

**Submission  
No 9**

**INQUIRY INTO 2018 REVIEW OF THE WORKERS  
COMPENSATION SCHEME**

**Name:** Ms Amanda Thake

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To the Honourable Ms Ward, Ms Voltz, Mr Clarke, Mr Khan, Mr Mookhey & Mr Shoebridge

## **2018 Review of the Workers Compensation Scheme**

### **Legislative Council**

#### **Standing Committee on Law & Justice**

Unfortunately the recent Workers Compensation Amendment (Protection of injured workers) Bill 2017, introduced by Clayton Barr MP, was negated on 15.3.2018. It again highlights the current Government hiding behind their ideological arguments and ensured injured workers continue to be treated with disdain.

Interesting that the Opposition is seeking to announce their policies on workers compensation and that four important provisions will be included:

- Remove Section 39 and 59A of the Workers Compensation Act 1987 and 5 year limit;
- Redefine suitable employment to make it necessary that an alternative position exists and is within reasonable proximity to an injured employees home
- Rebalance the responsibility of the employer so as to not allow termination of an injured worker after 6 months without oence
- Restore coverage for journey claims

With other announcement to be released by the Opposition shortly.

However the First Review of Standing Committee On Law and Justices' Recommendations (26) under the Liberal Government has been presented to the Upper House, which will assist the injured employees of New South Wales. The current Minister for Finance, His Honour Victor Dominello has responded to the Hon Shayne Mallard, Committee Chair of the Legislative Council Standing Committee on Law and Justice, with the Governments response to the 26 recommendations presented, however, the process is proceeding at a slow pace with clarity required on Recommendations presented and further clarification of **"Government Supported in Principle"** responses.

The Workers Compensation Act was implemented into NSW in 1910 for the benefit of injured workers in dangerous occupations with the Act next amended in 1926, with the latest amendment to the Act & reforms in 2012 by the then NSW O'Farrell Government had a devastating impact on Workers Compensation for injured employees in NSW, even though the Scheme was in deficit at that time and legislative and financial amendments were genuinely required to bring the the Worker Compensation Act 1987 back from deficit. The formation of Workers Compensation Scheme was to assist the injured employees of NSW, the premiums were utilised for the benefit of the employee recovery process, however as at this date, the NSW Workers Compensation Scheme has successfully gone from the \$4.1 billion deficit that the Scheme had incurred however the Scheme is now in surplus in excess of \$4 billion dollars in a short duration of time which "has secured financial sustainability of the system, while at the same time providing enhanced benefits to workers with the highest needs", however the excessive surplus is at the expense of injured workers from 2012 & 2015 changes to the legislation. When I queried the large surplus the response was "However, there remains uncertainty about financial outlooks and the long term cost impacts of the 2012 and 2015 reforms on insurer liabilities of the system are prudently managed". They are prudently managed as a surplus of \$4 billion dollars that should be assisting the injured employee is assisting the government more than the NSW injured employees.

This has ensured that there are a lot of broken injured employees & families because of the 2012 & 2015 reforms. In recent months the 2012 reforms introduced (Section 39) from @ mid 2017, have transferred injured workers after 260 weeks from NSW Workers Compensation State System into the Federal System, ie Centrelink & Medicare, with NSW Government no longer responsible for NSW injured workers unless certain criteria (Section 59A) of an approved IME assessment has been undertaken as per AMA Guide 5 and can only be assessed if maximum medical capacity has been reached, and only if the Whole Person Impairment is assessed as greater than 20%;

This submission is tendered with researched references based on verifiable published articles (Hansard, Austill & Ors plus correspondences from various Governing Bodies) pertaining to the latest two Recommendations nominated by the Standing Committee on Law & Justices' focus on the latest Committee Recommendations from First Review of the 2018 Workers Compensation Scheme, with focus on **Recommendation 16** of the NSW States Workers Compensation scheme:

- Feasibility of consolidated personal injury tribunal for Compulsory Third Party and Workers Compensation dispute resolution as per **Recommendation 16 – That the NSW Government consider the benefits of developing a more comprehensive specialised personal injury jurisdiction in NSW**, of the Committee's first review of Workers Compensation scheme, including where such a tribunal should be located and what legislative changes are required;
- Recommending a preferred model to the current NSW Government

