



New South Wales

# WorkCover Legislation Amendment Bill 1997

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Workers Compensation Act 1987* and the *Sporting Injuries Insurance Act 1978* as follows:

#### **Amendments to the Workers Compensation Act 1987**

- (a) Penalties for false workers compensation claims are increased and provisions for the recovery of compensation paid on false claims are strengthened.
  - (b) A provision that allows maximum fee levels to be set for lawyers is amended to extend it to fees payable to agents.
  - (c) Various amendments are made to increase the effectiveness of conciliation provisions.
  - (d) Transitional provisions in the regulations providing that a 26 week period of entitlement to a special benefit rate for unemployed injured coal miners can (similarly to other workers' benefits) apply over broken periods, are transferred to the Act.
  - (e) Other miscellaneous and minor amendments are made.
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### **Amendments to the Sporting Injuries Insurance Act 1978**

- (a) The Bill provides for the appointment of an additional part-time member of the Sporting Injuries Committee to represent the interests of disabled sportspersons.
- (b) The level of benefits payable for sporting injuries under the Act is increased by 14%.
- (c) The Act's terminology is updated by changing "registered player" to "registered participant" and "enrolled player" to "enrolled student participant".
- (d) Consequential transitional provisions are enacted.
- (e) Amendments to update obsolete references are made.

### **Outline of provisions**

**Clause 1** specifies the name (also called the short title) of the proposed Act.

**Clause 2** provides for the proposed Act to commence on a day or days to be proclaimed.

**Clause 3** gives effect to the Schedule of amendments to the *Workers Compensation Act 1987*.

**Clause 4** gives effect to the Schedule of amendments to the *Sporting Injuries Insurance Act 1978*.

### **Schedule 1      Amendment of Workers Compensation Act 1987**

**Schedule 1 [1]** amends the definition of *Principal Conciliator* so that the Principal Conciliator will be the person holding office as such under Part 2 of the *Public Sector Management Act 1988*.

**Schedule 1 [2]** makes it clear that the obligation of a worker who is receiving weekly payments of compensation to notify certain changes of circumstances involving the worker's level of earnings arises no matter which of the changes occurs.

**Schedule 1 [3]** increases from 20 penalty units (currently \$2,200) to 40 penalty units (currently \$4,400) the existing maximum fine for a failure by a worker who is receiving weekly payments of compensation to notify a commencement of employment or a business or a change in employment that affects earnings.

**Schedule 1 [4]** expands an existing provision that allows a court to order the repayment of overpayments of compensation resulting from a worker's return to employment or a change in employment that affects the worker's earnings. As amended, the provision will permit a court to make such a compensation refund order when it convicts the person of an offence for failing to notify a commencement of employment, or a business or a change in employment that affects earnings, that resulted in the overpayment.

**Schedule 1 [5]** is consequential on **Schedule 1 [1]** and provides that the person holding office as Principal Conciliator is taken to be a conciliation officer.

**Schedule 1 [6]** amends the provision requiring a claim for weekly payments of compensation to include a medical certificate with an opinion as to whether employment is a substantial contributing factor to the injury. The amendment makes it clear that the requirement does not apply to claims under sections 10 (Journey claims), 11 (Recess claims) and 12 (Claims by trade union representatives) since those sections deal with situations where the worker is not engaged in actual employment duties.

**Schedule 1 [7]** increases the existing maximum penalty of 50 penalty units (currently \$5,500) and imprisonment for 12 months for the offence of making a false or misleading statement in a notice, claim for compensation or medical certificate. The maximum penalty will be increased to 100 penalty units (currently \$11,000) and 2 years imprisonment.

**Schedule 1 [8]** inserts a new provision that will permit a court to make a compensation refund order when it convicts a person of an offence under the Act for making a false or misleading statement that resulted in an overpayment.

**Schedule 1 [9]** inserts a new provision to enable regulations to be made to require an insurer to provide a copy of any report obtained by the insurer in relation to a claim by a worker, such as an investigator's report or rehabilitation provider's report, to the worker or another person (such as the worker's legal representative).

**Schedule 1 [10]** amends the provision that requires an insurer to give notice to a claimant when the insurer disputes liability on the claim. The amendment will make it clear that the requirement applies when the insurer disputes liability in respect of any aspect of the claim (and not necessarily the whole claim).



