

ESTABLISHING THE INDEPENDENT REVIEW OFFICE | NEW CLAIMS HANDLING PROTOCOL AND DRAFT ILARS FUNDING GUIDELINES

UPDATE 4 - 14 February 2021

The *Personal Injury Commission Act 2020* (Act) will commence on 1 March 2021 and introduces changes to the role, functions and operations of the Workers Compensation Independent Review Office (WIRO).

This includes re-establishing WIRO as the Independent Review Office (IRO) and providing for the Independent Legal Assistance and Review Service (ILARS) as a statutory function of the IRO.

From 1 March 2021, the Independent Review Office will also deal with complaints from claimants about the acts or omissions of compulsory third-party insurers arising under motor accidents legislation, in addition to workers compensation complaints.

NEW COMPLAINTS HANDLING PROTOCOL

To coincide with the establishment of the IRO, we have finalised a new Complaint Handling Protocol (Protocol). It will replace the existing WIRO Enquiry and Complaint Handling Protocol from 1 March 2021.

The Protocol will apply to complaints about insurers from both injured workers and persons injured in motor vehicle accidents.

The Protocol was developed following a four-month review, during which we consulted with a wide range of stakeholders, representing injured persons, insurers and government bodies.

The Protocol provides a clearer process for achieving fast and fair solutions to complaints, including requiring the insurer to respond to a complaint within 2 working days and clearly explaining how we assess whether the insurer's response is fair and reasonable. The Protocol also formalises our investigation and reporting process for complaints that can't be quickly solved.

The new Protocol can be accessed now on our website:

<https://wiro.nsw.gov.au/sites/default/files/IRO%20Complaints%20Handling%20Protocol.pdf>

CONSULTATION DRAFT ILARS FUNDING GUIDELINES: COMMENTS DUE BY 17 FEBRUARY 2021

To give effect to the new requirements in the Act for publishing and tabling ILARS guidelines, the current ILARS Funding Policy and Grant Amount Guide have been consolidated into draft new ILARS Funding Guidelines (Guidelines).

The amendments are summarised in WIRO WIRE 3 February 2021 – *Personal Injury Commission Act 2021 – Implementation of Schedule 5* [<https://wiro.nsw.gov.au/sites/default/files/WIRO%20WIRE%20-Personal%20Injury%20Commission%20Act%202020-Implementation%20of%20Schedule%205.pdf>] which called for comments on the Guidelines.

The Guidelines adopt the existing documents and including amendments made during a technical review of the WIRO Funding Policy in 2020. Proposed reforms have been the subject of extensive consultation with the profession both through seeking submissions during the technical review and testing with a group of the most experienced Approved Lawyers.

Consultation drafts of the Guidelines and supporting documents are available for your consideration and comment by **Wednesday 17 February 2021** here: <https://wiro.nsw.gov.au/new-ilars-funding-guidelines-consultation-documents>

Should you wish to provide comment please do so by **email** to the **Director ILARS** at **roshana.may@wiro.nsw.gov.au** by no later than 4:00 pm, Wednesday 17 February 2021. The Guidelines will commence operation from **1 March 2021**.

Simon Cohen
Independent Review Officer