In The Honourable Shayne Mallard MLC, Committee Chair's foreward of the 2018 Recommendations in the Standing Committee on Law and Justice Report 60-dated March 2017 ix, recognised the significant structural reforms implemented - SIRA, icare & Safework NSW. His Honour Mallard also noted that the Committee "recognises that there continue to be opportunities to enhance workers compensation entitlements and where appropriate recommendations (26) were made to NSW Government for action in this area." The Honourable Mr Mallard also recognised "the bifurcated dispute resolution process for work capacity decisions and liability decisions and noted the administrative review process was intended to be cost effective and prompt however in some ways has generated more problems than it solves". This statement embraces a **significant** number of current and future NSW workers compensation employees and is unfortunately, exceptionally accurate and the process is in need of restructuring for all stakeholders which brings into the equation a question of the financial impacts - introduced as at 1.1.2018 that EML, a business (as are all insurance companies) relies on profit for sustainability, however with EML's EOFY 2017 profit of \$11.3 million dollars, plus the Liberal Government has a surplus in excess of \$4 billion dollars pertaining to the Workers Compensation Scheme, how is this assisting the NSW Workers Compensation injured employee. A portion of the \$4 billion dollars surplus should be reinvested back into the Scheme to assist the injured employee(s) as the profit that both EML and the current Liberal Government has also incurred financially at the injured workers expense.

As his Honour Mallard in the Chairs Forward (Report 60, March 2017 ix) noted in paragraph 3 "**the observation the system is impenetrable for many scheme participants**". A very accurate observation which needs urgent rectification.

The Hon Victor Dominello, Minister for Finance, Services and Property **tabled** the current governments **response** dated 11<sup>th</sup> October 2017, regarding the Legislative Council Standing Committees **Recommendation 16 - Supported in principle – The Government has commenced a review of workers compensation dispute resolution arrangements.**

Published on 16 February 2018 also by The Hon Victor Dominello, Department of Finance, Services and Innovation (DFSI) a discussion paper on potential reforms envisaging building a better dispute resolution system. It was noted the DFSI has conducted research into the current dispute resolution. The primary research confirmed by DFSI is that the system is broken and unnecessarily complex.

Imagine how hard it is for an injured worker to comprehend the current complex system of dispute resolution and appeal(s) – Insurers iCare & EML/SIRA/WIRO. Understanding the system to appeal a decision, the extra time it takes an injured stakeholder to investigate, utilise initiate and proceed with the Appeal process, the financial costs, resources, plus the negative mental and physical effects on the injured employee during their research on such matters, the appeal process is an added burden, financially costly and added stress to the injured employee, with the flow on of the process negatively encompassing the injured employee, family structure, community etc. Having the pain and injury is a large negative element in itself without the additional added hurdles of Icare, EML and government legislation.

Streamlining the workers compensation process to make it easier for all stakeholders, to become more cost efficient, transparent, accountable and efficient which currently is not the process for most recipients of the NSW Workers Compensation Scheme. Should the insurers review be questionable against an injured employee, the process of appealing an insurer decision can be exceptionally difficult to interpret for an injured employee both physically and mentally, costly, to navigate via technology and/or via phone to commence the process of lodgement of said appeal is as pre stated physically and mentally exhausting and complex. As quoted above again by his Honour Mallard as noted in paragraph 3 the observation **“the system is impenetrable for many scheme participants”**.

The Hon Dominello states also “that there is broad agreement among stakeholders that the dispute resolution system needs more clarity around the roles of various government agencies involved”. Totally agreed, however more information is required by His Hon Dominello on this item for all stakeholders; However with the broad agreement of action to clarify should be high priority.

The current NSW Workers Compensation system consists of iCare, EML (in transition from 1.1.2018 as the NSW insurers) and Safework are the three specialists’ organisations assembled from the 2012 reform regarding Workers Compensation. Strong support to utilise the three Government agencies as a **“One Stop Shop”** as per recommended by the Committee, would be an advantage to all Stakeholders. A One Stop Shop for enquiries, clarification, legalities, compliances, complaints etc can be directed to correct department for resolution, rather than the current scheme operations which is not easy to navigate; a more sensible, cost effective, IT savvy, more efficient service is required.

The governments **tabled response** dated and tabled on 11<sup>th</sup> October 2017, from The Hon Victor Dominello MP, Minister for Finance, Services and Property, to the Committee regarding **Recommendation 16, Supported in principle – The Government has commenced a review of workers compensation dispute resolution arrangements.**

In The Hon Mr Dominellos' published discussion paper dated 16.2.2018 the written response to **Recommendation 16**: "That the NSW Government consider the benefits of developing a more comprehensive specialised personal injury jurisdiction in New South Wales".

