between ten minutes and up to an hour.

2. Can I attend anywhere else other than Brisbane? Unfortunately, no, our premises are located in Brisbane.

3. Can I bring a support person?

Yes, a support person attending with an applicant is a common occurrence which we welcome. Please advise if anyone will be accompanying you in advance to ensure adequate facilities for the meeting are available.

4. What should I bring?

If you have new documentary evidence you wish to rely on, or specific written submissions, copies of these can be provided to the Review Officer during the appearance.

What happens regarding expenses relating to the claim?

For policy or premium disputes you will still need to pay the full amount specified in the notice. Once the review decision is made you will need to contact the Insurer to discuss the review decision and how this impacts on your premium.

What do I do if I am unhappy with the review decision?

If you would like to dispute the review decision, the next step is for you to consider the value of lodging an appeal of the review decision.

If you decide to appeal you must lodge an appeal with the Industrial Magistrates Court against Workers' Compensation Regulator. The appeal must be filed at the Industrial Magistrates Court within 20 business days of receiving the decision and a copy served on us.

If we don't make a decision within the 25 business days, or the agreed extension timeframe, you can either:

- appeal to an Industrial Magistrate in accordance with section 546(4) of the Act
- wait for the review decision to be made.

Want more help?

Call the Workers' Compensation Regulatory Services Review Unit on 1300 739 021.

Application for policy/premium review

Version 3

Workers' Compensation and Rehabilitation Act 2003 (the Act).

This is an approved form under section 542 of the Act.

INSTRUCTIONS: Please read the information attached to this form before completing the application.**PRIVACY STATEMENT:** Refer to the information provided with this form.

Section 1 - Application details

Policy number:			
Employer/policy holder's details (to be filled out by all applicants)			
Business name:			
Contact person:			
Contact phone:	Mobile:		
Business address:	Unit/Building No.	Street No.	Street Name
	Suburb/Town/Locality		State Postcode
Postal address:	Unit/Building No.	Street No.	Street Name/PO Box
	Suburb/Town/Locality		State Postcode
Email:			
How would you like WCRS to contact you?	<input type="checkbox"/> Post	<input type="checkbox"/> Email	
Is English your first language?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If NO - Do you require an interpreter?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If YES – In what language?			
Do you have any other special requirements? (please specify)			

Representative's details			
Firm/Union/Relationship:			
Title: (please select)	Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms
	<input type="checkbox"/> Miss	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
Family name:			
Given name/s:			
Postal address:	Unit/Building No.	Street No.	Street Name/PO Box
	Suburb/Town/Locality		State Postcode
Email:			

Section 2 - Grounds for review (this section must be completed)

What aspect of your premium do you wish to have reviewed?

- | | |
|--|---|
| <input type="checkbox"/> Premium payable for the policy | <input type="checkbox"/> A penalty |
| <input type="checkbox"/> The WorkCover Industry Classification (WIC) | <input type="checkbox"/> A default assessment |
| <input type="checkbox"/> The determination of who is a worker | <input type="checkbox"/> Additional premium charged |
| <input type="checkbox"/> A reassessment notice | |
| <input type="checkbox"/> Other – please provide details | |

Date of the Insurer's decision you wish to have reviewed:

Other details:

You need to explain why you think the Insurer's decision or premium calculation is wrong and should be changed. If insufficient space, attach separate pages. Please attach any relevant documents to support your application for review.

- | | |
|--|---|
| <input type="checkbox"/> Insufficient investigation or evidence | <input type="checkbox"/> I have new information to provide at review |
| <input type="checkbox"/> No consideration of relevant information | <input type="checkbox"/> The information that I provided was not taken into consideration appropriately |
| <input type="checkbox"/> I did not have the opportunity to provide information | <input type="checkbox"/> Other – please provide details below |
| <input type="checkbox"/> I was not contacted in regards to the matter | |

Other details:

Your Review Officer will contact you to discuss your review and the process. You have the right to meet the Review Officer (right of appearance) to discuss the claim.

All submissions must be in writing

A right of appearance is optional

Do you wish to have a right of appearance?

- Yes No

Section 3 - Signature

Applicant's signature

Print name

Date

Privacy statement:


Workers' Compensation Regulatory Services respects your privacy and is committed to protecting personal information. The information will be managed within the requirements of the current state government privacy regime. Workers' Compensation Regulatory Services uses your personal information for the purposes for which it was collected and will not disclose it to a third party without your consent unless required or authorised to do so by law. Further information on our privacy policy is available at WorkSafe.qld.gov.au.


This form was approved by the Workers' Compensation Regulator on 27 June 2017, pursuant to section 586 of the *Workers' Compensation and Rehabilitation Act 2003*.

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 WorkSafe.qld.gov.au

 1300 739 021