



# Disputing a worker's compensation claim decision in the Northern Territory

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If you're injured at work in the Northern Territory, you may be eligible for worker's compensation to cover any lost wages, medical expenses and potentially a lump sum permanent impairment payment. Many claims are accepted once the claim is lodged. But some are rejected/denied, or there is some other dispute about the claim. This blog looks at what you need to know about disputing a decision to deny an NT worker's compensation claim or to cease an accepted claim.

## Entitlement to worker's compensation in the Northern Territory

The first and most important thing to consider is whether or not you have an entitlement to [worker's compensation benefits after a workplace injury in the NT](#).

This might seem obvious. That is, you have been injured at work and have lost income, and maybe continue to lose income or you have needed medical treatment for your work-related injuries.

Whether you personally believe your personal injury is related to your work is not what matters (unfortunately). It's what the doctor(s) think that matters, and subsequently, what workplace injury insurers think.

Basically, to be 'entitled' to worker's compensation in the NT, or continue to be entitled to be paid it, depends on two things:

You sustained a physical and/or mental injury arising out of, or in the course of your employment; and

Your injury has materially contributed to an 'impairment' or 'incapacity'.

# Applying for worker's compensation in the NT

For most workers, the process of applying for, and being paid, worker's compensation for lost wages and/or medical treatment of their work-related injuries, is straightforward.

Complete the necessary application for compensation;

Get an approved Worker's Compensation Medical Certificate from their GP. For more significant injuries, often an injured worker will obtain this certificate from their specialist doctor.;

submit the claim form along with the medical certificate to their employer; and

get paid the compensation they are entitled to.

## Has your NT worker's compensation claim been rejected or terminated?

Sometimes a claim isn't straightforward, and the injured worker's claim is not accepted. Other times, an injured worker's claim will be accepted by the employer/insurer, but then is 'ceased' (stopped) before the injured worker has properly recovered from their injury.

If you receive notice of any adverse decision about your claim, you should seek legal advice.

[FREE ADVICE FROM A WORKER'S COMPENSATION LAWYER: 07 3310 8729](tel:0733108729)

## Reasons an NT worker's compensation claim is rejected or terminated

As touched on above, medical information (doctors' and specialists' opinions) is more often than not, a critical issue in any dispute of a worker's compensation claim.

Opinions are needed from doctors, specialists and sometimes allied health providers, such as physiotherapists etc, about nearly all aspects of a worker's compensation claim, from establishing that:

the injury was, or continues to be due to circumstances at work; and

the injured worker's injury has 'materially' contributed to their impairment and/or incapacity.

On occasion, the opinions of doctors can also impact upon decisions made by the employer/insurer as to the need for certain medical treatment, which can lead to a dispute about payment under the scheme.

There may also be other reasons a claim is rejected or terminated, including disputes about how, where and when the injury occurred or cases of fraud.

## Can I dispute a rejected NT worker's compensation claim or other adverse decision?

There are appeal options for adverse decisions related to an NT worker's compensation claim; whether that be a rejected claim, termination of payments or any other adverse decision.

If your claim is rejected or any other adverse action is being taken, you will be notified in writing by way of a Notice of Decision.

The notice may refer to the 'internal dispute resolution option', but in our experience, you are better off proceeding straight to the formal 'mediation' service provided by NT WorkSafe.

## Responding to a worker's compensation dispute yourself vs using a lawyer

An injured worker should consult a lawyer who is experienced in handling Northern Territory worker's compensation claims if they receive a Notice of Decision that either rejects their claim, terminates their claim or has any other adverse effect on their claim.

Whilst it is most definitely possible for a worker to handle their own compensation dispute, the reality is that the employer/insurer will have legal help at their end. This usually means that the worker is at a disadvantage when it comes to dealing with their dispute because they will not be familiar with the law and the rules associated with claims. This is especially important when their claim goes to 'mediation' with NT WorkSafe.

## Get help from an NT worker's compensation lawyer

At Cameron Hall Compensation Lawyers, we will take the time to speak to you, review all necessary documents (including of course the decision that you're not happy with), and provide you with our honest views about whether we think you have prospects of overturning the adverse decision of the employer.

We will do this for you at no cost to you whatsoever. If we advise you that we consider you have reasonable prospects of being able to overturn the decision, then we will assist you on a no-win-no-fee basis.

It, therefore, costs you nothing to find out your rights when it comes to disputing a decision about your NT worker's compensation claim that you are not happy with a decision being made about your claim.

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*This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*