Also Published on 16 February 2018 by, The Hon Victor Dominello, Department of Finance, Services and Innovation (DFSI) a discussion paper on potential reforms envisaging building a better dispute resolution system. It was noted the DFSI conducted research into the current Workers Compensation dispute resolution system. The primary research confirmed by DFSI is that the NSW Workers Compensation system is broken and unnecessarily complex.

Imagine how hard it is for the injured worker to comprehend the current insurance correspondence wording, the dispute processes, legalities and "battling" the insurance companies. The pain the injured worker is already encompassing with the added pressure of comprehending the legislative, legalities, insurance procedures/regulations for an appeal does and can have severe negative effects and is proven can exasperate existing pain, especially if chronic pain related or if a mental health issue, it has a ripple effect also through the family unit. Streamlining the process to make it easier for all stakeholders, to ensure more cost efficient, transparent & communication is available for all stakeholders involved. As his Honour Mallard in Chairs Forward (Report 60, March 2017 ix) noted in paragraph 3 "**the observation the system is impenetrable for many scheme participants' . It is!**

The current NSW Workers Compensation system as at 1.1.2018, iCare/EML (in transition as NSW national insurer) SIRA, Safework & WIRO are governing agencies, an injured employee should be able to utilise these Departments in a "**One Stop Shop**" scenario as recommended by the Committee, is a priority for consideration and implementation.

Injured employees can and do have issues with navigation of the websites pertaining to Workers Compensation & for non IT injured employees the continuous phone calls is a long, costly, frustrating process for many stakeholders, let alone the injured employees' interpretation (wording) of complicated correspondence, legalities, processes, procedures, appeals and Insurer incompetence of the system. I question when there is confirmed medical evidence proves an injury the unnecessary procedures and current legislative timeframes insurers have could be reviewed and approval timeframes reduced, this would benefit all Stakeholders.

In The Hon Mr Dominellos' published discussion paper dated 16.2.2018 the written response to **Recommendation 16** : "That the NSW Government consider the benefits of developing a more comprehensive specialised personal injury jurisdiction in New South Wales". Totally agreed.

Implementation of a one stop shop with specialist employees from EML, SIRA, WIRO, WorkSafe & other relevant bodies, would be more efficient plus effective for injured employees, administratively effective (in theory) cost effective and reduce stress on an injured employee, most whom have no knowledge of the Workers Compensation system until their workplace injury. If a long term injury, learning about the medical condition/injury **plus** inept Insurance Companies, rights as an injured worker, legislation, Appeals, legalities, most injured workers do not have knowledge in any of these areas prior to their injury. Navigating the Workers Compensation System is complex in so many areas and a one stop shop is an option that Government should undertake for consideration.

The current locality of certain major stakeholders office locations are iCare & SIRA are Sydney CBD, EML Sydney CBD plus Parramatta with regional offices, WIRO is located in Darlinghurst, with the only non Sydney/CBD

stakeholder SafeWork NSW is located in Gosford. Therefore it would in theory be practical to have a consolidated injury Tribunal for dispute resolution in the Sydney CBD for convenience to the abovementioned Stakeholders and injured workers.

The Hon Dominello states also that “there is broad agreement among stakeholders that the dispute resolution system needs more clarity around the roles of various government agencies involved and needed”. This is also an item that needs prompt clarification, agencies communication and resolution.

I wish to take this opportunity to address the Recommendations of the Legislative Council Standing Committee on Law and Justice and the Government response from The Hon Victor Dominello MP, Minister for Finance, Services and Property.

**Recommendation 1** - Agreed that iCare is to provide more detail transparent comprehensive information on premium calculations.

**Government Supported:** All licensed insurers are to provide detailed premium information as per Guidelines published by SIRA

**Suggestions:** N/a

**Recommendation 2** – More accurate, clearer, concise data and statistics be required, to be collected by icare and SIRA on employees that Return to Work with surveys at intervals of 3, 6 and 12 months.

**Government Supported** - NSW Government supports icare and SIRA collect clearer data SIRA will undertake to develop a multi layered approach to measure return to work performance that will provide more consistent and complete analysis of RTW outcomes.

**Suggestion:** The complexities of accurate data is questionable. Do all RTW participants complete and return the surveys?

