

Claiming Compensation

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* sets out the process a worker must follow to make a claim for compensation.

Key Points

Act ref: ss. 25-27

- The *WCIMA23* provides that a worker who suffers an injury from employment may claim compensation from their employer within 12 months after the injury occurs.
- A claim for compensation is made when the worker has given their employer a completed claim form (in the approved form) and a certificate of capacity. The certificate of capacity provides the relevant information relating to the worker's injury and any incapacity to enable a decision on liability to be made.
- The failure to make a claim within 12 months or a defect or inaccuracy in the claim form or certificate of capacity will not invalidate the claim if it results from mistake, absence from the State or other reasonable cause, or would not otherwise prejudice the employer's defence in proceedings.
- A worker is not required to serve a notice of injury on their employer in addition to making a claim.
- An insured employer is required to give the worker's claim to their insurer within 7 days of receiving the claim from the worker.
- If an insured employer fails to give a worker's claim to their insurer for any reason the worker may give the claim directly to the insurer.

Questions & Answers

Q. What happens to a claim made under the 1981 Act when the new Act commences?

A. From 1 July 2024, the *WCIMA23* will operate as a continuation of the 1981 Act (s. 546 *WCIMA23*). A claim made under the 1981 Act will be taken to have been made and continue under the corresponding sections of the *WCIMA23*.

Q. Can I still make a claim if I had an injury before 1 July 2024 but didn't make a claim before 1 July 2024?

A. Yes. The requirements for making a claim as set out in the *WCIMA23* apply to new claims from 1 July 2024 even if the injury occurred before 1 July 2024. If a certificate of capacity was issued before 1 July 2024, there is no need to obtain certificates for that period in the new approved form in order to make a claim after 1 July 2024.