



Workers Compensation Commission E-Bulletin

May 2013

No. 54

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Welcome to E-bulletin No. 54 of the Workers Compensation Commission.

This bulletin outlines:

Questions of Law update

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On 29 April 2013, the Court of Appeal handed down its decision in the matter of [*Goudappel v ADCO Constructions Pty Ltd* \[2013\] NSWCA 94.](#)

The effect of the Court of Appeal's decision is that the recent amendments to the lump sum compensation provisions, introduced by Sch 2 of the *Workers Compensation Amendment Act 2012*, do not apply to claims for compensation pursuant to s 66 which are made before 19 June 2012, in respect of an injury that results in permanent impairment, whether or not the claim specifically sought compensation under s 66 or s 67 of the *Workers Compensation Act 1987*.

Workers affected by the Court's decision may seek a reconsideration of a Commission decision under 350(3) of the *Workplace Injury Management and Workers Compensation Act 1998*. This section applies to decisions by a Presidential Member, an Arbitrator, or the Registrar exercising the functions of an Arbitrator.

Applications should be made by letter in accordance with the [*Registrar's Guideline – Requests for Reconsideration.*](#)

Where the Commission has granted liberty to the parties to restore proceedings affected by the Court of Appeal's decision, applications may be made by letter to the Registrar.

Parties are not required to lodge an Appeal under s 352 of the 1998 Act or seek Leave to Refer a Question of Law under s 351, to have matters re-determined.

Judge Greg Keating
President