

## Recommendations

- Recommendation 1** 19  
That icare provide more detailed information about how premiums are calculated.
- Recommendation 2** 29  
That SIRA and icare collect clearer data regarding the circumstances in which an injured worker returns to work and maintain statistics in relation to that worker for at least 12 months following their return to work, and that the return to work data specifically identify workers who have returned to work for insignificant periods or have had their benefits terminated for a reason other than return to work.
- Recommendation 3** 29  
That SIRA develop a guideline for use by scheme agents which outlines how rehabilitation services should be utilised during the case management process.
- Recommendation 4** 34  
That the NSW Government consider the need for the Workers Compensation Independent Review Office to complete the Parkes Review.
- Recommendation 5** 37  
That SIRA issue a guidance note explaining how the new *Guidelines for claiming workers compensation* operate with respect to s 60(2A) of the *Workers Compensation Act 1987*.
- Recommendation 6** 55  
That icare, in the new scheme agent deed, consider including penalties for scheme agents who exert undue pressure on nominated treating doctors.
- Recommendation 7** 55  
That icare collaborate with scheme agents to provide guidance to nominated treating doctors about their legal obligations in workers compensation matters.
- Recommendation 8** 58  
That icare work with scheme agents to:
- ensure that notices are written in plain English
  - consider options to shorten the format of notices.
- Recommendation 9** 58  
That SIRA amend the *Guidelines for claiming workers compensation* so that injured workers are provided with any supporting documents relevant to a work capacity decision in real time or at pre-determined stages throughout the life of a claim, rather than only as attachments to a work capacity notice.
- Recommendation 10** 67  
That SIRA expedite its stakeholder consultation process regarding the calculation of pre-injury average weekly earnings and develop a regulation on this issue as a matter of priority.

- Recommendation 11** **68**  
That SIRA issue a guidance note explaining the appropriate operation of s 44BC of the *Workers Compensation Act 1987*.
- Recommendation 12** **72**  
That icare develop a mandatory standard for the use of interpreters and translation services by scheme agents during the life of a workers compensation claim.
- Recommendation 13** **72**  
That the NSW Government investigate removing the distinction between work capacity decisions and liability decisions in the workers compensation scheme.
- Recommendation 14** **86**  
That the NSW Government establish a ‘one stop shop’ forum for resolution of all workers compensation disputes, which:
- allows disputes to be triaged by appropriately trained personnel
  - allows claimants to access legal advice as currently regulated
  - encourages early conciliation or mediation
  - uses properly qualified judicial officers where appropriate
  - facilitates the prompt exchange of relevant information and documentation
  - makes use of technology to support the settlement of small claims
  - promotes procedural fairness.
- Recommendation 15** **86**  
That the NSW Government introduce a single notice for both work capacity decisions and liability decisions made by insurers.
- Recommendation 16** **86**  
That the NSW Government consider the benefits of developing a more comprehensive specialised personal injury jurisdiction in New South Wales.
- Recommendation 17** **97**  
That the NSW Government investigate the possibility of amending s 322A of the *Workplace Injury Management and Workers Compensation Act 1998* to allow up to two assessments of permanent impairment for certain clearly defined injuries that are prone to deteriorate over time, such as spinal injuries.
- Recommendation 18** **100**  
That SIRA amend the *Guidelines for claiming workers compensation* concerning s 38 of the *Workers Compensation Act 1987* to set out an objective test for insurers to adhere to when determining the requirements for continuation of weekly payments after the second entitlement.
- Recommendation 19** **100**  
That the NSW Government clarify the intended scope of s 38A of the *Workers Compensation Act 1987* and if necessary, extend the minimum weekly compensation payments for injured workers with highest needs to existing recipients of weekly payments, subject to an analysis of its financial impact.

- Recommendation 20** **106**  
That SIRA use the data collected from icare and self and specialised insurers concerning the first cohort of workers affected by the operation of s 39 of the *Workers Compensation Act 1987* to identify workers in need of intensive case management and work placement, and provide these opportunities to eligible workers before the expiration of weekly benefits.
- Recommendation 21** **117**  
That icare monitor the outcomes of the Work Injury Screening and Intervention protocol trial, and subject to results, roll out the protocol to all scheme participants.
- Recommendation 22** **126**  
That icare and SIRA expedite work on a mandatory surveillance guideline for scheme agents which sets objective standards for when surveillance should be used.
- Recommendation 23** **131**  
That icare release the remuneration provisions in the new scheme agent deed, including incentive-based remuneration provisions.
- Recommendation 24** **135**  
That icare, in the new scheme agent deed, require scheme agents to comply with the NSW Government's *Model Litigant Policy for Civil Litigation*.
- Recommendation 25** **143**  
That icare:
- develop a single, comprehensive qualifications and training framework for all case managers, incorporating specific skills to identify and deal with mental health issues
  - make compliance with this framework mandatory under the new scheme agent deed.
- Recommendation 26** **148**  
That icare, in the new scheme agent deed, include sanctions for scheme agents who fail to comply with the applicable guidelines on the use Independent Medical Examiners.