**Recommendation 3** – Agreed that SIRA in partnership with the Heads of Workers Compensation Authorities define a nationally consistent framework model of workplace rehabilitation and the role of the workplace rehabilitation providers. The consideration by SIRA to have inclusion of additional guidance to iCare and EML in the Guidelines for Claiming Workers Compensation.

**Government Supported in Principle** - SIRA considering inclusion of additional guidance to insurers in the SIRA Guidelines for Claiming Workers Compensation.

**Suggestion** - However would like to take this opportunity to suggest also that Workplace Rehabilitation Providers current criteria be reviewed with the view of a more stringent criterion with inclusion in the Guidelines.

**Recommendation 4** – Agree with the Standing Committee that Parkes Review be completed.

**Supported in Principle** - Governments current view of the “several legislative, regulatory and administrative reforms to improve the Workers Compensation Scheme, however the government has advised that since it has been two years since WIRO published its last progress report, Government has decided that subsequent reforms and current consultation and review projects mean the Parkes Project has largely overtaken by later developments and further work is not necessary”.

**Suggestion -** Comment cannot be confident on this item due to the complexities, however with what the Government has stated regarding the Parkes Project largely overtaken by later developments, surely there is scope to continue to collaborate the later developments with areas of the Parkes Project not addressed.

**Recommendation 5 -** SIRA strongly provide further guidance in respect to s60(2A) of the Workers Compensation Act 1987, to accessing treatment without pre-approval within the Guidelines for Claiming Workers Compensation.

**Government Supported:** A review of the current framework in partnership with Heads of Workers Compensation Authorities.

**Suggestion -** A suggestion that this guidance is in clear understandable terms, with all stakeholders notified. Also raises the suggestion that iCare or EML respond with approval or decline notifications in a more timely manner to requests regarding medical treatments. The current 28 day period for insurers to respond to a request for approval for medical treatment should be reduced to a more timely timeframe 14 days as a suggestion, as to an injured worker 28 days is a large timeframe when encompassing chronic pain, it is proven that the notification process is disregarded by the insurer, which leads to other issues.

**Recommendation 6 -** Recommendation that icare in the new scheme agent deed consider including penalties regarding undue pressure on nominated treating doctors

**Government Supported in principle:** that this will be included in new service provider deed currently being drafted.

**Suggestion:** Query as to why is it not also incorporated in the new scheme agent deed that penalties regarding undue pressure from Insurance Companies/Case Managers on injured employees, that penalties should also apply to insurers should undue pressure be applied by insurer and proven.

**Recommendation 7 –** The Stakeholder Engagement Plan for General Practitioners for additional support and guidance.

**Supported in Principle -** From His Hon Dominellos response it appears Stakeholder Engagement Plan for GP's to be in an advance stage and appears that if rolled out correctly, will be a very valuable tool for further education for GP's.

**Suggestion:** N/A

**Recommendation 8 –** That icare work with scheme agents to

- Ensure that notices are written in plain English
- Consider options to shorten the format of notices

**Supported in Principle -** April 2017, icare commenced a project to improve written communication that is centred on simplifying and improving customer communications with focus on 3 specific criteria.

The recommendation and supported in principle by Government that the SIRA Manual will establish clear and consistent expectations of icare/EML in the management of their claims, disputes and litigation processes.

**Suggestion** - Of very important note to the Standing Committee and the Minister Dominello it is an appropriate time to suggest that there is reinforced implementation to major stakeholders, a focus on customer service which is highly questionable, the code of conduct & dealing with injured workers. Sadly this is an area that needs to be addressed by the Government, icare/EML in the first instant at the next Operational Outcomes Partnership forum with insurers to ensure these principles are adhered. Many injured employees have had negative experience liaising with Employers nominated insurer(s), even when proven the nominated insurer is in error.

**Recommendation 9** – 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 predetermined stages throughout the claim, rather than as an attachment to a work capacity notice.

**Government Supported** - The Claims Administration Manual will be an asset for EML/icare with a more clear and concise expectations of Insurers.

SIRA is also undertaking post implementation review of the Guidelines for Claiming Workers Compensation. SIRA will enhance guidance on providing workers with information relevant to a work Capacity decision prior to receiving notice.

**Suggestion** - Government will undertake a comprehensive review of the workers compensation dispute resolution arrangements, with the Government again referencing dispute resolution arrangements however not advising resolution processes. However this hopefully will allow more transparency from Insurance Company/Case Manager(s) when requested.

