WorkSafe (Victorian WorkCover Authority)

Relevant Legislation

*Accident Compensation Act 1985*
*Accident Compensation (WorkCover Insurance) Act 1993*
*Occupational Health and Safety Act 1985*
*Workers Compensation Act 1958* (this Act is applicable for claims before the operation of the Accident Compensation Act 1985)

WorkSafe's function

WorkSafe administers the Victorian workers compensation scheme through a number of authorised insurance agents. These agents provide compensation and rehabilitation to workplace accident victims. WorkSafe monitors and audits the authorised agents. The Ombudsman has jurisdiction over the six authorised insurance agencies (Agents).

WorkSafe is also the regulator for occupational health and safety. This involves investigating workplace accidents, providing advice to employers on making their workplaces safe, investigating and prosecuting individuals and companies which fail to meet their health and safety responsibilities or defraud the system.

Contact arrangements

In general, complainants who have not raised their concerns with WorkSafe or the Agent, should be advised to do so in the first instance. If they remain dissatisfied they can return to this office with a copy of WorkSafe or the Agent's response to their complaint.

Please note that as of 1 July 2011, GIO ceased to to be an agent of WorkSafe for Victorian workers compensation matters. In the majority of cases, GIO's files have been transferred to Gallagher Bassett. Should you receive a complaint regarding GIO's administrative actions, please ask the complainant which agent their file has transferred to and whether they have made a complaint to this agent, or (if the complaint is received in writing) discuss it with your manager or Portfolio Managers before making any enquiries.

A person may lodge a complaint directly with WorkSafe or the Agent responsible for administering his/her worker’s compensation claim by contacting one of the following:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Address</th>
<th>Contact</th>
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<tbody>
<tr>
<td>WorkSafe</td>
<td>Address correspondence to: WorkSafe Advisory Service See Resolve for postal address</td>
<td>Email: <a href="mailto:complaints@worksafe.vic.gov.au">complaints@worksafe.vic.gov.au</a> Ph:1800 136 089 9641 1444</td>
</tr>
<tr>
<td>Allianz Australia Workers Compensation</td>
<td>Address correspondence to: Customer Service See Resolve for postal address</td>
<td>Email: N/A Ph: 9234 3436 Fax: 8615 8180</td>
</tr>
<tr>
<td>Gallagher Bassett Services</td>
<td>Address</td>
<td>Email:</td>
</tr>
<tr>
<td>Workers Compensation Vic Pty Ltd</td>
<td>correspondence to: Customer Feedback Coordinator See Resolve for postal address</td>
<td><a href="mailto:customerfeedback_vic@gbtpa.com.au">customerfeedback_vic@gbtpa.com.au</a> Ph: 1800 446 062 Fax: 9297 9010</td>
</tr>
<tr>
<td>Xchanging (formerly Cambridge Integrated Services Victoria Pty Ltd)</td>
<td>Address correspondence to: Customer Service Team See Resolve for postal address</td>
<td>Email: <a href="mailto:customer.service@au.xchanging.com">customer.service@au.xchanging.com</a> Ph: Direct line:(03) 9947 3118 1800 801 070 - request to speak with a member of the customer service team Fax: 9947 3340</td>
</tr>
<tr>
<td>CGU Workers Compensation</td>
<td>Address correspondence to: Customer Feedback Team See Resolve for postal address</td>
<td>Email: <a href="mailto:wcvcustomerfeedback@cgu.com.au">wcvcustomerfeedback@cgu.com.au</a> Ph: Direct line: 1800 635 635 8630 1000 - request to speak with a member of the customer feedback team Fax: 8804 9417</td>
</tr>
<tr>
<td>GIO Workers Compensation (Vic) Ltd</td>
<td>Address correspondence to: Audit &amp; Compliance See Resolve for postal address</td>
<td>Email: <a href="mailto:VICWCComplaints@gio.com.au">VICWCComplaints@gio.com.au</a> Ph: 1800 817 969 9860 3555 Fax: 1300 133 180</td>
</tr>
<tr>
<td>QBE Workers Compensation (Vic) Ltd</td>
<td>Address correspondence to: Customer Service Team See Resolve for postal address</td>
<td>Email: <a href="mailto:complaints@qbe.com">complaints@qbe.com</a> Ph: 1800 814 614 9246 2308 Fax: 9246 2044</td>
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**Information to assist enquiries with the respondent**

If you obtain the following information from a complainant, it will speed up the resolution by the respondent.