**Schedule 1 [11] and [12]** make amendments to authorise the making of regulations to specify cases and circumstances in which a conciliation officer to whom a party to a dispute provides information or documents is required to provide the information or documents concerned to another party to the dispute. A new provision specifically authorises conciliation officers to provide any party to a dispute with information and documents provided to the conciliation officer by any other party to the dispute and also provides for the regulations to create exceptions to this. The provision extends to all information and documents provided by a party, whether pursuant to a requirement under the Act or otherwise. A consequential amendment is made to an existing provision that contains a power to make regulations specifying the circumstances in which a conciliation officer may or may not disclose to a party information and documents provided to the conciliation officer pursuant to a requirement imposed by the conciliation officer.

**Schedule 1 [13]** makes an amendment to provide that conciliation officers are competent but not compellable in legal proceedings to give evidence or produce documents in respect of matters that relate to the exercise of their functions.

**Schedule 1 [14]** requires a person against whom a claim for weekly payments of compensation is made and who has or anticipates having a reasonable excuse that justifies a delay in the commencement of those payments to notify the claimant in writing as soon as practicable.

**Schedule 1 [15]** inserts a new provision to deal with the situation where a dispute about a new claim is referred to the Senior Conciliation Officer (rather than to the Principal Conciliator, as required). Various provisions impose a waiting period after a dispute has been referred for conciliation before court proceedings can be commenced on the dispute. The amendment will provide that such a waiting period does not begin to run until the dispute has been correctly referred to the Principal Conciliator. The amendment will allow for the possibility that disputes about the claims concerned (new claims) are required to be referred to the Principal Conciliator but are nevertheless valid if referred to the Senior Conciliation Officer (who is the appropriate referral officer for existing claims).

**Schedule 1 [16]** amends the provision that prevents a claimant for weekly payments of compensation from lodging an application for conciliation until a period allowed for insurers to assess and, if applicable, dispute the claim has elapsed. The period allowed for insurers is 21 days after the claim is made, but that may be extended to a maximum of 42 days subject to there being a reasonable excuse (such as the necessity for further medical examination) for the delay in commencement of payments. The amendment makes it clear that conciliation applications are prevented not only during the initial 21 day period but also during such an extension of that period.



**Schedule 1 [17]–[21]** amend a provision that authorises the making of regulations to fix maximum costs recoverable by legal practitioners in workers compensation matters. The amendments extend the provision to costs recoverable by agents in workers compensation matters.

**Schedule 1 [22]** amends a provision that enables an employer to require an injured worker to undergo a medical examination by a doctor provided by the employer. The amendment will allow the regulations to require the employer or the employer's insurer to provide a copy of any resulting medical report or opinion to the worker or another person (such as the worker's legal representative).

**Schedule 1 [23]** clarifies a provision dealing with misleading conduct by workers compensation insurers and insurance intermediaries (such as brokers and insurance agents) by adoption of the term "insurance intermediary" rather than "broker".

**Schedule 1 [24] and [25]** enact consequential savings and transitional provisions.

**Schedule 1 [26]–[28]** amend the special transitional provisions that apply to coal miners to clarify the operation of amendments made in 1996 in relation to top-up of partial incapacity benefits. Under those provisions, prior to their amendment in 1996, a coal miner who was partially incapacitated but not provided with suitable duties was entitled to benefits at the total incapacity level (deemed total incapacity) with no limit as to how long the entitlement continued (until retirement). In the same circumstances, other workers are entitled to a maximum 104 weeks deemed total incapacity compensation. The rates of total incapacity benefit and deemed total incapacity benefit for coal miners remained however at the lower scale of indexed rate applicable under the former Act. In practice, coal miners' accident pay entitlements topped-up these rates to the higher levels applicable to other workers, but only for the first 78 weeks of incapacity for work. The purpose of the 1996 amendments was to apply to coal miners the higher rates of total incapacity benefit and deemed total incapacity benefits applicable to other workers, but only during the period after the first 78 weeks of incapacity (ie the time at which accident pay top-up cuts out) and before the first 104 weeks of incapacity (the maximum period of deemed total incapacity entitlement for other workers). The Bill amends those provisions to make it clear that the 78 week point is the first 78 weeks of incapacity, and not the first 78 weeks after the injury (because incapacity can start later than the injury). The amendment is backdated to the commencement of the 1996 amendments.



