

## Law and Justice Committee 2022 Review of the Workers Compensation Scheme – Questions taken on notice – Panel 4

Transcript pg. number	Question taken on notice	Answer
34	<p><b>DARREN PARKER:</b> I might draw you to our submission. It talks to the very point that you're raising. The two data points I will draw your attention to. The first one is on page 21 of our submission that talks to the number of new claims. From 2019-20 to 2020-21 there is an increase in claims from 7,532 to 8,311. You will also note that this is talking about new reportable claims for the Nominal Insurer the same year it's increased from 3,807 to 3,906. So at the front end there's an increase of new claims by about 100. Then if I draw your attention to the next page, which is page 22 of our submission—</p> <p><b>The Hon. ANTHONY D'ADAM:</b> As a proportion it's not.</p> <p><b>DARREN PARKER:</b> I'll get to the proportion as well. It talks about the total number of active claims for the same years. If you look at 2019-20 to 2020-21 of active claims, the increase in total has gone from 7,814 to 20,603. Then for the Nominal Insurer, at the front end we saw for the same year an increase of 99 claims, but the number of active claims has gone from 7,623 to 9,131. So at the front end you've got a shift of about 99, then the active claims in the same period have gone up 1,500 or so.</p> <p><b>The Hon. LOU AMATO:</b> So it actually went up during the COVID period.</p> <p><b>ADAM DENT:</b> That was that time, yes.</p>	<p>New psychological claims did not rise overall during the peak COVID period, although active psychological claims continued to climb. Please refer to <i>Appendix 1: Psychological claims during the peak COVID period</i>.</p>

	<p><b>The Hon. LOU AMATO:</b> Yes, during that time. Do you know whether it's related to COVID, the psychological injuries? Obviously, people were under a lot of stress.</p> <p><b>ADAM DENT:</b> I am happy to take that on notice, although anecdotally I would suggest that the majority of the COVID claims were actually reasonably short and inexpensive, and mostly related to time off work for illness. I don't think there's evidence that COVID significantly contributed to changing the overall balance of mental health claims.</p>	
39	<p><b>The Hon. GREG DONNELLY:</b> With respect to SafeWork and its inspectorate, which has component parts, but within those component parts there are inspectors, do you have any knowledge or information that's been collected by yourselves, by SIRA, about the amount of work that's done by the inspectors with respect to dealing with psychological injuries? Have you been able to garner an independent assessment of, dare I say, the amount of inspecting work at SafeWork is doing in regard to these types of injuries, as opposed to physical injuries?</p> <p><b>ADAM DENT:</b> I am looking at Mr Parker to see if he knows more than I do. The short answer is no, I don't have a great degree of visibility over that at all in terms the work that SafeWork is undertaking. But I can happily take that on notice and come back to you.</p>	<p><b>Proactive injury management &amp; RTW engagement with employers</b></p> <p>SIRA engages SafeWork NSW Inspectors to undertake proactive visits with employers from across NSW. SIRA identifies employers through a predictive data model that provides a statistical prediction of the likelihood of a delayed return to work for a particular claim when applied to NSW workers compensation claims data.</p> <p>In the period 1 October 2019 to 1 October 2022, 1,073 RTW verification visits were completed with high-risk employers by SafeWork Inspectors, during which the employer received advice and support to improve their recovery at work practices and ensure compliance with their workplace injury management obligations. Of the 1073 employers, approximately <b>20% (221)</b> had been identified as high risk due to a claim for a worker whose primary injury was psychological in nature.</p> <p><b>Reactive injury management &amp; RTW engagement with employers</b></p> <p>SIRA also applies a triage model to respond to complaints and allegations of non-compliance with the legislation. Where a complaint suggests there could be an immediate harm to a worker as a result of alleged non-compliance by the employer, these matters are immediately referred for an Inspector response. The most common referral is for employers not offering suitable employment to support recovery at work when a worker has some capacity. Of the <b>252</b> matters referred to SafeWork NSW in the period 1 October 2019 – 1 October 2022, <b>44% (110)</b> involved a worker with a primary psychological injury.</p>

39	<p><b>The Hon. ANTHONY D'ADAM:</b> Could I jump in on this? Is it correct that SafeWork is funded through the scheme? Is that right? Or a proportion of the funding?</p> <p><b>ADAM DENT:</b> That's correct, yes.</p> <p><b>The Hon. ANTHONY D'ADAM:</b> Wholly funded?</p> <p><b>ADAM DENT:</b> I would have to take the detail on notice, but I believe SafeWork's operations are fully funded through the scheme, yes.</p>	SafeWork NSW is funded from contributions from the Workers Compensation Operational Fund and income received from licences, plant registrations, bank interest and fines they issue.
40	<p><b>The Hon. GREG DONNELLY:</b> Do you have any information—and if you need to take it on notice, please feel free to do so—about what we understand are delays to psychological assessments in the Personal Injury Commission?</p> <p><b>ADAM DENT:</b> I don't.</p> <p><b>The Hon. GREG DONNELLY:</b> That's okay.</p> <p><b>ADAM DENT:</b> Unfortunately, the work that the judge does there is not something that I would have access to.</p>	SIRA does not hold this information about the PIC. Questions regarding the PIC should be asked via the Attorney-General.
40	<p><b>The Hon. GREG DONNELLY:</b> Take that on notice. This is related—perhaps this may be the same answer, perhaps different—to a question about why is there what appears to be a shortage of doctors to assess claims in the Personal Injury Commission?</p> <p><b>ADAM DENT:</b> I would have to take that on notice.</p> <p><b>The Hon. GREG DONNELLY:</b> That's fine.</p> <p><b>ADAM DENT:</b> They are matters for the judge.</p>	SIRA does not hold this information about the PIC. Questions regarding the PIC should be asked via the Attorney-General.

