



Appealing a workers' compensation decision by WorkCover Queensland

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While the Queensland workers' compensation system is designed to be fair and efficient, there may be instances where an injured worker disagrees with a decision made by WorkCover (the authority responsible for the scheme). Fortunately, there are mechanisms in place to seek a review of such decisions.

This article provides a comprehensive guide on how to seek a review of a decision about a [workers' compensation claim with WorkCover Queensland](#).

Understanding WorkCover Queensland decisions

It's essential for injured workers to understand the types of decisions that WorkCover Queensland can make. These decisions can range from the acceptance or rejection of a workers' compensation claim to determinations about the amount of compensation payable (weekly payments to cover loss of income and [lump sum payments due to permanent impairment](#)), the duration of benefits, and the necessity of medical treatment or rehabilitation services.

Common WorkCover decisions that may be subject to review

There are a number of decisions WorkCover Queensland may make about your workers' compensation claim, where you may consider seeking a review.

Claim rejected: WorkCover may reject a workers' compensation claim based on the evidence provided.

Compensation amounts: Decisions regarding the amount of weekly compensation payments or lump sum entitlements.

Medical treatment: Determinations about the necessity, appropriateness, or cost of medical treatment or rehabilitation services.

Return to work: Decisions related to return-to-work plans, including suitable duties and vocational rehabilitation.

Stop payment of benefits: Decisions to cease or reduce compensation payments.

When can I seek a review of a WorkCover Queensland decision?

When considering whether to seek a review of a decision made by your Claims Officer/Manager, take some time to review the reasons for the decision to see if there might be grounds for seeking a review. You might not be especially happy with the decision, but it may be a decision that is not open to review.

If you've received an adverse decision about your workers' compensation claim and you're unsure if you should or can seek a review, you should obtain legal advice about your rights for a review.

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The following are the usual grounds to seek a review of a decision about a workers' compensation claim:

Errors in fact: The decision was based on incorrect or incomplete information.

Errors in law: The decision-maker has misinterpreted or misapplied the relevant legislation.

Procedural fairness: The decision-making process was unfair or biased. One of the more common instances of procedural fairness is when the decision-maker at Workcover didn't consider an important piece of evidence, such as a medical report from your treating doctor, which was clearly supportive of your claim.

Steps to seek a review of a WorkCover decision

If you believe that a decision made by WorkCover Queensland is incorrect or unfair, you have the right to seek a review. The review process typically involves several steps, which are outlined below.

Apply for review by the Workers' Compensation Regulator

You can apply for a review of a decision of WorkCover Queensland to the Workers' Compensation Regulator ('the Regulator'). This can be done [online, by email or by standard post](#). More information about preparing your application for a review (e.g. what to include in your application) can be found on the [WorkSafe Queensland website here](#). There is no cost to apply for a review by the Regulator.

Your request for an internal review must be lodged within three months of receiving the decision from WorkCover Queensland. This is a very important time frame to keep in mind. Whilst it is possible to lodge your application for review outside this time frame, in our experience, these are very rarely accepted.

If you do feel that you need more time (for example, waiting on further medical evidence), you either:

call the Regulator to ask for an extension of time BEFORE the initial three-month period expires; or

Please lodge your application within the three-month time limit, but note on the form that you are in the process of gathering more information and/or evidence in support of your application.

The 'Review Unit' at the Regulator is often inundated with applications. It can take 8-10 weeks (and usually longer) for them to properly review/consider your application. So, if you've noted on your application that you will be providing further evidence, you have plenty of time to gather that further information/evidence (including additional medical reports, etc.) and send it to the Regulator before they make their decision on your application.

Outcome of your workers' compensation review

The Regulator will review the decision and provide a written response, either confirming the original decision or setting it aside.

When the Regulator sets a decision aside, it either:

substitutes another decision to direct Workcover to accept the claim (if the original decision was to reject your claim);

vary it to note what Workcover now has to do.

If you are dissatisfied with the Regulator's decision, you can apply to the Queensland Industrial Relations Commission

If you are not satisfied with the Regulator's decision, you can appeal to the Queensland Industrial Relations Commission ('QIRC'). You must appeal the decision of the Regulator within 20 business days of receiving the decision. Extensions may be granted in certain circumstances but should not be relied upon.

The QIRC, like the Regulator, are loath to allow extensions in which to lodge appeals. Similar to your initial review with the Regulator, you can amend the appeal document later if needed.

QIRC appeal form: Complete the relevant appeal form (Form 9 – WCR Notice of Appeal), which can be obtained from [the QIRC website](#).

Appeal process: The appeal process is complex and not quick by any means. The process involves quite a few steps to be taken by both the injured worker and the Regulator. We strongly recommend that injured workers seek legal advice if they wish to appeal a decision at the QIRC.

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Unfortunately, QIRC appeals can take a long time. Typically, a QIRC appeal will take about 12 months to get to a trial/hearing. The Commissioner may take another 6-10 months to consider the evidence and submissions presented by both sides before they make their determination.

The outcome of the external review is binding on all parties.

Get help from a workers' compensation lawyer

If you have received a decision from WorkCover Queensland (or a self-insurer if your employer handles their own workers' compensation claims) that you are not satisfied with and want to dispute, you should contact a lawyer experienced in WorkCover matters.

The law that governs workers' compensation claims in Queensland is complex, and often, getting the right advice at the outset can make all the difference when it comes to getting the compensation that you deserve. We offer free initial advice about your rights and entitlements, so it costs you nothing to find out where you stand.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.