**Schedule 2      Amendment of Sporting Injuries Insurance  
Act 1978**

**Schedule 2 [1]** makes amendments to update obsolete references.

**Schedule 2 [9] and [15]** enact consequential transitional provisions.

**Schedule 2 [2]–[8] and [10]** increase the level of benefits payable for sporting injuries under the Act by 14%.

**Schedule 2 [11]–[14]** provide for the appointment of an additional part-time member of the Sporting Injuries Committee to represent the interests of disabled sportspersons.

**Schedule 2 [16] and [17]** update the Act's terminology by changing "registered player" to "registered participant" and "enrolled player" to "enrolled student participant".



First print



New South Wales

# WorkCover Legislation Amendment Bill 1997

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New South Wales

## WorkCover Legislation Amendment Bill 1997

No , 1997

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### **A Bill for**

An Act to amend the *Workers Compensation Act 1987* and the *Sporting Injuries Insurance Act 1978* to make further provision with respect to false claims, conciliation, benefits and transitional arrangements; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *WorkCover Legislation Amendment Act 1997*.

**2    Commencement**

This Act commences on a day or days to be appointed by proclamation. 5

**3    Amendment of Workers Compensation Act 1987 No 70**

The *Workers Compensation Act 1987* is amended as set out in Schedule 1.

**4    Amendment of Sporting Injuries Insurance Act 1978 No 141** 10

The *Sporting Injuries Insurance Act 1978* is amended as set out in Schedule 2.



## Schedule 1 Amendment of Workers Compensation Act 1987

(Section 3)

### [1] Section 3 Definitions

Omit the definition of *Principal Conciliator* from section 3 (1). 5  
Insert instead:

*Principal Conciliator* means the person holding office as Principal Conciliator under Part 2 of the *Public Sector Management Act 1988*.

### [2] Section 57 Worker to notify return to work etc with other employer 10

Omit "and" from section 57 (1) (a). Insert instead "or".

### [3] Section 57 (1)

Omit "20 penalty units". Insert instead "40 penalty units".

### [4] Section 58 Refund of weekly payments paid after return to work etc 15

Insert after section 58 (5):

(6) A court that convicts a person of an offence under section 57 may, on the application of the Authority, make any order that the Compensation Court could make under this section in respect of the person as a result of the return to employment or change in employment to which the conviction relates. 20

(7) The power conferred on a court by subsection (6) is subject to the following limitations: 25

(a) it does not authorise the making of an order providing for the refund to be deducted from any future weekly payments of compensation to the extent that they are payable under an award of the Compensation Court, 30

(b) it does not authorise the making of an order of the kind described in subsection (4).



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Schedule 1      Amendment of Workers Compensation Act 1987

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- (8) An order under subsection (6) is enforceable as a civil debt and may be recovered as such in any court of competent jurisdiction by the person to whom the order requires payment to be made.
- (9) A Local Court cannot order the payment of an amount under subsection (6) that when added to the amount of any penalty imposed for the offence concerned would exceed an amount equivalent to 500 penalty units. 5
- (10) This section does not limit any other right of recovery that a person may have against another person in respect of any overpayment of compensation to that other person. 10

**[5] Section 87F Principal Conciliator for new claims**

Omit section 87F (1). Insert instead:

- (1) The Principal Conciliator is taken to be a conciliation officer. 15

**[6] Section 92 Making a claim for compensation**

Omit "must include" from section 92 (1C).

Insert instead "must (unless the claim is a claim under section 10, 11 or 12) include". 20

**[7] Section 92B False claims etc**

Omit "50 penalty units or imprisonment for 12 months" from section 92B (1).

Insert instead "100 penalty units or imprisonment for 2 years".

**[8] Section 92C 25**

Insert after section 92B:

**92C Order for refund of overpayments of compensation**

- (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 and that resulted wholly or partly from anything 30



done by the person that constitutes an offence under section 92B. Such a payment is referred to in this section as an *overpayment*.

