



Submission

Western Australian Workers' Compensation and Injury Management Act 2023 (Papers 20, 24 – 27)

12 January 2024



About QBE

QBE Insurance Group Limited is an international insurer with insurance products covering a diverse portfolio including property, crop, energy, marine and aviation. Headquartered in Sydney and listed on the Australian Securities Exchange, we employ more than 11,700 people in 27 countries around the world.

QBE Insurance (Australia) LTD (**QBE**) has offices in all Australian states and territories and provides a broad range of general insurance products to business, corporate and institutional customers.

As a global insurer, QBE believes that Australia must continually look to refresh its financial and regulatory systems to ensure the nation remains competitive with global financial markets, and attractive to investment.

As a member of the QBE Insurance Group, QBE operates primarily through an intermediated business model that provides all major lines of general insurance cover for personal and commercial risk throughout Australia.

QBE has a major presence in Australian statutory classes, providing insurance and specialist agency services in most jurisdictions throughout the country. QBE also has extensive experience in these areas in international jurisdictions. QBE is one of the licenced insurers currently providing Workers' Compensation Insurance in Western Australia.

Since its origins in Queensland over 130 years ago, QBE has been an integral part of the Australian business landscape, providing peace of mind to Australians during normal business and times of crisis.

QBE is proud of its heritage and the support that it has provided to our customers and policy holders. Our Purpose – enabling a more resilient future.

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Overview

In line with the schedule of consultation papers released by Workcover WA, QBE is pleased to provide comment in relation the Consultation Papers 20 and 24 to 27. QBE is committed to working closely with Workcover WA to deliver the objects of the *Workers Compensation and Injury Management Act (the Act)* and optimal outcomes to the Scheme.

QBE Comment

Consultation Paper	WorkCover Recommendation	QBE comment
<p>#20 Implementation Consultation Noise Induced Hearing Loss</p>	<p>New system for administering NIHL claims</p> <ul style="list-style-type: none"> - Injured Worker obtains an audiology test from an audiologist - Employer must pay for audiology test and then every 2 years if required - If audiology test shows NIHL of 10% or more or >5% for subsequent NIHL, worker may obtain a NIHL test from an ENT - If ENT test shows NIHL of 10% or more or >5% for subsequent NIHL, worker may lodge a claim on their last employer - Employer must forward claim to insurer - Insurer may contact WorkCover for any prior claims and for a liability apportionment determination - Insurer must make a liability determination and issue a liability notice - If liability is accepted, compensation is payable within 14 days. <p>New forms</p> <p>Industry feedback is being sought on the standards to use for the assessments.</p>	<p>QBE agrees with the simplification of the NIHL process, with comment on certain aspects as listed below:</p> <ol style="list-style-type: none"> 1. Under the proposed new regulations, there are no provisions for formal settlement documentation. The worker is currently required to sign an election for the assessed NIHL compensation and have it registered at WorkCover. We disagree with the changes suggested to this process and suggest that formal settlement documentation and registration at WorkCover needs to be continued under the new Act for the following reasons: <ol style="list-style-type: none"> a. Election and registration of the election provides certainty on the consequences of accepting NIHL compensation for workers; b. All other settlements under the Act require an election and registration with consequences clearly explained; c. Filing an election at WorkCover doubles as an independent confirmation regarding whether the proposed amount is correct before being paid to the worker; d. If there is no election, there may be unintended consequences, permitting a worker to pursue a common law claim against prior employers if the NIHL assessment is 15% or greater; e. There may be an unintended consequence of a system that allows the worker to file a NIHL claim against multiple employers, potentially receiving multiple payments from different employers. Without registration with WorkCover of their election to receive NIHL compensation, there are no means of monitoring this; f. The worker should be required to declare that they have not received

		<p>any other payments for the same NIHL, to further safeguard against multiple payments for the same NIHL.</p> <p>QBE requests clarification of the responsibility of an employer to fund NIHL testing. We have received requests from Employers to fund testing on their behalf previously.</p> <p>With respect to the new forms:</p> <ul style="list-style-type: none"> • The new claim form does not include privacy consent. We suggest the form needs to be amended to include a privacy consent to, at the very least, enable the last insurer on risk to share information with other insurers/employers in order to effect recovery. • We disagree with the accept liability form requiring payment of the NIHL compensation within 14 days without registration of a settlement document as above. We note that within that 14-day period we would require a Medicare form to be completed and the worker's EFT details which will delay quick payment. We would agree with payment to be made within 14 days after registration of the worker's election subject to any delays caused by any Centrelink or other government agency requirements e.g. child custody payments. • We query whether the table for employment history in various forms is expandable as 2 - 3 rows is unlikely to be sufficient. <p>QBE agrees with the proposed section titled "Transition" on page 12 of the Consultation Paper #20.</p>
<p>#24 Implementation Consultation Fees Order for Medical Services</p>	<p>Having considered the sustainability of the WA scheme and informed by perspectives from the AMA (Australian Medical Association) (WA), medical specialists, insurers, and other jurisdictions over many years the following is proposed for consideration in a Ministerial medical expenses fee order:</p> <ul style="list-style-type: none"> - align medical fees with the Australian Medical Association's List of Medical Services (AMA Fees List) as in force each 1 November, with some exceptions 	<p>QBE support the proposed alignment with the AMA (Australian Medical Association) Fee List.</p> <p>If there will be changes to existing service codes, QBE respectfully request these to be provided as soon as practicable to ensure procedures and systems can be appropriately updated.</p> <p>QBE query the provision for operation reports and surgery proposal forms which we have not seen charged within our scheme to date. Is this usual practice within other sectors?</p>

