

WORKCOVER LEGISLATION AMENDMENT BILL

Schedule of the amendments referred to in the Legislative Council's Message of 2 December 1997.

- No 1. Page 3, Schedule 1 [4], lines 18-23. Omit all words on those lines.
Insert instead:

- (6) A court before which proceedings for an offence under section 57 are taken against a person may, on the application of the Authority (whether or not the person is convicted of the offence), make any order that it is satisfied the Compensation Court could make under this section as a result of the return to employment or change in employment to which the alleged offence relates. The standard of proof that applies in connection with an application under this subsection is proof on the balance of probabilities.

- No 2. Pages 4 and 5, Schedule 1 [8], line 28 on page 4 to line 10 on page 5. Omit all words on those lines.
Insert instead:

- (1) This section applies to a payment to a person, purportedly made pursuant to an obligation arising under this Act, to which the person is not entitled under this Act. Such a payment is referred to in this section as an *overpayment*.
- (2) If a court before which proceedings for an offence under section 92B are taken against a person is satisfied on the balance of probabilities that the person has received an overpayment as a result or partly as a result of the act that is alleged to constitute the offence, the court may, on the application of the Authority (whether or not the person is convicted of the offence), order the person to refund the amount of the overpayment to the person who made the payment.
-