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*Workers Compensation and Injury Management Act 2023*

**CORRESPONDING PROVISIONS AND PENDING MATTERS  
DIRECTION NO. 9**

**PENDING DISPUTE PROCEEDINGS: REDUCING OR DISCONTINUING  
COMPENSATION**

This is a corresponding provisions and pending matters direction made in accordance with section 548 of the *Workers Compensation and Injury Management Act 2023* (2023 Act).

This direction applies to pending dispute proceedings referred to in section 571 of the 2023 Act commenced prior to 1 July 2024 pursuant to the *Workers' Compensation and Injury Management Act 1981* (1981 Act) related to the discontinuation or reduction of weekly payments pursuant to section 61 of the 1981 Act.

This direction is effective 1 July 2024.

**Corresponding provisions direction [s. 548(1)(a)]**

Table 1 sets out the provisions of the 1981 Act that correspond to the provisions of the 2023 Act applicable to pending dispute proceedings related to the reduction or discontinuance of income compensation under section 61 of the 1981 Act.

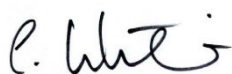
<b>Table 1 - Corresponding provisions direction</b>	
<b>1981 Act</b>	<b>2023 Act</b>
section 61 – discontinuing or reducing weekly payments without order	section 62 – restrictions on reduction, suspension or discontinuation of income compensation  section 63 – reducing or discontinuing income compensation on basis of worker's return to work  section 64 – reducing or discontinuing income compensation on basis of medical evidence

## Modified provisions direction [s. 548(1)(c)]

Table 2 sets out how the operation of sections 62, 63 and 64 of the 2023 Act are modified to make appropriate provision for differences between the 1981 and 2023 Acts and the *Workers' Compensation and Injury Management Regulations 1982* and *Workers Compensation and Injury Management Regulations 2024* (1982 Regulations and 2024 Regulations respectively) as applicable to pending dispute proceedings regarding the discontinuation or reduction of income compensation.

**Table 2 - Modified provision direction**

1. The requirements of section 62(c) of the 2023 Act are modified where there is a pending dispute proceeding on 1 July 2024 as per section 571 of the 2023 Act.
2. The reference in section 62(c) of the 2023 Act to the requirement for an employer to comply with section 63 of the 2023 Act is modified in accordance with the modification to section 63 below.
3. The requirement in section 63(1) of the 2023 Act that the employer informs the worker in accordance with the regulations is modified so that an employer has met the requirements of that subsection if the employer has given notice before 1 July 2024 of the intention to discontinue or reduce weekly payments in accordance with section 61(1) and section 61(2) of the 1981 Act and regulation 7 of the 1982 Regulations.
4. The reference in section 62(c) of the 2023 Act to the requirement for an employer to comply with section 64 of the 2023 Act is modified in accordance with the modification to section 64 below.
5. The requirements in section 64(2)(a) of the 2023 Act for the employer to give notice of the proposed action are modified so that an employer has met the requirements of section 64(2)(a) if the employer has given notice before 1 July 2024 of the intention to discontinue or reduce weekly payments in accordance with section 61(1) and section 61(2) of the 1981 Act and regulation 7 of the 1982 Regulations.
6. The requirements in section 64(2)(b) of the 2023 Act for the worker to make a dispute resolution application do not apply to the pending dispute as that requirement is taken to have been met by lodgement before 1 July 2024 of the application for conciliation from which the pending dispute proceedings originate. Consequently section 64(2)(c) of the 2023 Act applies to prevent the employer from taking action to reduce or discontinue the worker's income compensation until the dispute has been finalised and section 64(2)(d) of the 2023 Act does not apply to the pending dispute proceedings.
7. Section 62 of the 2023 Act is modified so that s62(d) does not apply where there is a pending dispute proceeding which relates to an application for conciliation accepted prior to 1 July 2024 and made pursuant to section 61 of the 1981 Act.
8. Sections 62, 63 and 64 of the 2023 Act otherwise apply to pending dispute proceedings related to applications for dispute resolution made pursuant to section 61 of the 1981 Act.



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13 June 2024