**Recommendation 10** – SIRA expediate its Stakeholders consultation process re: pre injury average weekly earning (PIAWE) and regulation as a matter of triaged Priority.

**Supported in Principle** - with the Government noting the importance however the number of competing stakeholder perspectives require further consideration. SIRA has undertaken extensive consultation re: calculation of PIAWE with an independent expert for further consultation which concluded with a PIAWE forum held December 2016, with the Committee to be consulted on any future proposed changes.

**Suggestion:** However in response to both the Committee and Government, the reality of PIAWE is that permanent employees &/or full time contract employees retain weekly financial workers compensation payments as per Legislation, which is liveable, however permanent and casuals PIAWE are based on a 12 month pro rata basis as per Legislation. Unfortunately the formula that the PIAWE is based on is in need of review. This is also a timely occasion to raise the PIAWE in relation to casuals. A casual employee that may do one day a month for an employer will have their PIAWE based on 12 month pro rata system which then equates to a very low weekly PIAWE calculation financially payable by the insurer. This is an issue that strongly needs to be reviewed.

A suggestion that PIAWE be reviewed for casuals. As there are a large number of casuals employed in NSW, that the PIAWE be based for casual employees on a 6 months pro rata, rather than the current 12 months, a fairer formula for casuals in New South Wales, casual injured workers need to survive and most cant which brings into the equation of attempting assistance from Centrelink whilst on Workers Compensation.



**Recommendation 11** – Agree that SIRA issue a guidance note explaining the appropriate operation of 44BC (Stay of Work Capacity Decision) of the Workers Compensation Act.

**Supported in principle** – as the current government has already commenced a review of the current Workers Compensation Dispute Resolution process which is in need of prompt rectification, NSW injured workers are awaiting a timely decision on the Dispute Resolution review.

**Suggestion:** N/A – awaiting outcome

**Recommendation 12** – Icare has developed 2 downloadable web applications for injured employees in eight different languages. Icare is currently considering other options available with the view of a solution selected which best supports customer need(s).

**Supported** – Icare is currently considering 4 plus options available including IT services and solutions.

**Suggestion:** Awaiting outcome from icare considerations.

**Recommendation 13** That the NSW Government investigate removing distinction between a work capacity decision and liability decisions in the Workers Compensation Scheme.

**Supported in Principle** – The government has commenced a review of workers compensation dispute resolution arrangements.

**Suggestion -** Clear distinction of the aforementioned Recommendation 13 removing the distinction is a positive in resolving a work capacity decision and a liability decision.

**Recommendation 14** That the Government establish a ‘one stop shop’ forum for resolution of all workers compensation disputes:

- Triage of disputes
- Claimants to access legal advice as currently related
- Early conciliation or mediation
- The use of properly qualified judicial officers where appropriate
- Facilitate the prompt exchange of relevant information and documentation
- Use of IT to support settlement of small claims and promote procedural fairness

**Government Supported in Principle:** Government has commenced a review of workers arrangements. It is hoped that this review be completed in haste to resolve dispute resolutions in a more appropriate system as per stated above, than the current operational system .

**Suggestion -** As per listed above, in the forward of this email, the need for a One Stop Shop has been previously raised and is an essential element for consideration by Government.

**Recommendation 15 -** That the NSW Government introduce a single notice for both work capacity decisions and liability decisions made by insurers.

**Supported in Principle** – review commenced by Government. The addition of SIRA to develop Workers Compensation Claims Administrative Manual to all insurers, will be of benefit to all Stakeholders. As proven, the current system is broken with insurers utilising “their own rules” as they go along, particularly Case Managers. A “compliance” manual to establish clear and consistent expectations in the Management of claims, disputes and litigation processes is of high priority.

**Suggestion:** That a single notification for work capacity decisions and liability decisions be separate notifications so as no confusion for the injured employee.

**Recommendation 17** That the NSW Government investigate the possibility of amending s322A of the Workplace Injury Management and Workers compensation Act 1987 to allow up to two assessments of permanent impairment clearly defined injuries that are prone to deteriorate overtime such as spinal injuries.

**Government Supported in Principle** - The current system framework provides appropriate mechanisms for the assessment of permanent impairment for workers whose condition deteriorates over time.

**Suggestion:** That current framework be reviewed as the current mechanisms in place are complex for injuries that continue to deteriorate over time. Reinstate consideration to allow two assessments of permanent impairment for injuries prone to deterioration over time be restored.

