

President's Welcome

Welcome to e-Bulletin No. 73 of the Workers Compensation Commission.

This bulletin outlines:

- **Section 39 disputes - Application for Assessment by Approved Medical Specialist - New Procedures**

Section 39 Disputes – Application for Assessment by Approved Medical Specialist

Section 39 of the *Workers Compensation Act 1987* (the 1987 Act) provides that a worker (other than an exempt worker) has no entitlement to weekly payments of compensation after an aggregate period of 260 weeks unless the degree of permanent impairment that results from any injury is more than 20%.

Further, if a worker was an existing recipient of weekly payments on 1 October 2012, Schedule 8, Part 2A, clause 28C provides that s 39 does not apply where an Approved Medical Specialist (AMS) has declined to make an assessment on the basis that maximum medical improvement has not been reached and the degree of permanent impairment is not fully ascertainable.

Disputes as to whether the degree of permanent impairment is more than 20% or not fully ascertainable can be lodged in the Commission on a Form 7 – Application for assessment by an Approved Medical Specialist.

New Procedure for Disputes where entitlement to weekly payments may cease before 31 December 2017

Where a worker seeks an assessment by an AMS in relation to a claim affected by section 39, the Commission has introduced new procedures to expedite disputes.

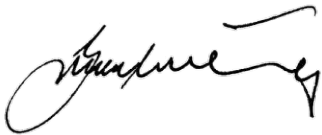
Effective for matters registered on and from 21 November 2017, the Commission will serve the sealed Form 7 - Application for assessment by an Approved Medical Specialist direct on the insurer at the time of registration. The applicant will not be required to effect service on the insurer or the employer. The Commission will also serve a copy of the sealed Form 7 on the applicant.

Insurers are required to lodge and serve a Form 7A – Response to the Application for assessment by an Approved Medical Specialist within **7 days** of the date of service of the Form 7 by the Commission.

An appointment with an AMS will be made at the time of registration. Advice of the appointment date and time, and a copy of the proposed Referral to the AMS, will be issued to parties with the sealed application.

If liability issues are raised by the Insurer, the matter will be expedited to an Arbitrator for determination prior to any referral to an AMS.

Applicants should ensure that a copy of the notice from the insurer regarding the operation of s 39 is attached to the application and evidence that either the degree of permanent impairment is more than 20% or that the degree of permanent impairment is not fully ascertainable is also attached.

A handwritten signature in black ink, appearing to read 'Greg Keating', with a stylized flourish at the end.

Judge Greg Keating
President