	<ul style="list-style-type: none"> - adopt billing rules specified in the AMA Fees List for medical procedures, including the multiple operation rule, to provide greater transparency - provide for a schedule of non-AMA fees for diagnostic imaging services, and medical practitioner involvement in workers compensation claim and injury management specific activities - provide for automatic indexation of non-AMA fee items each 1 November in accordance with WorkCover WA's composite index formula which will be specified in the fee order. 	
<p>#25 Implementation Consultation Fees Order for Allied Health Services</p>	<p>Following a review of allied health services, the following is proposed for consideration in a Ministerial allied health expenses fee order:</p> <ul style="list-style-type: none"> - adopt the current average private health insurance charge for consultations before any gap or rebate is applied - maintain fee relativities between allied health providers in line with private health insurance relativities - freeze fees for exercise program services - provide for health professions to charge for travel, reporting, communications, and case conferences (ancillary services) at the same rate unless exceptions apply. - implement the following range of controls and service requirements for ancillary services to ensure transparency and reduce the scope for overservicing: <ul style="list-style-type: none"> - insurer pre-approval requirements - caps on reporting and communications - documentation of point-to-point travel - detailed service specifications 	<p>Broadly, QBE support the proposals of #25.</p> <p>QBE request reconsideration of the indefinite freeze on fees for exercise program services and propose a short-term freeze. QBE believes this will ensure that exercise physiologists remain attracted to our scheme, maximising the opportunity for best practise treatment and positive outcomes for injured workers.</p>

	<ul style="list-style-type: none"> - provide for automatic indexation of allied health fees each 1 November in accordance with WorkCover WA's composite index formula which will be specified in the fee order. 	
#26 Implementation Consultation Fees Order for Workplace Rehabilitation Services	<p>It is intended the services listed in Schedule 1 will be prescribed in regulations. The services and fees are the same as those in place currently.</p> <p>If adopted, it is also intended the Ministerial fee order will specify provisions and requirements including:</p> <ul style="list-style-type: none"> - approved workplace rehabilitation providers comply with WorkCover WA's Workplace Rehabilitation Providers Principles and Standards of Practice in the provision and charging of services covered by the fee order - automatic indexation of the fees each year - billing for travel - charging the hourly rate on a pro-rata basis for time spent and producing invoices with the correct item numbers relevant to the service provided - all fees are GST exclusive. 	<p>Broadly, QBE support the proposals of #26</p> <p>QBE request reconsideration of the proposed changes to the costs of travel.</p> <p>As above, QBE want to ensure that high quality providers are attracted to our scheme and question whether the proposed changes will lead to a reduction in providers willing to service regional areas and/or an increase in telephone or virtual meetings to avoid exposure to unfunded travel.</p> <p>QBE seek further clarification on the transition position proposed by WCWA, particularly if the changes to travel proceed. Would this take effect for existing referrals, or only new referrals made from 1 July 2024?</p>
#27 Implementation Consultation Impairment Assessment Services	<p>The proposed fee schedule WorkCover WA intends to recommend to the Minister is set out at Schedule 1 – APIA Service Fees & Charges</p> <p>If adopted, it is also intended the Ministerial fee order will specify provisions and requirements including:</p> <ul style="list-style-type: none"> - approved permanent impairment assessors comply with all conditions of approval and assess impairment in accordance with the WorkCover WA Guidelines for the Evaluation of Permanent Impairment - Automatic indexation of the fees each year on 1 November (see below). 	<p>QBE support the proposals of #27.</p>

	<ul style="list-style-type: none">- All fees are maximum fees.- All fees are GST exclusive.	
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Conclusion

QBE appreciates the opportunity to respond to Consultation Papers 20 and 24 - 27.

QBE is committed to delivering the objects of the Scheme and providing injured people with high quality medical, allied health and rehabilitation services.

We trust that our recommendations assist the reviewers. Please do not hesitate to contact [REDACTED]
[REDACTED]
[REDACTED] if we can provide any further clarification or assistance.

