

Agency Bulletin

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Without Prejudice Payments for Medical Treatment will be standard on Pended Claims

The Insurance Commission will fund limited reasonable medical treatment on a without prejudice and without admission of liability (WOPWAL) basis on pended claims.

Insurers and self-insurers must meet the principles and standards of practice outlined in the WorkCover WA [Insurer and Self-Insurer Principles and Standards of Practice](#). Standard 2.4 'Without prejudice' states insurers may consider paying for reasonable treatment without admission of liability. When the Workers' Compensation and Injury Management Bill 2023 is enacted, the insurers' consideration to pay for treatment on a WOPWAL basis will become an obligation if the liability decision is initially deferred.

This will align with other workers' compensation schemes within Australia that have already introduced provisional payments. The aim is to reduce delays of an injured worker accessing appropriate medical treatment and reduce other potential stressors while the decision of liability was being determined¹. The Insurance Commission and a large agency have trialed paying medical treatment on a WOPWAL basis of up to \$4,000 on pended claims. Treatment costs did not increase significantly, and the injured workers, who accessed it, were assisted with their recovery. The average spend was less than \$4,000.

From 4 September 2023, the Insurance Commission will:

- fund reasonable medical treatment on a WOPWAL basis of up to \$4,000 on pended claims;
- notify the injured worker and the agency of our decision to pend liability and the option to access medical treatment on a WOPWAL basis; and
- if liability is subsequently declined, notify the injured worker that payments for medical treatment on a WOPWAL basis will cease as of the date we notify them.

Agencies may need to update injury management information, training materials and policies and procedures to reflect this change.

Key Points

- **The Insurance Commission will fund limited reasonable medical treatment on a WOPWAL basis on pended claims**
- **Access to early medical treatment and quicker liability decisions can have positive impacts on injured workers**
- **Agencies may need to update documentation relating to injury management**

¹ [Taking Action: A best practice framework for the management of psychological claims in the Australian workers' compensation sector](#)



**Insurance Commission
of Western Australia**

Address
Level 13, Forrest Centre
221 St Georges Terrace
Perth WA 6000
Postal Address
GPO K837, Perth WA 6842

Phone
9264 3333

Freecall:
1800 643 338 (outside Perth metro)