

First print



New South Wales

Workers Compensation Legislation Amendment Bill 1999

Explanatory note

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

Overview of Bill

The object of this Bill is to amend workers compensation legislation to defer (for a period not exceeding 12 months) the coming into operation of arrangements for the private underwriting of workers compensation insurance. Under legislation currently in force, private underwriting would have come into operation on 1 October 1999.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Workplace Injury Management and Workers Compensation Act 1998* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Workers Compensation Act 1987* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendment to the *Workers Compensation Legislation Amendment Act 1998* set out in Schedule 3.

Schedules 1 and 2 amend the *Workplace Injury Management and Workers Compensation Act 1998* and the *Workers Compensation Act 1987* to defer the commencement of private underwriting of workers compensation insurance to 4 pm on 1 October 2000 or on an earlier date appointed by proclamation.

Schedule 3 amends the *Workers Compensation Legislation Amendment Act 1998* to defer for the same period the repeal of Division 6 of Part 4 of the *Workers Compensation Act 1987*. That Division deals with the Uninsured Liability and Indemnity Scheme, and was to be repealed on 1 October 1999.



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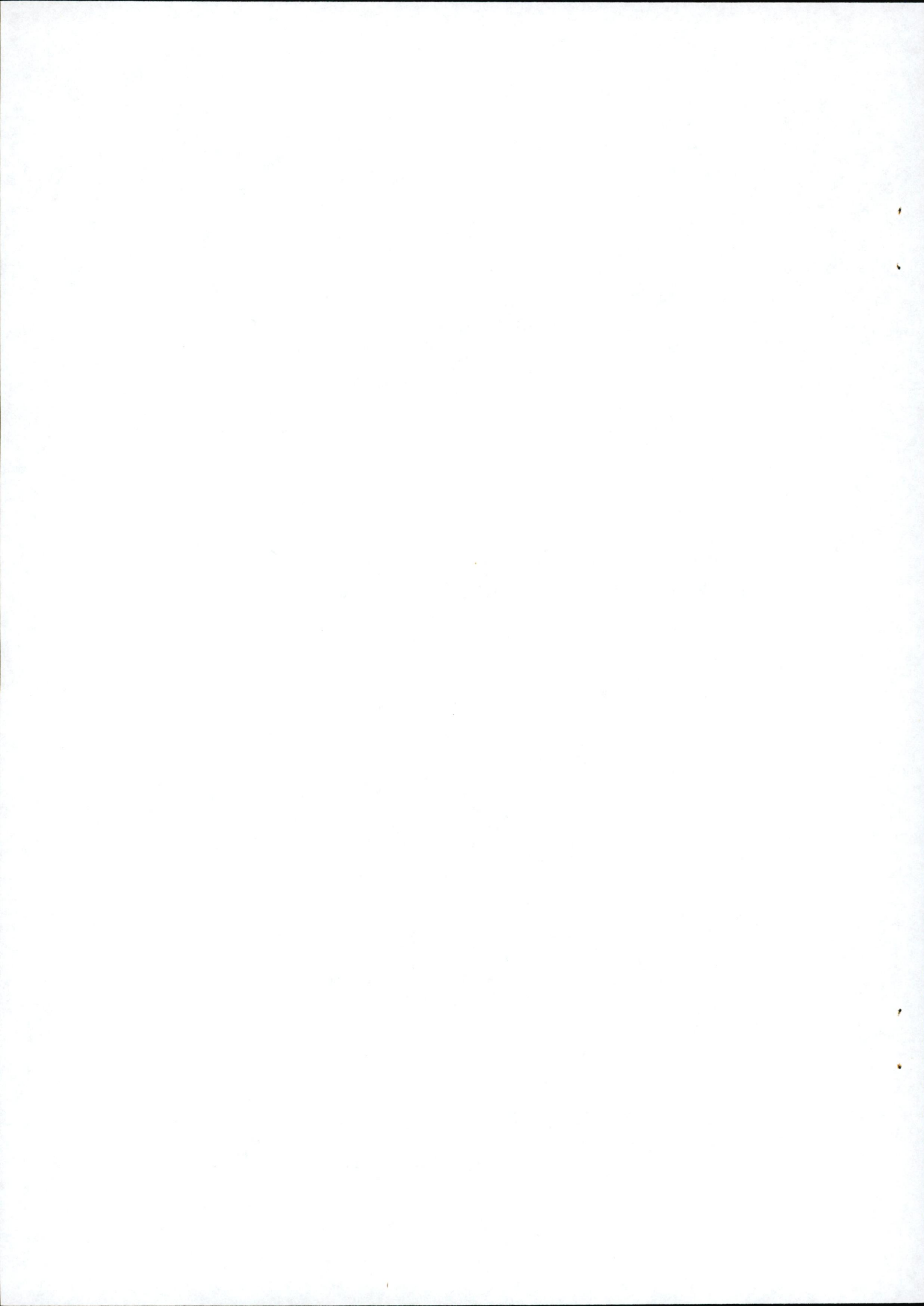
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New South Wales

