

**WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION  
(INDEPENDENT CONSULTANTS FEES) ORDER 2024**

under the

***Workplace Injury Management and Workers Compensation Act 1998***

I, Adam Dent, Chief Executive, State Insurance Regulatory Authority, make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 9<sup>th</sup> day of January 2024



Adam Dent  
Chief Executive  
State Insurance Regulatory Authority

---

**1. Name of Order**

This Order is the *Workplace Injury Management and Workers Compensation (Independent Consultant Fees) Order 2024*.

**2. Commencement**

This Order commences on 1 February 2024.

**3. Definitions**

In this Order:

**the Act** means the *Workplace Injury Management and Workers Compensation Act 1998*.

**the Authority** means the State Insurance Regulatory Authority as constituted under section 17 of the *State Insurance and Care Governance Act 2015*.

**GST** means the Goods and Services Tax payable under the GST Law.

**GST Law** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

**Independent Consultant** means a chiropractor, osteopath, physiotherapist or psychologist approved by the Authority to provide an Independent Consultation in the NSW workers compensation system.

**Independent Consultation** means a review, conducted by an Independent Consultant, of the treatment/management provided by the allied health practitioner for the purpose of determining whether treatment/service provision is reasonably necessary or to provide specialised or expert assistance to progress treatment/management by the allied health practitioner. The review may be requested by either the treating allied health practitioner or the Insurer and is conducted as either:

- i. Stage 1 review - where consultation with the treating allied health practitioner is not required, for example, where a file review takes place.
- ii. Stage 2 review - where consultation with the treating allied health practitioner is required.
- iii. Stage 3 review - where an examination of the worker and consultation with the treating allied health practitioner is required.

**Telehealth consultation** means delivery of Independent Consultant services that use videoconferencing or telephone as an alternative to an in-person consultation in compliance with Part 2 of the *Guidelines for the Provision of Relevant Services (Health and Related Services)*.

**Unreasonably late attendance** means that the worker or interpreter arrives for the scheduled appointment, or joins their scheduled telehealth consultation, unreasonably late, to the degree that a full examination is prevented from being conducted.

**Working days** means Monday to Friday (excluding public holidays).

#### **4. Application of Order**

This Order applies to all Independent Consultant services provided on or 1 February 2024, whether it relates to an injury received before, on, or after that date.

#### **5. Maximum Fees for Independent Consultant services**

- (1) For the purposes of section 339 of the Act, the maximum hourly fee for the provision of services by an Independent Consultant in connection with a claim for compensation or an appearance as a witness in proceedings before the Personal Injury Commission or a court in connection with a claim for compensation is as set out in Schedule A.
- (2) An Independent Consultant may charge a cancellation fee specified in item IIN112 where a worker provides 2 working days' notice or less of cancellation, fails to attend their scheduled appointment or telehealth consultation, or the worker (or interpreter) attends their scheduled appointment or telehealth consultation **unreasonably** late, preventing a full examination being conducted.
- (3) The incorrect use of any item referred to in this Order can result in penalties, including the Independent Consultant being required to repay monies that the Independent Consultant has incorrectly received.
- (4) Telehealth services are to be billed according to the appropriate items IIN310 and IIN311.

#### **6. Goods and Services Tax (GST)**

- (1) Services provided by an Independent Consultant are subject to GST.
- (2) An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit an Independent Consultant to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

#### **7. Requirements for invoices**

All invoices should be submitted within 30 calendar days of the service provided and must be itemised in accordance with Schedule A and comply with the Authority's requirements for the invoice to be processed. Refer to the relevant provider page on the SIRA website -

#### **8. No pre-payment of fees**

Pre-payment of fees for reports and services is not permitted.

## SCHEDULE A

### Rates for Independent Consultant services

Item	Service description	Maximum Amount (\$) (excl GST)
IIN110	Independent Consultation where referral is initiated by a party other than the treating practitioner i.e. insurer, employer, Workplace Rehabilitation Provider, worker.  May include file review, discussions, interview, examination and report.	\$257.00 per hour
IIN111	Independent Consultation where referral is initiated by the treating practitioner.  May include file review, discussions, interview, examination and report.	\$257.00 per hour
IIN310	Independent Consultation where referral is initiated by a party other than the treating practitioner i.e. insurer, employer, Workplace Rehabilitation Provider, worker.  May include file review, discussions, interview, examination and report. Delivered by telehealth.	\$257.00 per hour
IIN311	Independent Consultation where referral is initiated by the treating practitioner.  May include file review, discussions, interview, examination and report. Delivered by telehealth.	\$257.00 per hour
IIN112	Cancellation with 2 working days' or less notice, non-attendance at scheduled appointment or <b>unreasonably</b> late attendance by worker or interpreter that prevents full examination being conducted.	\$257.00
IIN113	Travel for assessment / consultation outside of consulting rooms.	Reimbursed in accordance with the "Use of private motor vehicle" set out in Item 6 of Table 1 (Rates and Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, at the rate effective 1 July 2022.</i>  <i>Use of private motor vehicle:</i> - 78 cents per kilometre