

Workers Compensation Transitional Regulation 1997

[1997-10]



New South Wales

Status Information

Currency of version

Repealed version for 30 June 1997 to 31 August 2003 (accessed 17 July 2024 at 22:13)

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by the [Workers Compensation Regulation 2003](#), cl 201 with effect from 1.9.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Workers Compensation Transitional Regulation 1997



New South Wales

1 Name of Regulation

This Regulation is the *Workers Compensation Transitional Regulation 1997*.

2 Commencement

This Regulation commences on 12 January 1997.

3 Notes

The explanatory note and table of contents in this Regulation do not form part of this Regulation.

4 Definitions

In this Regulation:

the Act means the *Workers Compensation Act 1987*.

the 1996 Amending Act means the *WorkCover Legislation Amendment Act 1996*.

5 Coal miners

(1) The amendments made to the *Workers Compensation Act 1987* by the following provisions of the 1996 Amending Act do not apply in respect of an injury received before 1 July 1997 by a worker employed in or about a mine to which the *Coal Mines Regulation Act 1982* applies:

- (a) Schedule 1.2 (Employment required to be substantial contributing factor),
- (b) Schedule 1.4 (Reduction in maximum lump sum compensation amounts),
- (c) Schedule 1.5 (Discontinuation of weekly payments after 2 years),
- (d) Schedule 1.6 (Deduction for previous injuries and pre-existing conditions and abnormalities).

(2) Clause 1 (3) of Part 18 of Schedule 6 to the Act applies in respect of an injury received

before 1 January 1998 as if the reference in paragraph (c) of that subclause to the period of 78 weeks after the date of the injury concerned were a reference to the first 78 weeks of incapacity for work (whether total or partial, or both) after the worker becomes (or became) entitled to weekly payments of compensation in respect of the incapacity resulting from the injury. Separate periods of incapacity resulting from the same injury are to be aggregated to determine the period of incapacity for work.

6 Medical certificate accompanying weekly compensation claims

Section 92 (1C) and (1D) of the Act do not apply in respect of a claim for compensation made before 1 April 1997, except a claim for weekly payments of compensation in respect of a psychological injury (within the meaning of section 11A of the Act).

7 Discontinuation of weekly payments after 104 weeks—injuries before commencement of section 52A

(1) Section 52A of the Act applies without any payment discontinuation notice being given and the worker concerned may apply to the Compensation Court under section 52B (1) of the Act for a determination of any dispute about the operation of section 52A of the Act (even though no such notice has been given), in the following cases:

- (a) any case where court proceedings in respect of the weekly payments of compensation concerned are pending as at the commencement of section 52A of the Act (other than a case referred to in clause 14 (3) of Part 4 of Schedule 6 to the Act),
- (b) any case where court proceedings are commenced after the commencement of section 52A of the Act, being proceedings that involve a claim for weekly payments of compensation in respect of a period of incapacity for work (resulting from an injury received before that commencement) that includes any period of incapacity beyond the first 104 weeks of incapacity referred to in section 52A (1) of the Act (as determined in accordance with clause 14 (2) (e) of Part 4 of Schedule 6 to the Act).

(2) This clause does not prevent the person on whom the claim has been made from giving the worker a notice informing the worker about the existence and effect of section 52A of the Act and alerting the worker to the application, or possible application, of that section to the worker. The giving of such a notice does not constitute an admission of liability by an employer or insurer under this Act or independently of this Act.

8 Repeal of [Workers Compensation \(Transitional—Hearing Loss Claims\) Regulation 1995](#)

The [Workers Compensation \(Transitional—Hearing Loss Claims\) Regulation 1995](#) is repealed.