- Full name of worker
- Address
- Date of birth
- Claim Number (preferable but not essential as long as we have 1-3 above)
- WorkCover Agent
- Name of employer (company/business name not just individual's name)
Complaint issues

These are provided as a general guide and are not intended to exclude other issues that may arise. If in doubt, contact the agency specialist or case manager.

Common complaints about the Agents:

- Claims decisions: ceasing benefits with no reason communicated, delays, decisions not evidence based
- Non-compliance to Model Litigant Guidelines or Accident Compensation Conciliation Service’s (ACCS) Code of Conduct or Ministerial Guidelines
- Accident investigations and surveillance
- Independent medical examiners - conduct and report content
- Claims manager’s service delivery

Common complaints about WorkSafe:

- Failure to prosecute an employer for an alleged breach of health and safety legislation or accident compensation act.
- Failure to take action in response to a complaint about unreasonable actions/behaviour of an authorised agent and/or independent medical examiner
- Unreasonable behaviour or actions by WorkSafe investigators
- Imposition of penalties or unreasonable premiums on employers

Complaints about decisions

The Ombudsman generally does not investigate complaints about the merits of decisions where a merits review scheme has been set up under legislation. Exceptions may arise and should be discussed with the portfolio manager.

Where a person disputes a claims decision regarding liability for weekly compensation and/or medical & like services, they may:

- request the Agent conduct a senior officer review before proceeding to the ACCS or
- apply directly to the ACCS for conciliation of the dispute.

Accident Compensation Conciliation Service (ACCS)

Where an injured worker disputes a decision relating to their workers compensation claim, they must attempt conciliation at the ACCS before initiating proceedings in the Magistrates or County Court. If the ACCS is unable to bring the parties to agreement, a genuine dispute certificate is issued. This enables an injured worker to appeal to the courts. ACCS is a free service.

Complaints relating to the ACCS, including the conduct of a conciliation officer, must first be raised with the ACCS by contacting:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Address</th>
<th>E-mail</th>
<th>Telephone</th>
<th>Fax</th>
</tr>
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<tbody>
<tr>
<td>Ms Susan Cibau</td>
<td>Senior Conciliation Officer</td>
<td>SeeResolve for postal address</td>
<td><a href="mailto:info@conciliation.vic.gov.au">info@conciliation.vic.gov.au</a></td>
<td>1800 635 960 or 9940 1111</td>
<td>9940 1000</td>
</tr>
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If a person is dissatisfied with the manner in which the Senior Conciliation Officer has handled their complaint, a complaint may be lodged with the Victorian Ombudsman. Further information may be obtained from the website: www.conciliation.vic.gov.au

Note: Please contact WorkSafe portfolio managers before contacting ACCS for any complaints.

**Support services for injured workers**

**WorkSafe Advisory Service**

A telephone based service, which assists claimants to understand decisions and processes relating to the accident compensation scheme as well as occupational health and safety matters. The WorkSafe Advisory Service will also handle complaints about an Agent.

Worksafe Advisory Service  
Ph: 1800 136 089 or 9641 1444  
E-mail: info@worksafe.vic.gov.au

**WorkCover Assist**

Is a free service which assists individuals who attend the ACCS in relation to workers compensation disputes. The service is funded by WorkSafe and falls within VO's jurisdiction.

WorkCover Assist  
Ph: 9941 0537  
www.workcoverassist.vic.gov.au

**Union Assist**

Further assistance in relation to workers compensation disputes may be provided by this free service set up and run by the Victorian Trades Hall Council. This service does not fall within VO's jurisdiction.

Union Assist  
Ph: 9639 6144  
E-mail: info@unionassist.org.au  
Fax: 9639 6155

**The Medical Panel**

A 2007 Supreme Court decision (*Nisselle v Brouwer*) held that section 65(10) of the *Accident Compensation Act 1985* and section 13(3)(a) of the *Ombudsman Act 1973* means that the actions of the Convenor of Medical Panels do not fall within the Ombudsman's jurisdiction. This means complaints regarding the administrative actions of the Convenor of Medical Panels cannot be investigated by the Ombudsman.

Currently there is no independent body which oversees the actions taken by the Convenor of Medical Panels; however an individual may apply to the Supreme Court in relation to a Medical Panel matter. Individuals may wish to consider seeking legal advice regarding the options available to them.

**Conduct of Independent Medical Examiners**
A WorkSafe Agent may require an injured worker to attend an appoint with an Independent Medical Examiner. Where a person wishes to complain about the conduct of an independent medical examiner, they should first complain to WorkSafe:

Manager - IME Service Branch, Rehabilitation and Medical Services Division
WorkSafe
See website for postal address