- (2) If a court that convicts a person of an offence under section 92B is satisfied that the person has received an overpayment as a result or partly as a result of the act that constituted the offence, the court may on the application of the Authority order the person to refund the amount of the overpayment to the person who made the payment. 5 10
- (3) Any such refund may, in accordance with the terms of the court's order, be deducted from future payments of compensation, even if (in the case of weekly payments of compensation) the compensation is payable under a direction of a conciliation officer, but not (whatever the type of compensation) if it is payable under an award of the Compensation Court. 15
- (4) The refund of an overpayment cannot be ordered both under this section and under section 58.
- (5) An order under this section is enforceable as a civil debt and may be recovered as such in any court of competent jurisdiction by the person to whom the order requires payment to be made. 20
- (6) A Local Court cannot order the payment of an amount under this section that when added to the amount of any penalty imposed for the offence concerned would exceed an amount equivalent to 500 penalty units. 25
- (7) This section does not limit any other right of recovery that a person may have against another person in respect of any overpayment to that other person. 30

**[9] Section 93E**

Insert after section 93D:

**93E Insurer to provide copies of reports to worker**

- (1) The regulations may make provision for or with respect to requiring an insurer to provide a worker, a worker's legal representative or any other person, within the 35

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Schedule 1      Amendment of Workers Compensation Act 1987

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- period required by the regulations, with a copy of a specified report, or a report of a specified kind, obtained by the insurer in relation to a claim by the worker.
- (2) Without limiting subsection (1), the kind of reports to which the regulations under this section can apply include investigators' reports, rehabilitation providers' reports and reports of assessments under section 40A (Assessment of incapacitated worker's ability to earn). 5
- (3) If an insurer fails to provide a copy of a report as required by the regulations under this section: 10
- (a) the insurer cannot use the report to dispute liability to pay or continue to pay compensation or to reduce the amount of compensation to be paid and cannot use the report for any other purpose prescribed by the regulations for the purposes of this section, and 15
- (b) the report is not admissible in proceedings on such a dispute before a conciliation officer or the Compensation Court.
- [10] Section 94A Insurers to give notice and reasons when liability disputed 20**
- Insert "or any aspect of a claim" after "claim" in section 94A (1).
- [11] Section 98A Power of conciliation officer to require information**
- Omit section 98A (6) (c).
- [12] Section 98AA 25**
- Insert after section 98A:
- 98AA Power of conciliation officer to provide information and documents to a party**
- (1) When information or documents are furnished or produced to a conciliation officer by a party to a dispute (whether or not pursuant to a requirement under this Act), the conciliation officer may furnish or produce the information or documents to any other party to the dispute. 30

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- (2) The regulations may make provision for or with respect to any of the following matters:
- (a) specifying cases and circumstances in which a conciliation officer is required to exercise the conciliation officer's powers under subsection (1), 5
  - (b) excepting specified kinds of information or documents from the operation of this section,
  - (c) specifying circumstances in which information or documents furnished or produced to a conciliation officer may not be furnished or produced by the conciliation officer to another party to the dispute. 10

**[13] Section 100 Protection of conciliation officers**

Insert at the end of the section:

- (2) A conciliation officer is, in any legal proceedings, competent but not compellable to give evidence or produce documents in respect of any matter in which he or she was involved in the course of the exercise of his or her functions as a conciliation officer. 15

**[14] Section 102A New claims for weekly payments—commencement of payments** 20

Insert after section 102A (5):

- (5A) A person who has or anticipates having such a reasonable excuse must notify the claimant in writing as soon as practicable.

**[15] Section 106FAA** 25

Insert after section 106FA:

**106FAA Effect on time periods of incorrect referral of claim to Senior Conciliation Officer**

If the dispute in respect of a new claim has been incorrectly referred to the Senior Conciliation Officer (but in all other respects has been correctly referred), the periods referred to in section 106FB (1) (c), 106FC (1) (b) and 106FD (1) (b) do not begin to run until the dispute has been correctly referred to the Principal Conciliator. 30  
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Schedule 1      Amendment of Workers Compensation Act 1987

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**[16]      Section 106FB Restrictions on commencing court proceedings  
                 about weekly payments**

Insert "(including any extension under section 102A (4))" before  
"has elapsed" in section 106FB (2) (b).

**[17]      Section 117 Regulations fixing maximum costs recoverable by      5  
                 legal practitioners or agents**

Insert "or agent services" after "legal services" wherever occurring  
in section 117 (1).

**[18]      Section 117 (2)**

Insert at the end of the subsection:      10

An agent is not entitled to be paid or recover for an agent  
service or other matter an amount that exceeds any  
maximum costs fixed for the service or matter by the  
regulations under this section.

**[19]      Section 117 (3)      15**

Insert "or agent" after "legal practitioner".

**[20]      Section 117 (6)**

Insert ", except as provided by this section" after "1987".

**[21]      Section 117 (7)**

Omit "In this section *costs* includes:". Insert instead:      20

In this section:

*agent* means a person who acts as agent for a person in  
connection with a claim for compensation under this Act.