Workers Compensation Legislation Amendment Bill 1999

No. , 1999

A Bill for

An Act to amend the *Workplace Injury Management and Workers Compensation Act 1998*, the *Workers Compensation Act 1987* and the *Workers Compensation Legislation Amendment Act 1998* in relation to workers compensation insurance; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Workers Compensation Legislation Amendment Act 1999</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6 7
3 Amendment of Workplace Injury Management and Workers Compensation Act 1998 No 86	8 9
The <i>Workplace Injury Management and Workers Compensation Act 1998</i> is amended as set out in Schedule 1.	10 11
4 Amendment of Workers Compensation Act 1987 No 70	12
The <i>Workers Compensation Act 1987</i> is amended as set out in Schedule 2.	13 14
5 Amendment of Workers Compensation Legislation Amendment Act 1998 No 85	15 16
The <i>Workers Compensation Legislation Amendment Act 1998</i> is amended as set out in Schedule 3.	17 18

Schedule 1	Amendment of Workplace Injury Management and Workers Compensation Act 1998	1 2 3 4
	(Section 3)	5
[1]	Section 4 Definitions	6
	Insert in alphabetical order in section 4 (1):	7 8
	<i>private insurance start time</i> means:	9
	(a) subject to paragraph (b), 4 pm on 1 October 2000, or	10
	(b) 4 pm on such earlier day as may be appointed by proclamation for the purposes of this definition.	11 12
[2]	Section 54 Second-injury scheme for injuries before private insurance start time	13 14
	Omit "on or after 1 October 1999" from section 54 (1).	15
	Insert instead "at or after the private insurance start time".	16 17
[3]	Section 143 Chapter applies to insurance after private insurance start time	18 19
	Omit section 143 (1). Insert instead:	20 21
	(1) This Chapter applies to insurance for any period starting at or after the private insurance start time.	22 23
[4]	Section 143 (2)	24
	Omit "1 October 1999". Insert instead "the private insurance start time".	25 26

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Schedule 1 Amendment of Workplace Injury Management and Workers
 Compensation Act 1998

[5] Section 145	1
Omit the section. Insert instead:	2
	3
145 Policies to be for 12 month periods	4
If a day is appointed by proclamation under paragraph (b) of	5
the definition of <i>private insurance start time</i> in section 4 (1),	6
a policy of insurance issued to have effect during the period	7
commencing at the private insurance start time and ending with	8
30 September 2000 must be issued for a period of 12 months,	9
unless the Authority otherwise approves in a particular case or	10
class of cases.	11
[6] Section 201 Declaration of defaulting insurers	12
Omit "1 October 1999" from section 201 (3).	13
Insert instead "the private insurance start time".	14
	15
[7] Schedule 4 Provisions relating to Rating Bureau	16
Omit "1 October 1999" and "that date" wherever occurring from clauses 16	17
and 17.	18
Insert instead "the private insurance start time" and "that time", respectively.	19
	20

Schedule 2 Amendment of Workers Compensation Act 1987

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(Section 4)	4
[1] Section 3 Definitions	5
Insert in alphabetical order in section 3 (1):	6
	7
<i>private insurance start time</i> has the same meaning as in the	8
<i>Workplace Injury Management and Workers Compensation</i>	9
<i>Act 1998.</i>	10
[2] Section 154A Commencement of new insurance arrangements	11
Omit "on 1 October 1999" from section 154A (1).	12
Insert instead "at the private insurance start time".	13
	14
[3] Section 154A (1) (a) and (b)	15
Omit "after 30 September 1999" wherever occurring.	16
Insert instead "at or after the private insurance start time".	17
	18
[4] Section 154A (1) (c) and (d)	19
Omit "30 September 1999" wherever occurring.	20
Insert instead "the private insurance start time".	21
	22
[5] Section 154A (2)	23
Omit "1 October 1999".	24
Insert instead "the private insurance start time".	25
	26
[6] Section 154A (2)	27
Omit "30 September 1999".	28
Insert instead "the private insurance start time".	29
	30
[7] Section 154A (3)	31
Omit "after 30 September 1999".	32
Insert instead "at or after the private insurance start time".	33
	34

Workers Compensation Legislation Amendment Bill 1999

Schedule 2 Amendment of Workers Compensation Act 1987

[8] Section 154B Continuation of existing insurer licences	1
Omit "after 30 September 1999" from section 154B (2).	2
Insert instead "at or after the private insurance start time".	3
[9] Sections 158, 224B and 226	4
Omit "30 September 1999" from sections 158 (11), 224B (3) and 226 (2) wherever occurring.	5
Insert instead "the private insurance start time".	6
[10] Schedule 6 Savings, transitional and other provisions	7
Omit "1 October 1999" from clause 6A (3) of Part 4.	8
Insert instead "the private insurance start time".	9
[11] Schedule 6, Part 18A, clause 9	10
Omit "1 October 1999" wherever occurring.	11
Insert instead "the private insurance start time".	12
[12] Schedule 6, Part 20, clause 1 (1)	13
Insert " <i>Workers Compensation Legislation Amendment Act 1999</i> " at the end of the subclause.	14
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**Schedule 3 Amendment of Workers Compensation
Legislation Amendment Act 1998**

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(Section 5)

Section 2 Commencement

Omit section 2 (3). Insert instead:

- (3) Schedule 1 [63], to the extent to which it repeals Division 6 of Part 4 of the *Workers Compensation Act 1987*, commences at the private insurance start time as defined in the *Workplace Injury Management and Workers Compensation Act 1998*.

