

CONCILIATION PRACTICE NOTE 3 [S. 384(1)]

Disputes About Medical and Health Expenses Compensation

This practice note is made pursuant to s 384(1) of the *Workers Compensation and Injury Management Act 2023*(the Act) and applies from 28 October 2024.

Applications for conciliation must be accompanied by evidence that sufficiently particularises the issues in dispute and that satisfies the Director that the worker has made reasonable attempts to resolve the dispute before lodgement of the application as set out in Rule 7 of the *Workers Compensation and Injury Management Conciliation Rules 2024 (the Rules)*.

The following practice will be followed by the Conciliation Service to assess whether the requirements of Rule 7(3)(b) and 7(3)(c) have been met when an application for conciliation pertains to the payment of medical and health expenses in accordance with Part 2 Division 4 Subdivision 3 of the Act and Part 4 Division 4 of the *Workers Compensation and Injury Management Regulations 2024*.

Attempts to resolve a dispute about medical and health expenses compensation

If a worker makes an application for conciliation seeking payment of medical and health expenses compensation, the application must be accompanied by:

- a particularised schedule of the medical and health expenses in dispute with supporting receipts or invoices
- evidence that the worker sought assistance from the insurer or self-insurer's internal dispute resolution process to resolve the dispute with the insurer or self-insurer
- a clear statement from the insurer or self-insurer which sets out the employer's position regarding the disputed medical and health expenses claimed by the worker.

Applications without the required supporting evidence will be rejected unless there are exceptional circumstances.

Direction of Conciliator

If a Conciliator gives an interim payment direction for payment of medical and health expenses pursuant to s320 of the Act and Rule 17 of the Rules, the direction will specify with reference to the schedule lodged by the Applicant –

- (i) each amount to be paid; and
- (ii) the particular expense that corresponds to each amount to be paid.

This practice note is effective 28 October 2024 until further notice.

KARIN LEE
DIRECTOR
WORKCOVER WA
24 October 2024