



Appealing workers' compensation decisions in Queensland

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If WorkCover Queensland or a self-insured employer has made a workers' compensation decision you disagree with, you may have the right to seek a review or lodge an appeal.

This article explains how to appeal workers' compensation decisions in Queensland, including which decisions can be reviewed, who can apply, the role of the Workers' Compensation Regulator, and when matters can be appealed to the Queensland Industrial Relations Commission. It also outlines key time limits and why acting quickly is critical.

What are some Queensland workers' compensation decisions that are reviewable?

Although not all decisions made by WorkCover or a self-insurer are able to be reviewed, there are many of their decisions that can be:

a decision to reject a workers' compensation claim entirely;

a decision that the injury/illness is or is not work-related; and

a decision to stop [weekly compensation payments](#).

Generally, the WorkCover/self-insurer decision will stipulate within the decision notice whether or not that particular decision is reviewable. including any particular requirements or time limitations that apply to the review process. If you are unsure, though, you

can contact IM Lawyers to understand your rights in relation to that decision. We provide initial free advice.

[FREE ADVICE FROM A PERSONAL INJURY LAWYER: 1800 001 339](#)

Who is entitled to appeal a Queensland workers' compensation decision?

Both the injured worker and the employer responding to the workers' compensation claim are entitled to apply for a reviewable decision to be reviewed.

What is the review process?

If the decision is not accompanied by reasons for that decision, these may be able to be requested.

If the decision is reviewable, then interested parties may apply to the Workers Compensation Regulator for a review of the decision. This application can be [lodged online](#) or by filling in and lodging an '[Application for claim review form](#)'.

Where that application is made, a Review Officer at the Workers Compensation Regulator will review the documents provided together with the documents available for the workers' compensation claim, including statements, medical reports, records and employment information.

It usually takes the Workers Compensation Regulator between 4-6 months to make their decision. The Review Officer's decision could include to:

set aside the original reviewable decision and substitute a different decision;

set aside the original reviewable decision and revert the claim back to WorkCover to remake their decision, considering the Review Officer's decision;

vary the original reviewable decision; or

confirm the original reviewable decision.

What if I disagree with the review decision made by the Workers' Compensation Regulator?

If an eligible party disagrees with that review decision, they may then take the process one step further by appealing the decision to the Queensland Industrial Relations Commission (QIRC). An appeal can be lodged by completing and filing a '[Form 9 – WRC Notice of Appeal](#)'.

The Queensland Industrial Relations Commission will hold a hearing in the matter before making its decision. Generally, it takes approximately 12-18 months before a hearing can be held and then a further 6-10 months after the hearing before the parties are notified of the QIRC's decision.

The QIRC has published a helpful, detailed guide about these appeals, which is [linked here](#).

What if I disagree with the appeal decision made by the Queensland Industrial Relations Commission?

If an eligible party disagrees with the QIRC's appeal decision, then they may appeal the decision to the Industrial Court of Queensland.

What happens with my benefits while going through the appeals process?

If the application is to appeal a decision not to accept your claim, or to cease it, then you will not be entitled to any benefits under the Act.

But you should continue to obtain medical certificates (in the approved form) from your treating doctor (to evidence your continued work-related incapacity to work) in the event that you are successful with your appeal, and then seek to be reimbursed back benefits (medical certification will be required in order to be paid these).

If the appeal is by your (former) employer (this sometimes happens) then you will be entitled to continue to be paid your accepted claim benefits. Importantly, if the employer is successful with its appeal to overturn your accepted claim with Workcover, then you are not required to 'repay' Workcover Qld any benefits you were paid up to the date of the decision of the Commission to overturn your accepted claim.

Strict time limits for stages of the appeals/review process

It is important that you act quickly when considering whether to seek a review of a decision by WorkCover Queensland, as there are strict time limits that apply, including that:

a request to the Workers' Compensation Regulator to review the decision must be made within 3 months of receiving the decision;

an appeal of the review decision to the Queensland Industrial Relations Commission must be made within 20 business days of receiving the review decision.

If the necessary steps are not taken within these time limitations, then the parties will generally be prevented from reviewing or appealing the decision.

Get help from a workers' compensation lawyer

The review and appeals process is an important right for both the injured worker and, in some cases, the employer. Therefore, it is important to seek expert legal advice in relation to reviews and appeals to ensure that your position is put forward effectively.

Expert legal advice should be sought, in particular when considering appealing decisions to the Queensland Industrial Relations Commission or the Industrial Court of Queensland, because the appellant (the party requesting the review) may be required to pay the other parties' costs of the appeal if the appellant is unsuccessful.

At IM Lawyer,s we offer a first free interview and run matters on a "no win, no fee" basis, 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.