

# INTERIM PAYMENT DIRECTIONS



The Workers Compensation Commission resolves workers compensation disputes between injured workers and employers.

## What is an Interim Payment Direction?

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An Interim Payment Direction is a direction by the Workers Compensation Commission to make weekly payments for a period not more than 12 weeks and/or medical expenses compensation up to \$7,500.

An Interim Payment Direction can only be made when an insurer has been notified about a workplace injury and has failed either to start payment within the required time, or to determine the claim within the required time, or has disputed the claim without a valid reason.

Interim Payment Directions can be made in favour of an injured worker while the worker's insurer is deciding on the liability of a claim.

If an injured worker has been off work and hasn't been paid before the application was made, the Commission can also order payment of weekly compensation for a period, prior to the direction, of up to 10 weeks.

## When to lodge an Interim Payment Direction

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An injured worker must have notified the insurer about their injury before lodging an Interim Payment Direction.

For more information about notifying an injury, contact WorkCover's Claims Assistance Service on 13 10 50 or by email on: [contact@workcover.nsw.gov.au](mailto:contact@workcover.nsw.gov.au)

## Provisional Liability and the insurer's role

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Provisional Liability allows an insurer to make weekly payments and cover medical expenses without an admission of liability.

The insurer must make a decision about Provisional Liability for weekly payments within seven days of being notified of an injury. (If the injury is not significant, the law allows for this decision to be extended to 21 days after initial notification.)

Within the above time frames, the insurer must either make provisional payments or notify the worker that there is a 'reasonable excuse' for non payment.

## What to do if payment isn't made

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An injured worker who has neither received provisional payments nor been notified of a 'reasonable excuse' by his or her insurer, **should**

**contact WorkCover's Claims Assistance Service on 13 10 50.**

If the Claims Assistance Service cannot resolve this dispute quickly, the injured worker should apply to the Commission for an Interim Payment Direction which orders the insurer to pay provisional weekly benefits and/or medical expenses.

## Applying for an Interim Payment Direction

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Interim Payment Directions allow for the payment of weekly compensation for a period not more than 12 weeks.

Interim Payment Directions also allow for the payment of medical expenses up to \$7,500.

An Interim Payment Direction may be issued when any person (or party) to a dispute has applied to the Commission using the form *Application for Expedited Assessment - Form 1*. This form can be obtained online from the Commission's website or by telephoning the Commission on 1300 368 040.

The following documents should be read prior to completing an application to ensure it is completed fully and accurately:

- *Guide to completing Form 1*, and
- *Practice Direction 10: Determination of disputes concerning past weekly payments for a period not exceeding 12 weeks.*

If the application fails to meet the requirements, it may be rejected together with the reasons for the rejection.

## Applying for interim payment of weekly benefits

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When applying for weekly benefits an injured worker must provide medical evidence supporting the period of incapacity. Further information is available in the *Guide to Completing Form 1*.

An Interim Payment Direction for weekly payments of compensation will be made unless any one or more of the following is the case:

- the worker has returned to work,
- the worker did not report the injury to the employer as soon as possible after the injury happened,
- the claim has minimal prospects of success,
- there is not enough medical evidence available concerning the worker's period of incapacity, or
- a section 74 notice disputing liability has been served.

## Applying for medical expenses

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When applying for medical expenses, an injured worker must provide evidence supporting the expenses claimed. Further information is available in the *Guide to Completing Form 1*.

An Interim Payment Direction for medical expenses is warranted where an injury management plan is in place or the insurer has accepted that the

worker has received an injury, provided the relevant treatment or service for medical expenses compensation is reasonably necessary:

- to prevent the worker's condition deteriorating; or
- to promote the worker's early return to work; or
- to relieve the worker's significant pain or discomfort.

## Lodging the application

An injured worker should lodge the *Application for Expedited Assessment* - Form 1, plus supporting documentation, with the Commission.

The injured worker must also send a copy of the application to the employer and the insurer. In the application form there is a section where the applicant must declare that a copy of the form and accompanying documents have been sent to the insurer. (This is called 'serving' the documents on the insurer.)

The insurer has 7 days to serve the applicant and lodge a reply on Form 1B - *Reply to Application for Expedited Assessment* with the Commission.

## The Registrar's decision

Before the Registrar decides to make an Interim Payment Direction, the Registrar may

- consider the information contained in the application and the reply,
- consider the views of all parties,
- if necessary, request additional relevant information and documents be lodged and served, and

- schedule a teleconference within 14 days of referral of the dispute.

The Registrar may:

- Issue an Interim Payment Direction, or
- Refuse to issue an Interim Payment Direction.

## For further information

For more information on Interim Payment Directions please refer to:

- WorkCover's *Interim Payment Direction Guidelines*, and
- Practice Direction 10: *Determination of disputes concerning past weekly payments for a period not exceeding 12 weeks.*

These documents are available from the Commission's website or by calling 1300 368 040.

The information in this brochure is not legal advice. If you need legal advice about lodging or responding to an application for Interim Payment Directions, you need to talk with a solicitor. If you do not have a solicitor, you can contact the Law Society of NSW for referral to a solicitor by phoning:

- (02) 9926 0300 (if you live in Sydney), or
- 1 800 422 713 (if you live outside Sydney).

# How to contact us

## **Telephone**

All enquiries: 1300 368 040

Telephone Interpreter Services: 13 14 50

TTY service: (02) 9261 3334

## **In person**

Level 20

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Opening hours: 8.30am to 4.30pm

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## **Document Exchange**

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## **Email**

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