

Responding to a Worker's Claim for Compensation

The *Workers Compensation and Injury Management Act 2023 (the WCIMA23)* provides for an insurer or self-insurer to respond to a worker's claim for compensation in a timely manner, with obligations for provisional payments and deemed acceptance of liability if liability decisions are not made within the timeframes prescribed in the *Workers Compensation and Injury Management Regulations 2024 (the WCIMR24)*.

Key Points

Act ref: ss. 28, 29, 30, 36 Reg ref: 19 and 22

- Insurers and self-insurers are required to respond to a worker's claim for compensation within 14 days after receiving the claim.
- In responding to a worker's claim for compensation an insurer or self-insurer must give the worker a liability decision notice or a deferred decision notice.
- A liability decision notice must state if the insurer or self-insurer accepts or does not accept that the employer is liable to compensate the worker for the injury to which the worker's claim relates.
- A liability decision notice must also state if the insurer or self-insurer accepts or does not accept the employer is liable to pay income compensation for incapacity for work.
- If an insurer or self-insurer gives a worker a deferred decision notice, the insurer or self-insurer must begin making provisional payments to the worker if a decision on liability is not made by the day prescribed by the regulations as the 'provisional payments day'.
- The provisional payments day is the day after the period of 28 days beginning on the day the insurer or self-insurer receives the claim.

Questions & Answers

Q. What happens if the insurer does not accept liability?

A. If an insurer or self-insurer does not accept liability for a worker's claim for compensation the worker may apply for the matter to be determined as a dispute.

Q. What happens if an insurer or self-insurer does not provide a decision notice to the worker within 14 days after receiving the worker's claim for compensation?

A. The insurer or self-insurer will be deemed to have accepted that the employer is liable to compensate the worker and payments of compensation must be made. This includes income compensation for any incapacity for work.

Q. If an insurer or self-insurer gives a worker a deferred decision notice, how long do they have to make a decision on liability for the worker's claim for compensation?

A. A decision on liability must be made by the 'deemed liability acceptance day'. This will be set out in the deferred decision notice and is the day after period of 120 days beginning on the day on which the insurer or self-insurer receives the claim. If a decision on liability is not made within this period, then the insurer or self-insurer will be deemed to have accepted that the employer is liable to compensate the worker and payments of compensation must be made. This includes income compensation for any incapacity for work.