

Applying for a Q-COMP review

A worker,
claimant or
employer can
apply to Q-COMP
for a review of
some decisions of
Insurers.

Q-COMP Review - in brief

- Q-COMP's primary role is the regulator of the Queensland workers' compensation scheme.
- Q-COMP is not a part of WorkCover or a self-insurer. We are an independent statutory authority.
- A worker, claimant or employer can apply to Q-COMP for a review of some decisions of insurers.
- Our review service is free.
- A review must be lodged at Q-COMP within three months of receiving the Insurer's written decision
- If the written reasons for the insurer's decision have not been included with the decision then it is essential for you to request those reasons within 20 business days of receipt of the insurer's written decision
- A review decision by Q-COMP will be made within 25 business days, unless an extension has been agreed or information is being exchanged through procedural fairness processes
- If you lodge a review you have the opportunity for a 'right of appearance'. This means you can meet with a Q-COMP representative 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
- If you are a member of a Union, they can offer you assistance. Workers can obtain advice from Queensland Council of Unions: 1800 102 166 (you don't need to be a union member)
- Employers can obtain advice from The Chamber of Commerce and Industry Queensland: 1300 364 165 or a specific association of which you are a member



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To lodge an application for review

- Complete the Q-COMP Application for Review Form 542.3
- Provide your grounds for review—why you believe the insurer decision is wrong
- Attach all your supporting documents to your application
- Sign the form
- Submit your review application to Q-COMP within three months of receiving the written reasons for decision from the Insurer

You can submit your review application to Q-COMP by any of the below methods:

Online: qcomp.com.au

Post: Q-COMP
Review Unit
PO BOX 10119
Adelaide Street
Brisbane QLD 4000

Fax: (07) 3020 6375

E-mail: reviewunit@qcomp.com.au

Frequently Asked Questions

What does 'grounds for review' mean?

Your grounds for review are the reasons you believe the Insurer decision is wrong. Your grounds for review must be relevant to the injury and the claim eg. The Insurer did not consider the relevant medical information—you can then attach appropriate material such as a new medical report.

Q-COMP cannot review Insurers procedures or they way they manage a claim, it is important your grounds for review relate to the injury itself. By providing detailed grounds for review, it will help Q-COMP better understand the issue.

What supporting information do I need?

Q-COMP conducts what is called an 'administrative review', this means there will be no further investigations.

Q-COMP will not contact Doctors, witnesses or specialists. Any information that supports the injury should be provided with your application for review. If you have any additional medical reports, witness statements, payslips etc that support the issue you are reviewing; it is crucial you submit them with the application.

Q-COMP will make the review decision based on the information the Insurer had at the time of the claim decision, and any additional information provided with the review.

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

Q-COMP is making an administrative decision and is obliged to provide procedural fairness. This means



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that it is likely that new information you provide may be disclosed to the other parties impacted by the information.

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 Q-COMP written decision within 10 days after the decision is made.

The review decision will either:

- I. Confirm the original decision
- II. Vary the original decision
- III. Set aside the original decision and substitute another decision or
- IV. 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:

- I. Agree to allow Q-COMP to obtain more information for your application
- II. Apply for an extension to supply more information for your application and Q-COMP allows that extension.

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 Queensland Industrial Commission against Q-COMP; the appeal must be filed at the Queensland Industrial Relations Commission within 20 business days of receiving the Q-COMP decision.

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

- I. Appeal to an Industrial Magistrate or the Queensland Industrial Commission or
- II. Wait for the review decision to be made

What happens regarding expenses relating to the claim?

Workers—If your claim has been terminated or rejected, all expenses incurred in relation to your review application will be at your cost.

Should Q-COMP overturn the Insurer's decision, you may be able to have the costs of a medical examination and report reimbursed by the Insurer.

This will not always occur as it depends upon whether Q-COMP considers the medical examination and report substantially contributed to the decision of Q-COMP to set aside the Insurer decision.

Employers—You will need to arrange excess payments with the Insurer, should we overturn the decision you will be reimbursed from the Insurer.

Policy or premium increases may be placed on hold while the review takes place, you must negotiate this with the Insurer.

Q-COMP does not review payments, this means we will not make payments to claimants or reimburse medical treatment.

If you are financially suffering you may wish to contact CentreLink or your superannuation fund.

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

There is no provision in the *Workers Compensation and Rehabilitation Act 2003* for an application for



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review to be lodged after the three months. However, in special circumstances, you can ask QCOMP to extend the time, provided you ask during the three month period.

What if I require more time to lodge my review?

Q-COMP has the discretion to grant extensions to applicants for a review.

A request for an extension of the three month timeframe must be requested within the three months and 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 claim file, medical appointments and medical reports are attended to during this three month period, i.e. these do not constitute special circumstances.

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

What is a Right of Appearance?

A right of appearance is the opportunity for the applicant to meet the review officer and discuss their claim for the purpose of achieving a resolution of the matter.

It is an opportunity for you in a non-threatening and non-legal manner, to give us any additional information, point out a particular issue or advise of any knowledge you have about your case which may assist in achieving a resolution of the matter.

A right of appearance will not affect our review of the Insurers' decision, and you may bring a support person.

However, all submissions regarding the review must be in writing and the right of appearance discussions are not considered as submissions.

Want more help?

Call the Q-COMP Review Unit on
1300 739 021

Workers' Compensation and Rehabilitation Act 2003 (the Act). This is an approved form under section 542 of the Act.

Please read the information attached to this form before completing the application.

PRIVACY STATEMENT: Refer to the information provided with this form.

1 – Application details

Who is making the application for review?

Worker/claimant Employer

Claim number

Is English your first language? Yes No

If NO - Do you require an interpreter? Yes No

If YES – In what language?

Do you have any other special requirements? Please specify:

How would you like to receive written correspondence? Post Email

Worker's details

Title:

Last name:

Work phone:

First name:

Home phone:

Date of birth:

Mobile:

Postal address:

Number and street

Suburb/town

Postcode

Email Address:

Employer's details (to be filled out by all applicants)

Business name:

Contact person:

Contact phone:

Mobile:

Business address:

Number and street

Suburb/town

Postcode

Postal address:

PO Box number

Suburb/town

Postcode

Email Address:

2 – Grievance

What Insurer decision do you wish to have reviewed?

Acceptance of a claim

Rejection of a claim

Termination of a claim

Other – please provide details

Date of the Insurer's Decision you wish to have Reviewed:

Section 542 (5) of the Workers' Compensation and Rehabilitation Act 2003 states:

The application for review-

- a) must be made in the approved form and given to the authority; and
- b) must state the grounds on which the applicant seeks review; and
- c) may be accompanied by any relevant document the applicant wants considered in the review.

This means you need to specify why you think the Insurer's decision is wrong and should be changed.

If there are any documents relevant to your application which you wish to be considered then they must be provided with the application. If insufficient space, attach separate pages.

Do you have additional material to support your review? If yes, please attach: Yes No

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, however you must inform the Review Officer when contacted how that appearance will assist in achieving a resolution of the matter.

All submissions must be in writing.

A right of appearance is optional.

Do you wish to have a right of appearance? Yes No

3 – Signature

Applicant's signature

Print name

Date