## Appendix 1: Psychological claims during the peak COVID period

### Psychological Claims

FY	New psychological claims	New psychological claims as a % of total new claims	Active psychological claims	Active psychological claims as a % of total active claims
2013-2014	4635	5%	11,888	6%
2014-2015	4473	5%	10,931	6%
2015-2016	4644	5%	10,756	6%
2016-2017	5022	5%	11,779	7%
2017-2018	5611	6%	12,665	8%
2018-2019	6921	7%	14,860	8%
2019-2020	7481	8%	17,814	9%
2020-2021	8284	8%	20,603	11%
2021-2022	7292	7%	21,283	10%
Snowflake data as at 30 September 2022				
Reportable claims only				

### Top 5 psychological claims worker occupations

Psychological new claims - Top 5 Worker Occupations in 2013-2014			Psychological new claims - Top 5 Worker Occupations in 2014-2015			Psychological new claims - Top 5 Worker Occupations in 2015-2016	
Occupation	Claims		Occupation	Claims		Occupation	Claims

Police	404		Police	427		Police	479
Secondary School Teachers	253		Secondary School Teachers	237		Secondary School Teachers	279
Other Miscellaneous Clerical and Administrative Workers	202		Other Miscellaneous Clerical and Administrative Workers	183		Other Miscellaneous Labourers	211
Other Miscellaneous Labourers	172		Aged and Disabled Carers	153		Other Miscellaneous Clerical and Administrative Workers	203
Primary School Teachers	134		Registered Nurses	136		Primary School Teachers	164
Psychological new claims - Top 5 Worker Occupations in 2016-2017			Psychological new claims - Top 5 Worker Occupations in 2017-2018			Psychological new claims - Top 5 Worker Occupations in 2018-2019	
Occupation	Claims		Occupation	Claims		Occupation	Claims
Police	488		Police	532		Police	693
Secondary School Teachers	352		Secondary School Teachers	321		Secondary School Teachers	361
Other Miscellaneous Labourers	261		Other Miscellaneous Labourers	310		Other Miscellaneous Labourers	284

Other Miscellaneous Clerical and Administrative Workers	209		Other Miscellaneous Clerical and Administrative Workers	266		Nursing Support and Personal Care Workers	267
Primary School Teachers	171		Nursing Support and Personal Care Workers	193		Primary School Teachers	265
Psychological new claims - Top 5 Worker Occupations in 2019-2020			Psychological new claims - Top 5 Worker Occupations in 2020-2021			Psychological new claims - Top 5 Worker Occupations in 2021-2022	
Occupation	Claims		Occupation	Claims		Occupation	Claims
Police	716		Police	926		Police	1071
Other Miscellaneous Labourers	399		Other Miscellaneous Labourers	913		Other Miscellaneous Labourers	1048
Secondary School Teachers	345		Secondary School Teachers	475		Secondary School Teachers	368
Other Miscellaneous Clerical and Administrative Workers	326		Nursing Support and Personal Care Workers	338		Primary School Teachers	246
Nursing Support and Personal Care Workers	293		Other Miscellaneous Clerical and Administrative Workers	314		Registered Nurses	239
Snowflake data as at 30 September 2022							

Reportable claims only						
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### Top 3 psychological claims employment status

Psychological new claims - Top 3 Employment Statuses in 2013-2014			Psychological new claims - Top 3 Employment Statuses in 2014-2015			Psychological new claims - Top 3 Employment Statuses in 2015-2016	
Employment status	Claims		Employment status	Claims		Employment status	Claims
PERMANENT	2472		PERMANENT	2584		PERMANENT	2820
(blank)	1956		(blank)	1700		(blank)	1606
NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	207		NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	187		NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	217
Psychological new claims - Top 3 Employment Statuses in 2016-2017			Psychological new claims - Top 3 Employment Statuses in 2017-2018			Psychological new claims - Top 3 Employment Statuses in 2018-2019	
Employment status	Claims		Employment status	Claims		Employment status	Claims
PERMANENT	3424		PERMANENT	4074		PERMANENT	5146
(blank)	1322		(blank)	1141		(blank)	1348
NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	275		NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	393		NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	424

Psychological new claims - Top 3 Employment Statuses in 2019-2020			Psychological new claims - Top 3 Employment Statuses in 2020-2021			Psychological new claims - Top 3 Employment Statuses in 2021-2022	
Employment status	Claims		Employment status	Claims		Employment status	Claims
PERMANENT	5640		PERMANENT	6440		PERMANENT	5547
(blank)	1409		Missing	1433		Missing	1421
NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	430		NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	409		NON PERMANENT (INCL CASUALS, CONTRACTORS, TEMPS ETC)	324
Snowflake data as at 30 September 2022							
Reportable claims only							