



New South Wales

Workers Compensation Amendment (Lump Sum Compensation) Bill 2015

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* (**the 1987 Act**) to enable certain workers to make more than one claim for lump sum compensation for permanent impairment in respect of an injury following the decision of the NSW Court of Appeal in *Cram Fluid Power Pty Ltd v Green* [2015] NSWCA 250.

That decision considered the effect of a provision of the 1987 Act (inserted by the *Workers Compensation Legislation Amendment Act 2012* (**the 2012 amending Act**)) which restricts the making of claims for lump sum compensation to a single claim in respect of the permanent impairment that results from an injury. The Court of Appeal held that the provision extended to a claim for deterioration of an injury in respect of which a claim for lump sum compensation for permanent impairment had been made before 19 June 2012 (the date on which the Bill for the 2012 amending Act was introduced into the Legislative Assembly). The Bill reverses the decision to the extent necessary to enable a worker who made a claim for lump sum compensation in respect of an injury before 19 June 2012 to make further claims for lump sum compensation in respect of the same injury.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Schedule 1 Amendment of Workers Compensation Act 1987
No 70**

The Schedule makes the amendment referred to in the Overview.

**Schedule 2 Amendment of Workers Compensation
Regulation 2010**

The Schedule makes consequential amendments to the *Workers Compensation Regulation 2010*.