



New South Wales

# Workers Compensation Amendment (Protection of Injured Workers) Bill 2017

## Explanatory note

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

## Overview of Bill

The objects of this Bill are as follows:

- (a) to remove restrictions on the entitlement of a worker to make a “journey claim” (that is, a claim to receive compensation for a personal injury received on a journey between the worker’s home or other place of abode and his or her place of employment),
- (b) to remove restrictions on what constitutes suitable employment for the purposes of a worker’s entitlement to weekly compensation by way of income support,
- (c) to remove the 5-year cut-off period for weekly payments of compensation to injured workers,
- (d) to remove a provision that limits the payment of an injured worker’s expenses for medical, hospital and rehabilitation treatment and services to treatment and services provided within 12 months after a claim for compensation is made or within 12 months after weekly payments cease,
- (e) to make it an offence for an employer to dismiss, at any time, an injured worker because the worker is not fit for employment as a result of the 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** amends the *Workers Compensation Act 1987* to give effect to the objects set out in the Overview.



New South Wales

# Workers Compensation Amendment (Protection of Injured Workers) Bill 2017

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New South Wales

# Workers Compensation Amendment (Protection of Injured Workers) Bill 2017

No. , 2017

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## A Bill for

An Act to amend the *Workers Compensation Act 1987* to restore journey claims, to remove certain restrictions on workers' entitlements to weekly payments and compensation for expenses and to make further provision with respect to the protection of injured workers.

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

1

**1 Name of Act**

2

This Act is the *Workers Compensation Amendment (Protection of Injured Workers) Act 2017*.

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4

**2 Commencement**

5

This Act commences on the date of assent to this Act.

6

<b>Schedule 1</b>	<b>Amendment of Workers Compensation Act 1987</b>	1
	<b>No 70</b>	2
<b>[1] Section 10 Journey claims</b>		3
Omit section 10 (3A).		4
<b>[2] Section 32A Definitions</b>		5
Omit the definition of <i>suitable employment</i> . Insert instead:		6
	<i>suitable employment</i> , in relation to a worker, means employment in work for which the worker is currently suited having regard to the following:	7
	(a) the nature of the worker’s incapacity and the details provided in medical information including, but not limited to, any certificate of capacity supplied by the worker under section 44B,	8
	(b) the worker’s age, education, skills and work experience,	9
	(c) any plan or document prepared as part of the return to work planning process, including an injury management plan under Chapter 3 of the 1998 Act,	10
	(d) any occupational rehabilitation services that are being, or have been, provided to or for the worker,	11
	(e) whether the work or the employment is available,	12
	(f) whether the work or the employment is of a type or nature that is generally available in the employment market,	13
	(g) the nature of the worker’s pre-injury employment,	14
	(h) the worker’s place of residence,	15
	(i) such other matters as the Workers Compensation Guidelines may specify.	16
<b>[3] Section 39 Cessation of weekly payments after 5 years</b>		17
Omit the section.		18
<b>[4] Section 59A Limit on payment of compensation</b>		19
Omit the section.		20
<b>[5] Section 248 Dismissal after injury an offence</b>		21
Omit section 248 (1) and (2). Insert instead:		22
	(1) An employer of an injured worker who dismisses the worker is guilty of an offence if the worker is dismissed because the worker is not fit for employment as a result of the injury.	23
	Maximum penalty: 100 penalty units.	24