

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2012

First Print

Proposed amendments

- No. 1 Page 2, clause 2. Insert after line 11:
(c) Schedule 4 (Amendments relating to common law work injury damages),

- No. 2 Page 38. Insert after line 21:

Schedule 4 Amendments relating to common law work injury damages

Amendment of Civil Liability Act 2002 No 22

[1] Section 3B Civil liability excluded from Act

Omit section 3B (1) (f). Insert instead:

- (f) civil liability relating to an award to which Division 3 of Part 5 of the *Workers Compensation Act 1987* applies—the whole Act except the provisions that subsection (2A) provides apply to workers compensation,

[2] Section 3B (2A)

Insert after section 3B (2):

- (2A) The following provisions apply to workers compensation:
- (a) Divisions 1–4 and 8 of Part 1A (Negligence),
 - (b) section 49 (Effect of intoxication on duty and standard of care),
 - (c) Part 7 (Self-defence and recovery by criminals),
 - (d) Part 8 (Good samaritans).

- No. 3 Page 65, Schedule 12 [1]. Insert after line 21:

17 Work injury damages

An amendment made by Schedule 4 to the 2012 amending Act extends to a claim for work injury damages in respect of an injury

that happened before 19 June 2012 but does not apply to such a claim if:

- (a) the claimant served a pre-filing statement in compliance with section 315 of the 1998 Act in relation to the claim before 19 June 2012, or
- (b) the claimant commenced court proceedings for the recovery of work injury damages before 19 June 2012.