

Savings and Transitional Provisions

Savings and transitional provisions in the *WCIMA23* provide for the treatment and status of matters provided for in the 1981 Act at the time when the new Act comes into operation and the 1981 Act and other related statutes are repealed.

Key Points

Act ref: Part 14

- The *WCIMA23* will apply to any injury or death, an employer liability, and any insurance policy issued before commencement of the new Act (there are some exceptions in Part 14).
- The general approach with the savings and transitional provisions is that the *WCIMA23* operates as a continuation of the 1981 Act. Any pending matter (which is defined) continues and will be dealt with under the corresponding provisions in the new Act as if it arose under the new Act.
- There are specific savings and transitional provisions for all major scheme elements including injury, claims, compensation, injury management, dispute resolution, insurance, settlements, common law proceedings and administration.
- Transitional regulations may be made to address any transitional matter not specifically addressed in Part 14. Directions can also be made about which provisions in the 1981 Act correspond with provisions in the new Act and may modify the effect of either the 1981 Act or the *WCIMA23* in relation to pending matters.

Questions & Answers

Q. What happens to pended claims under the 1981 Act when the new Act commences?

A. The *WCIMA23* provides that any claim for weekly payments of compensation made under the 1981 Act that was not decided before commencement of the new Act must be dealt with as a claim for income compensation under the new Act, as if made under the new Act. Part 14 of the *WCIMA23* also addresses where a claim was disputed or deferred before commencement of the new Act.

There is an exception for psychological injuries and the application of the reasonable administrative action exclusion (see Information Sheet 6).

Q. How does the Bill treat entitlement to compensation established under the 1981 Act?

A. The *WCIMA23* converts entitlements to compensation under the 1981 Act to entitlements to compensation under the new Act and provides for the treatment of compensation caps. The *WCIMA23* does not renew or revive a liability for compensation under the 1981 Act that was discharged or extinguished. The *WCIMA23* also addresses the calculation of income compensation that commenced as weekly payments under the 1981 Act, and the status of other entitlements including medical and health expenses, lump sum compensation for permanent impairment, noise induced hearing loss, and compensation for death.

