



1 December 2023

Mr Chris White  
Chief Executive Officer  
WorkCover WA  
2 Bedbrook Place  
SHENTON PARK WA 6008

By email: [consultation@workcover.wa.gov.au](mailto:consultation@workcover.wa.gov.au)  
CC: [chris.white@workcover.wa.gov.au](mailto:chris.white@workcover.wa.gov.au)

Dear Chris,

**Written Submissions: Implementation Consultation Papers 1-19  
Workers' Compensation and Injury Management Act 2023 (WA)**

As discussed GIO has provided feedback via the ICA on a combined basis as a part of the consultation process on the proposed Regulations and WorkCover WA administrative instruments proposed to support the *Workers Compensation and Injury Management Act 2023 (WA)* (WCIMA 2023).

In addition please find attached a table containing GIO feedback on specific aspects of the Papers 2; 3; 5; 9; 10 and 11 not covered in the ICA feedback .

We look forward the opportunity to engage in consultation over the remaining papers 20 to 27.

We trust that our contribution is of assistance to WorkCover WA in implementing the changes in WCIMA 2023. We look forward to working with the WorkCover WA into the future regarding these and any other relevant aspects of the Papers.

We are available to discuss our submission and any questions that may arise in more detail at your convenience. Please do not hesitate to contact me if you have any queries.

Yours sincerely,



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*Vero and GIO Workers Compensation are part of the Suncorp Network*

## Implementation consultation papers 1 to 19: ICA submissions

Implementation consultation papers	Section/page number referenced	GIO submissions
Paper 2: Presumptive Diseases	Attachments – Page 10	Formatting issue with table, correction required. #43 has a '+' symbol but the corresponding subscript is on page 9
Paper 3: Workers Compensation Claim Form	Attachments – 2 (of 3.1)	Under the worker's 'Know and understand your rights and responsibilities' section we recommend also including "You have the responsibility to provide current certificates of capacity while you are receiving income compensation' or similar wording. While this is referenced in another section, for clarity it should be clearly stated as a worker responsibility
Paper 5: Liability Decisions and Provisional Payments	Process overview – page 4 – Without prejudice payments	It is not clear from the paper what would occur in the following scenario: a worker is in receipt of provisional payments and a recommended treatment is in excess of the capped medical provisional payment allowance (or in excess of the amount remaining). If the insurer agrees to fund the treatment regardless of the cap on a without prejudice basis, should the full treatment amount be recorded as a without prejudice payment (leaving the remainder of the provisional payment amount still available to the worker), or would it be recorded as provisional payment up to the capped amount (thereby

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exhausting it) and the remainder as a without prejudice payment? We recommend the latter.

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<b>Implementation consultation papers</b>	<b>Section/page number referenced</b>	<b>GIO submissions</b>
Paper 9: Medical and Health Expenses Compensation	Transitional arrangements – page 5	The services previously paid under medical expenses (first aid, ambulance or other medical transport expenses) post-commencement cannot be counted towards the compensation cap under the WCIMA23. Can WCWA provide the specific payment codes for all items that will be affected by this change in order to assist with the system change requirements?

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<b>Implementation consultation papers</b>	<b>Section/page number referenced</b>	<b>GIO submissions</b>
Paper 10: Dust Disease	General	When a dust disease claim has been lodged, but is awaiting panel determination, currently these are reported as 'pending' claims. The insurer is not required to and cannot make a liability decision until after the panel has made their determination. A separate status such as 'Other' or 'Awaiting Panel' (or another option at WCWA's discretion) should be used to distinguish these claims and avoid skewing the reporting on deferred liability claims.

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Implementation consultation papers	Section/page number referenced	GIO submissions
Paper 11: Settlements	Process Overview – page 5 – settlement agreement table	<p>Where a Permanent Impairment % is agreed between the insurer and worker, the agreed item % may not correlate with a WPI % which is a possible outcome of the assessment. Ex: Impairment of leg at or above knee, worker’s assessment is for 5% WPI/12.5% of item 67, insurer’s assessment is for 4% WPI/10% of item 67. The two parties negotiate for 11% of item 67. Will WCWA be checking the calculations on agreed %’s, and if the amount agreed is not a possible outcome, rejecting the settlement agreement? GIO respectfully submits that WCWA should forego checking the calculations on agreed %’s, beyond checking that they fall within the range of the assessments.</p>
	Attachments – page 10	<p>In both the Prior Amounts Paid and Other Amounts sections, it is not clear whether Workplace rehabilitation/travel should be included under Miscellaneous or Medical and health expenses. For clarity, the settlement form should be modified to match settlement application form format (Health, medical and other compensation) and make it clear which categories are to include which costs</p>

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