*agent service* means any service performed by a person  
in the person's capacity as an agent.      25

*costs* includes:



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**[22] Section 129 Medical examination of workers at direction of employer**

Insert after section 129 (4):

- (5) The regulations may make provision for or with respect to requiring an employer or insurer to provide a worker, a worker's legal representative or any other person, within the period required by the regulations, with a copy of any medical opinion or report furnished to the employer or insurer by a medical practitioner in connection with an examination of the worker pursuant to a requirement under this section. 5 10
- (6) If an employer or insurer fails to provide a copy of an opinion or report as required by the regulations under subsection (5):
  - (a) the employer or insurer cannot use the opinion or report to dispute liability to pay or continue to pay compensation or to reduce the amount of compensation to be paid and cannot use the opinion or report for any other purpose prescribed by the regulations for the purposes of this section, and 15 20
  - (b) the opinion or report is not admissible in proceedings on such a dispute before a conciliation officer or the Compensation Court.

**[23] Section 156A Misleading conduct by insurers and insurance intermediaries** 25

Omit "broker" wherever occurring.  
Insert instead "insurance intermediary".

**[24] Schedule 6, Part 4 Provisions relating to weekly payments of compensation** 30

Insert after clause 8 (2):

- (3) Section 58 (6) of this Act (as inserted by the *WorkCover Legislation Amendment Act 1997*) extends to weekly payments of compensation made before the

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Schedule 1      Amendment of Workers Compensation Act 1987

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commencement of that subsection and to a conviction for an offence committed before the commencement of that subsection. However, that subsection does not apply to enable an order under that section to be made in respect of a conviction for an offence in proceedings commenced before the commencement of that subsection. 5

**[25]      Schedule 6, Part 9 Provisions relating to notice of injury and claims for compensation**

Insert after clause 7: 10

**8 Refund of overpayments—false claims**

Section 92C (as inserted by the *WorkCover Legislation Amendment Act 1997*) extends to payments of compensation made before the commencement of that section and to a conviction for an offence committed before the commencement of that subsection. However, that section does not apply to enable an order under that section to be made in respect of a conviction for an offence in proceedings commenced before the commencement of that section. 15  
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**9 Claims not requiring medical certificate about substantial contributing factor**

The amendment made to section 92 (1C) by the *WorkCover Legislation Amendment Act 1997* operates as from the commencement of that subsection. 25

**[26]      Schedule 6, Part 18 Special provisions relating to coal miners**

Omit clause 1 (3) (c) and (d). Insert instead:

- (c) occurs during the first 104 weeks of incapacity but after the first 78 weeks of incapacity.

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**[27] Schedule 6, Part 18, clause 1 (4)**

Omit the first sentence. Insert instead:

For the purposes of subclause (3), the first 78 weeks of incapacity and the first 104 weeks of incapacity are the periods of incapacity for work (whether total or partial, or both) of 78 and 104 weeks, respectively, after the worker becomes entitled to weekly payments of compensation in respect of the incapacity.

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**[28] Schedule 6, Part 18, clause 1 (5)**

Insert after clause 1 (4):

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- (5) The amendments made to subclauses (3) and (4) by the *WorkCover Legislation Amendment Act 1997* are taken to have had effect from the commencement of those subclauses (as inserted by the *WorkCover Legislation Amendment Act 1996*).

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## **Schedule 2      Amendment of Sporting Injuries Insurance Act 1978**

(Section 5)

**[1]      Section 4 Definitions**

Omit the definitions of *school* and *the Department* from section 4 (1).      5

Insert instead:

*school* means a government school or a registered non-government school under the *Education Reform Act 1990*.      10

*the Department* means the Department of Sport and Recreation.

**[2]      Section 25 Payment of benefits for injuries**

Omit "\$24,150" from section 25 (2) (a).  
Insert instead "\$27,530".      15

**[3]      Section 25 (2) (b)**

Omit "\$34,650". Insert instead "\$39,500".

**[4]      Section 25 (3)**

Omit "\$62,000". Insert instead "\$70,680".

**[5]      Section 25 (5)**      20

Omit "\$150,000". Insert instead "\$171,000".

**[6]      Section 26 Payment of benefits for death**

Omit "\$62,000" wherever occurring. Insert instead "\$70,680".

**[7]      Section 26 (2) and (2A)**

Omit "\$2,500" wherever occurring. Insert instead "\$2,850".      25

**[8] Section 26 (4) (c)**

Omit "\$150,000". Insert instead "\$171,000".

