

Introduction:

Victorian workers can access early treatment and support while they await the outcome of their mental injury claim. This support is called **provisional payments**.

From **01 July 2021**, WorkSafe will provide provisional payments for mental injury claims. Eligible Victorian workers who submit a mental injury claim can access provisional payments for reasonable treatment and services while their claim is being determined. Provisional payments will be available for thirteen (13) weeks, regardless of whether a claim is accepted or rejected.

Overview:

The introduction of provisional payments is intended to improve mental injury support for workers by providing access to early treatment to help with recovery and a faster return to work.

The definition of '*reasonable costs*' considers a worker's individual circumstances, approved treatment practices and the recommendations of the worker's treating health practitioner, such as consultations with general practitioners, psychologists and psychiatrists, the purchase of medications and costs of travelling to receive treatment.

Please note that payment of the reasonable costs of treatment does not necessarily mean payment of the full costs. There may be a 'gap' between what the provider charges and what is payable under WorkSafe schedule of fees.

[Provisional payments do not include weekly \(salary/wages\) payments.](#)

Criteria:

For claims received on or after 01 July 2021, eligible Victorian workers can access the provisional payments scheme. Any Victorian workers who makes a worker's compensation claim that includes a mental injury may be entitled to access provisional payments.

There are limited entitlement criteria. Workers are **not** entitled to provisional payments where:

- There is clear evidence that claimant is not a Victorian worker
- Your worker's claim is a duplicate of an existing claim
- The claim is for physical injury only

Determination:

The University of Melbourne will have a total of **five (5) business days** from the receipt of the claim to determine entitlement to provisional payments.

If the claim form does not provide sufficient information to determine provisional liability, The University of Melbourne will have an additional five business days (5) to make reasonable attempts to contact with worker, and for the worker to provide any additional information required. This would generally only be information critical to determine entitlement for provisional payments – e.g. injury and employment details.

The University of Melbourne would be expected to return the claim to the worker within two (2) business days of receipt, clearly highlighting the missing information and the actions a worker should take to rectify.

- **Acceptance of claim:** the worker will receive reasonable treatment and services for their accepted mental injury under the worker's compensation legislation.
- **Rejection of claim:** the worker may still be entitled to 13 weeks of payments for reasonable treatment and services for their mental injury.

13 weeks period:

The 13 weeks of payments begins on the day the claim for provisional payments is determined entitled to receive provisional payments by The University of Melbourne.

Regardless of whether the worker's claim is subsequently accepted or rejected, or for what reason the claim may be rejected, the worker still has access up to 13 weeks of provisional payments, where entitled.

Secondary mental injury claims:

A secondary mental injury claim will arise where a worker has an accepted claim, usually for a physical injury (the primary injury) and later requests treatment for a psychological injury that is caused by their primary injury.

A worker with a secondary mental injury which presents after their claim for a physical injury has been accepted, will **not** be entitled to provisional payments. However, they can be provided similar levels of support through the expansion of existing WorkSafe's secondary mental injury policy. Some examples include:

1. Without requiring investigation of their secondary mental injury: an injured worker with an existing claim (primary physical injury) could access up to six psychology sessions.
2. After providing a referral from an injured worker's treating general practitioner: an injured worker with an existing claim (primary physical injury) is able to access reasonable medical and like services relating to a secondary mental injury for up to 13 weeks.

This support may be required for a worker where their physical injury occurred as a result of a traumatic event or where the worker has indicated that they are not coping with the injury.

This means that both provisional payments, and WorkSafe's policies, workers will be supported regardless of whether the mental injury is at the time of claim lodgement (primary) or develops later (secondary).

Other supports:

Other supports are available to workers for up to 13 weeks, in addition to reasonable treatment costs.

This includes return to work supports such as occupational rehabilitation, and community-based supports.

After the expiry of provisional payments, the worker may be able to access services from the public healthcare system, or through other health insurance arrangements they may have.

More information is available about community-based supports on WorkSafe's website at: worksafe.vic.gov.au/community-support-services.

Legislation:

The Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Act 2021 (Provisional Payments Act) amends the Workplace Injury Rehabilitation and Compensation Act 2013 and Accident Compensation Act 1985 and is available on the WorkSafe website: worksafe.vic.gov.au/victorias-new-provisional-payments-work-related-mental-injuries or legislation.vic.gov.au