

Changes to Workers' Compensation Legislation

Topic	Current	From 1 July 2024
Deferred decision	Insurer can pend claim for as long as it is reasonably required.	<p>Insurer will need to make a liability decision or a deferred decision notice within 14 days of the claim been lodged.</p> <p>If a deferred decision notice is given to the Worker, then the insurer must begin making 'provisional payments' to the Worker within 28 days of the claim being lodged.</p> <p>All claim to be accepted by 120 days.</p>
Definition of 'Worker'	s.5 of WC Act defines 'Worker' as 'any person who enters work, service, or apprenticeship under a contract expressed or implied orally or in writing.	A 'Worker' is defined as any individual who entered a contract of service.
Labour Hire arrangements		<p>Labour Hire company is the host employer unless:</p> <p>(a) there is a contract between Worker and host for work done for the host; and</p> <p>(b) Labour hirer is a corporation – The Worker is not a director of the corporation.</p>
Medicals & Hospital prescribed amount	Current capped amount is \$75,817.00.	<p>Increased by 30-60%. Capped amount approximately \$157,000.</p> <p>Worker can apply for an 40% extension of medical expenses (Approximately \$62,800).</p> <p>If Worker has Whole Person Impairment of 15% or greater, then Worker can apply for increase of special medical expenses of up to 190% (Approximately \$299,000).</p>
Miscellaneous medical expenses	Part of the Medicals & Hospital prescribed amount.	No cap on miscellaneous expenses (clause 83 this means first aid, emergency transport, wheelchairs and similar appliances, travel, assessment of degree of permanent impairment, surgical appliances and artificial limbs, and repair or replacement of clothing).
Income compensation (Previously known as Rate of Pay) calculations	13 weeks prior to date of accident.	One year before the accident or start of employment (if Worker been there for less than one year).

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Stepdown Income Compensation	13 weeks from first date of incapacity.	26 weeks from first date of incapacity.
Leave accrue and entitlement		Worker entitled to take annual leave and accrue sick leave, long service leave, and annual leave. Worker may <u>not</u> take sick leave while on payments.
Clarification around definition of exclusions to psychological/psychiatric disorders	Workers who advised they sustained an injury due to dismissal, retrenchment, demotion, discipline, transfer, or redeployment; and not being promoted, reclassified, transferred or granted leave of absence or any other benefit in relation to employment is not covered under s.5(4).	S.7 of the Act states where a psychological or psychiatric claim arose predominantly or wholly from reasonable administrative actions (work performance assessments, counselling, disciplinary actions, suspension, demotion, dismissals, retrenchments, or failure to obtain or retain specific benefits) then the Worker will not be entitled to claim Workers' Compensation.
Timeframe for Worker to provide Medical Certificate		Worker to give medical certificate to Employer or insurer within seven days of receipt.
GP case conferences		s.165 – GP case conference not for the purpose of obtaining medical examination or medical report about Worker's condition or incapacity for liability purposes.
Workers' Compensation privacy during Pre-employment screenings		Employers and employment agencies prohibited from asking any person, previous employer, former colleagues about their Workers' Compensation claim history as part of the pre-employment screening. Breaching this will result in a \$10,000 penalty.
Lifetime care for catastrophic injuries		Workers who are catastrophically injured in a workplace accident will now be covered under the Catastrophic Injuries Support Scheme. This will guarantee lifetime care and support for those with severe injuries.