**[9] Section 37**

Insert after section 36:

**37 Savings and transitional provisions**

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Schedule 5 has effect.

**[10] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Benefit tables**

(Sections 4 (1), 25) 10

**Table A** **\$****Part 1 Injuries related to arms**

Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:

(a)	either arm or the greater part of an arm	43,265	15
(b)	lower part of either arm	37,050	
(c)	either hand or 4 fingers and thumb of either hand	37,050	
(d)	thumb	16,075	
(e)	index finger	10,715	
(f)	middle, ring or little finger	5,645	20

**Part 2 Injuries related to legs**

Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:

(a)	either leg or the greater part of a leg	39,500	
(b)	lower part of either leg	33,970	25
(c)	foot	32,945	
(d)	great toe	10,715	

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Schedule 2 Amendment of Sporting Injuries Insurance Act 1978

**Table A**

**\$**

**Part 3 Injuries related to sight**

1	Permanent and total loss of sight of both eyes (or of one eye, if it was the only sighted eye)	55,575	
2	Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:		5
	(a) one eye, if it was the only sighted eye	39,500	
	(b) one eye, if it was not the only sighted eye	23,030	

**Part 4 Miscellaneous injuries**

1	Permanent loss of not less than the percentage, prescribed by the regulations, of:		10
	(a) hearing in both ears	33,970	
	(a) power of speech	33,970	
2	Permanent loss of sighted eye	12,310	
3	Permanent and total loss of the use of:		15
	(a) both kidneys (or of one kidney, if it was the only functioning kidney)	58,710	
	(b) one kidney, if it was not the only functioning kidney	7,070	
	(c) spleen	7,070	20

**Table B**

**\$**

**Part 1 Injuries related to cognition**

Permanent loss of:

(a)	mental capacity	171,000	
(b)	sense of smell	9,290	25
(c)	sense of taste	9,290	

**Part 2 Physical injuries**

Permanent loss of:

(a)	all sexual organs or part of them	27,530	
(b)	sightless eye	12,310	30



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**[11] Schedule 2 Constitution and procedure of Sporting Injuries Committee**

Omit "6 members" from clause 2 (1).  
Insert instead "7 members".

**[12] Schedule 2, clause 2 (3) 5**

Omit "5 members". Insert instead "6 members".

**[13] Schedule 2, clause 2 (3) (a)**

Omit the paragraph. Insert instead:

- (a) 2 shall be persons appointed on the nomination of the Minister for Sport and Recreation, with one being nominated to represent the interests of disabled persons engaged in sporting or athletic activities, 10

**[14] Schedule 2, clause 11**

Omit "2 other". Insert instead "3 other". 15

**[15] Schedule 5**

Insert after Schedule 4:

**Schedule 5 Savings and transitional provisions**

(Section 37)

**Part 1 Preliminary 20**

**1 Regulations**

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following:

*WorkCover Legislation Amendment Act 1997* 25

- (2) A provision of a regulation authorised by this clause may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.



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Schedule 2      Amendment of Sporting Injuries Insurance Act 1978

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- (3) To the extent to which a provision of a regulation authorised by this clause takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 5
  - (b) to impose liabilities on any person (other than the State or an authority of the State), in respect of anything done or omitted to be done before the date of its publication. 10

**Part 2      WorkCover Legislation Amendment Act  
1997**

**2 References to superseded terms** 15

In any other Act, in any instrument made under another Act, in any instrument made under this Act and in force on the commencement of this clause, and in an instrument of any other kind:

- (a) a reference to a registered player under this Act is to be read as a reference to a registered participant under this Act, and 20
- (b) a reference to an enrolled player under this Act is to be read as a reference to an enrolled student participant under this Act. 25

**3 Increase in benefits**

An amendment made by Schedule 2 [2]–[8] or [10] of the *WorkCover Legislation Amendment Act 1997* does not apply to or in respect of an injury arising out of an authorised activity, or any death as a consequence of such an injury, if the activity took place before the commencement of the amendment. 30



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**[16] The whole Act**

Omit “registered player” and “registered players” wherever occurring.

Insert instead “registered participant” and “registered participants” respectively.

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**[17] The whole Act**

Omit “enrolled player” and “enrolled players” wherever occurring.  
Insert instead “enrolled student participant” and “enrolled student participants” respectively.