



Default Insurance Fund

INJURY MANAGEMENT OBLIGATIONS

The *Workers Compensation Act 1951* (the Act) requires that a Personal Injury Plan is developed for a worker who suffers a *significant injury*, in order to achieve a timely, safe and durable return to work.

The Act defines *significant injury* as being one which results in a period of incapacity of 7 days or greater.

The Personal Injury Plan imposes certain obligations and responsibilities on each party as specified under the Act, and there are penalties for failure to comply with those obligations.

The injured worker is required to:

- Actively participate and co-operate in the development of a Personal Injury Plan.
- Make all reasonable efforts to return to work with their pre-injury employer as soon as possible.
- Nominate a treating doctor to provide relevant information for the purpose of a Personal Injury Plan.
- Comply with the obligations imposed in the Personal Injury Plan.
- Attend any medical appointments arranged by the Default Insurance Fund.
- Notify the Default Insurance Fund of any requested change of the nominated treating doctor.

Please note:

- Failure to comply with rehabilitation and injury management may result in a suspension of weekly benefits.
- The Default Insurance Fund may request that an injured worker change their Nominated Treating Doctor if the doctor is unavailable or unwilling to co-operate in the development and review of a Personal Injury Plan.

The Uninsured Employer is required to:

- Notify the Default Insurance Fund of any potential claim within 48 hours of becoming aware of the injury or incident.
- Participate and co-operate in the development of the injured worker's Personal Injury Plan.
- Provide suitable duties for partially incapacitated workers where reasonably practicable to do so.
- Establish a return to work program for injured workers.
- Cover the cost of weekly compensation and injury management expenses.

The worker's Nominated Treating Doctor is required to:

- Actively assist the injured worker to recover from an injury and safely resume work.
- Provide completed medical certificates for ACT workers compensation claims.
- Co-operate in the development and ongoing review of the injured worker's Personal Injury Plan.
- Make themselves available (where appropriate and practicable) to discuss with the employer, rehabilitation providers and the Default Insurance Fund any issues relating to the injured worker's medical management and return to work.

The Default Insurance Fund is required to:

- Engage an approved ACT rehabilitation provider to consult with the injured worker, uninsured employer and the nominated treating doctor, to develop a Personal Injury Plan.
- Provide injured workers and uninsured employers with information in respect of the Personal Injury Plan.
- Authorise, in conjunction with the nominated treating doctor, reasonably necessary treatment and associated injury management services.
- Utilise fair and effective procedures for dealing with any non-compliance with the Personal Injury Plan.

Please note, if the Default Insurance Fund is required to cover the costs of compensation or injury management, it is then entitled to pursue the employer for three times the amount paid.

For more information:

- Contact the DI Fund:

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Canberra ACT 2601*

*Phone: (02) 6207 0184
Email: defaultinsurance@act.gov.au*

- View the DI Fund website at:

<https://www.treasury.act.gov.au/insurance-and-risk-management/default-insurance-fund>