

Important information on the management of WorkCover claims

In June 2008, the South Australian Parliament passed significant legislative amendments to the WorkCover Scheme. One of the amendments was the introduction of provisional liability, which commenced on 1 January 2009 and applied to all new claims received on or after this date.

At the time provisional liability was introduced, WorkCover agreed to undertake a review after six months of its implementation. WorkCover has sought legal advice and feedback from stakeholders and is now making a number of changes on how provisional liability operates, which was introduced on 1 July 2009.

What has changed?

From 1 July 2009, Employers Mutual (WorkCover's appointed claims agent) or the self-insurer will manage claims in the following way once the mandatory information has been received about a claim:

- The first priority is to commence weekly payments to the injured worker as quickly as possible:
 - If this can be achieved by determining the claim then that is the priority, however,
 - If this cannot be achieved then provisional payments must start unless one of the reasonable excuses within the *Provisional Payment Guidelines* applies.
- Even if weekly payments have commenced initially under provisional liability, a determination will need to be made on every claim.

Importantly, workers will still have their weekly payments commence within seven calendar days (in most cases), either as a determined claim or provisionally. The flow chart (next page) depicts this.

In addition, all claims lodged since 1 January 2009 will be determined, if this has not already occurred. So if you have already determined a claim there will be no charge. The issuing of the determination will not have any impact on your levy, as the costs already paid under provisional liability will be treated as claims costs for the purposes of their future levy calculation.

If you have queries about these changes please visit WorkCover's website at www.workcover.com or contact WorkCover's RTW Inspectorate on 8233 2997.