**Recommendation 18** – SIRA amend the guidelines for claiming workers compensation concerning s38 of the Workers Compensation Act 1987 to set out objective test for insurers to adhere to when determining the requirements for continuation of weekly payments after the second entitlement.

**Supported in Principle** – NSW Government supports evidence based decision making as part of appropriate claims management procedures. Again the Government referred to the development of Claims Admin Manual to include principles of fairness and transparency and adhere to procedural fairness when making a Work Capacity Decision.

**Suggestion:** In support of this Recommendation if medical evidence based, however how will this be monitored to ensure compliance of insurers, as there is issue with insurer compliance under the current framework, will this Manual rectify reoccurring issues for many injured employees and reduce the number of appeals. Will this assist in curbing the undue pressure from Case Managers towards the 130 weeks.

**Recommendation 19** The NSW Government clarify the intended scope of s38A of the Workers Comp 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.

**Government Supported:** The NSW acknowledges the need to clarify s38A of the 1987 Act and its application.

**Suggestion:** That this issue of s38A be clarified in precise terms and in a prompt timeframe for all involved Stakeholders.

**Recommendation 20:** SIRA use data collected from icare, self & specialised insurers concerning the first cohort of workers affected by the operation of s39 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 expiration of weekly benefits

**Government Supported** – December 2016, amendments to the existing Vocational Program were implemented.

The prompt implementation of amendments under s53 of the Act were made to allow the s39 cohort to access these programs. The prompt initiation of information and support by SIRA to insurers is commendable.

**Suggestion:** N/A

**Recommendation 21** – That icare monitor outcomes of the Work Injury Screening and Intervention protocol trial, & subject to results, roll out the protocol to all scheme participants.

**Government Supported in Principle** – icare is continuing to monitor this and other programs when results are validated. Icare supports and understands the benefit of early intervention. Preliminary results from the WISE protocol are being validated by icare, with SIRA releasing their research findings and continue to collaborate with partners to identify trial interventions that improve recovery at work.

**Suggestion:** That icare share their support and understanding of early intervention for injured employees to scheme agents and employers with inclusion in the Claims Administration Manual.

**Recommendation 22** – That icare and SIRA expedite work on a mandatory surveillance guideline for scheme agents which sets objective standards for when surveillance should be used.

**Government Supported in principle** – icare has drafted guidelines for consultation with key stakeholders, however notes it is the responsibility of each insurer to specify how surveillance providers operate when undertaking work on their behalf.

**Suggestion:** Insurer is responsible when utilising surveillance providers as this is a very grey area. It can encroach on invasion of privacy and utilising an expensive resource unnecessarily initiated by Insurance Company. SIRA will establish in the Claims Administration Manual clear and consistent expectations and include objective standards for the use of surveillance.

**Recommendation 23** – icare release the remuneration provisions in the new scheme agent deed, including incentive-based remuneration provisions.

**Supported:** icare will make Deed available once finalised with the anticipation that the deed will be available by December 2017.

**Suggestion:** - Upon research I was unable to find the anticipated new Deed that was to be available by December 2017. Please excuse my ignorance if new Deed has been published, Only relevant Deed applicable during research was dated 2015,

**Recommendation 24** – That icare, in the new scheme agent deed, require scheme agents to comply with the NSW Government's model Litigant Policy for Civil Litigation.

**Government Supported** – Already part of the current Deed and will be part of the new agent deed. Government has advised this Recommendation 24 will be part of the Claims Administration Manual that will include the principles of the Claims Administration Manual.

**Suggestions -** N/A as has been address and will be adopted into the Claims Manual.

**Recommendation 25** – icare develop and introduce framework regarding comprehensive qualifications & training framework for all Case Managers incorporating specific skills to identify and deal with mental health issues with compliance of this framework mandatory under the new scheme agent deed.

**Government Supported in principle** - From a system wide perspective SIRA will investigate the current arrangements and programs being undertaken by insurers and workers comp programs being undertaken by

insurance and other workers compensation provided to better understand the key issues and develop a range of options.

**Suggestion:** That this Recommendation is implemented promptly and efficiently.

**Recommendation 26** - icare in the new scheme agent deed include sanctions for scheme agents who fail to comply with applicable guidelines on the use of IME's

**Government Supported in Principle** - That sanctions be implemented for scheme agents who fail to comply with the applicable guidelines on the use of IME's.

**Suggestion:** Strongly recommend that sanctions also be implemented for scheme agents who fail to comply with the applicable guidelines re: IME's.