

## WorkCover Changes Queensland – as from October 2013 – Edited for Psychiatrists

These changes are effective from 15 October 2013:

- The introduction of a threshold of greater than 5% degree of permanent impairment (DPI) to access common law damages. This applies to injuries from 15 October 2013. For injuries that occur over a period of time, the date of injury is considered to be the date of initial health practitioner consultation for the injury.
- The method for assessing permanent impairment and calculating statutory lump sum compensation has changed from work related impairment (WRI) to degree of permanent impairment (DPI). This change applies to claims with a date of injury from 15 October 2013. For injuries sustained prior to 15 October 2013, they will still be assessed using the Table of Injuries and AMA4 and these workers will still receive an offer of lump sum compensation based on their DPI.
- For workers injured from 15 October 2013, their injuries will be assessed using the new Guide to the Evaluation of Permanent Impairment (GEPI) (which references AMA5 and the PIRS). Workers will receive an offer of lump sum compensation based on their DPI. Physical injuries are combined to calculate the DPI, however psychiatric injuries cannot be combined with physical injuries.
- WorkCover Qld are working with the Office of Fair and Safe Work Queensland (OFSWQ) - the Regulator - to develop training for doctors on the new Guide and updating Notice of Assessment forms. The Regulator will publish the GEPI in the Queensland Government Gazette.

These changes are effective from 29 October 2013:

- Employment to be 'the major significant contributing factor' for psychological or psychiatric claims.  
For psychological or psychiatric injuries (including aggravations of pre-existing conditions) workers are only entitled to compensation if their employment was 'the major significant contributing factor' to their condition.
  - Employers can request a prospective worker to provide them with information about pre-existing injuries or medical conditions.  
Disclosure of pre-existing conditions applies to 'employment processes' from 29 October 2013. An employer may ask a prospective worker in writing about pre-existing injuries or medical conditions. The request must be accompanied by specific information about the future duties and the implications if the worker fails to properly disclose their conditions. A worker may not be entitled to compensation or damages if they have knowingly made a false or misleading disclosure about an injury or condition and they suffer an aggravation of that injury or condition.

