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LawTalk Blog



Two years on workers compensation? Your payments may be about to stop - Act Now!

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On 1 July 2015, the old *Workers Rehabilitation and Compensation Act* was repealed and replaced entirely with a new workers compensation system called the Return to Work scheme.

If you were on WorkCover prior to 1 July 2015, you likely “transitioned” to the new scheme

If you suffered a workplace injury (either physical or psychological) before 1 July 2015 and were still injured at the time the new Return to Work scheme became operational, your claim ‘transitioned’ into the new scheme.

Certain [‘transitional provisions’](#) would have applied to the management of your workers compensation matter, and these provisions affect your eligibility to receive compensation and entitlements. Unfortunately, these provisions are not easy to comprehend.

Many workers who were receiving income maintenance support (that is, the equivalent of your weekly wages) as a result of their injury automatically transitioned into the new scheme on 1 July 2015. These workers may not have noticed anything different about the management of their claims.

Workers suffering a total incapacity for employment should have continued to receive their entitlement to income maintenance, and top-up benefits should have continued for workers who had returned to work but earning less than before the injury.

What was the major effect on weekly payments on the introduction of Return to Work?

One of the major consequences of the Return to Work law is the fact that it now placed a finite time-limit on the period of income maintenance injured workers could receive.

For most injured workers who transitioned into the new scheme, the time limit was set at a maximum of two years of weekly payments from 1 July 2015 before their income payments would cease. This means that for many injured workers, the two year limit will lapse by 1 July 2017.

If you were injured before 1 July 2015 and have been in receipt of income maintenance, you may have been notified that your payments will come to an end at the end of this financial year; or you may receive that letter sometime between now and 1 July. Your case manager is obliged to write you a 'determination' letter confirming that your entitlement to income maintenance will soon cease.

Are there any exceptions to the 'two year rule'?

Even if you receive a letter from your case manager confirming your payments will cease, there are several exceptions that may apply to the two-year rule.

If you are worried about the pending cessation of your income maintenance, you should arrange an appointment with one of Andersons' highly experienced workers compensation lawyers as soon as possible to discuss your options.

Our experienced workers compensation solicitors will review your case and determine if there any grounds exist that might enable you to receive income payments beyond 1 July 2017.

An Andersons review of your specific circumstances might include:

- an assessment of the severity of your injury/impairment;
- an analysis of whether or not any aggravations or other relevant events have occurred since the initial injury that may entitle payments beyond July; and
- an investigation into whether you are entitled to other means of income support or compensation (perhaps income protection or a disability payment through your superannuation insurance).

Even if your income maintenance does not expire in July 2017, it may expire in the coming months. We are able to discuss with you any ongoing entitlements to workers compensation payments, including claims for [future medical](#) expenses, [surgery](#), as well as [lump-sum compensation](#) for your permanent impairment.

To arrange an obligation free and cost free initial consultation regarding your workers compensation claim, get in touch directly with today's blog writer, [Michael Irvine](#) or any one of our workers compensation lawyers; [Kate Keough](#), [Matthew Fuss](#), [Margaret Kaukas](#), [Francis De Sousa](#) or [Jeff Widera](#).

Want to know more about workers compensation in South Australia? Download our guides and videos.

- [Return to Work – weekly payments infographic](#)
 - [Return to work – lump sum payments infographic](#)
 - [Return to work – medical expense infographic](#)
 - [Return to work – an overview of the South Australian workers compensation system](#)
 - [What to do if you're injured in South Australia – animation video](#)
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