

## LEGISLATIVE COUNCIL

### WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2001 (NO. 2)

Schedule of the amendments agreed to in Committee of the Whole  
on 29 June 2001.

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- Oppn** No. 1 Page 12, Schedule 2.2 [1], proposed section 42B, lines 6-8. Omit “Funds may only be provided within 3 years after the commencement of this section.”. Insert instead:
- (4) Funds may only be provided within a period of 1 year after the commencement of this section (*the initial period*). However, funds may be provided for a period of 2 years following the expiry of the initial period (*the additional period*) if, before the expiry of the initial period, both Houses of Parliament pass a resolution approving the provision of funds during the additional period.
  - (5) Before the Authority first provides any funds under this section, the Authority is to:
    - (a) advertise in a newspaper circulating in New South Wales for expressions of interest from organisations to provide claims assistance, and
    - (b) publish in the Gazette the name of each organisation to which the Authority intends to provide funds, the amount of funding to be provided and a description of the claims assistance that the organisation is to provide.
  - (6) Within 1 month after the expiry of the initial period, a statement is to be laid before each House of Parliament setting out:
    - (a) the name of each organisation to which funds have been provided under this section, and
    - (b) the amount paid to each organisation, and
    - (c) a description of the claims assistance provided by the organisation.
- Oppn** No. 2 Page 12, Schedule 2.2 [2], proposed section 45A. Insert after line 28:
- (6) An injury management consultant who is aggrieved by a decision of the Authority to revoke the consultant’s approval may apply to the Administrative Decisions Tribunal for a review of the decision.
- Govt** No. 3 Page 26, Schedule 4.1, proposed clause 3 (3) (b), line 6. Omit “Part 1”. Insert instead “Part 2”.
- Grns** No. 4 Page 31, Schedule 4.2 [4]. Insert after line 28:
- [4] Section 30 (1A):**

Insert after section 30 (1):

(1A) Before a Workcover Guideline, or a regulation (whether made under this Act or the 1987 Act) is published in the Gazette, a copy of the Guideline or the regulation must be provided to the Council.

**Oppn**

No. 5 Page 36, Schedule 4.2 [15], proposed section 248A, line 17. Omit “The Minister”. Insert instead “The Independent Pricing and Regulatory Tribunal”.

**Oppn**

No. 6 Page 36, Schedule 4.2 [15], proposed section 248A, lines 23-26. Omit all words on those lines. Insert instead:

- (2) The review is to be undertaken as soon as possible after the period of 12 months from the date of assent to the *Workers Compensation Legislation Amendment Act 2001*, and the Independent Pricing and Regulatory Tribunal is to use its best endeavours to ensure that it is completed by 31 December 2002.
- (3) Within 1 month of the completion of the review, the Independent Pricing and Regulatory Tribunal is to:
  - (a) cause a statement setting out the results of the review to be provided to the Minister to be laid before each House of Parliament, and
  - (b) give a copy of the review to the Council.
- (4) The Council is to cause a statement setting out its views, if any, on the review to be provided to the Minister to be laid before each House of Parliament within 1 month after the Council receives the copy of the review.
- (5) If a House of Parliament is not sitting when a statement is sought to be laid before the House, the statement is to be presented to the Clerk of the House concerned.
- (6) The statement:
  - (a) on presentation and for all purposes is taken to have been laid before the House, and
  - (b) may be printed by authority of the Clerk of the House, and
  - (c) if printed by authority of the Clerk, is for all purposes taken to be a statement published by or under the authority of the House, and
  - (d) is to be recorded:
    - (i) in the case of the Legislative Council - in the Minutes of the Proceedings of the Legislative Council, and
    - (ii) in the case of the Legislative Assembly - in the Votes and Proceedings of the Legislative Assembly, on the first sitting day of the House after receipt of the statement by the Clerk.

**Grns**

No. 7 Page 43, Schedule 4.2 [16], proposed section 260 (5), line 17. Insert “or

because of a minor defect in form or style” after “cause”.

- Grns** No. 8 Page 52, Schedule 4.2 [16], proposed section 280, line 24. Omit “\$1, 000”. Insert instead “\$5,000”.
- Grns** No. 9 Page 61, Schedule 4.2 [16], proposed section 297 (2), line 11. Omit “\$1,000”. Insert instead “\$5,000”.
- Govt** No. 10 Page 82, Schedule 4 [16], proposed section 345 (1) (b), line 32. Insert “(other than a licensed insurer that maintains a statutory fund under the 1987 Act)” after “insurer”.
- Govt** No. 11 Page 82, Schedule 4 [16], proposed section 345. Insert after line 36:
- (2) If the appellant in any such appeal is a licensed insurer that maintains a statutory fund under the 1987 Act and is unsuccessful on the appeal:
- (a) the insurer’s costs on the appeal, and
- (b) the costs of any other party to the appeal that the insurer is ordered to pay,
- are not to be paid out of the statutory fund.
- Govt** No. 12 Page 83, Schedule 4 [16], proposed section 345 (2), line 8. Omit “that amount”. Insert instead “the amount awarded or ordered to be paid”.
- Govt** No. 13 Page 83, Schedule 4 [16], proposed section 345 (3), lines 9-11. Omit “is not to be paid out of the statutory fund of the insurer. The administration fee”.
- ORP** No. 14 Page 93, Schedule 4.2 [16], proposed section 364. Insert after line 27:
- (3) On or before 1 July in each year (commencing 2002) or as soon as practicable after each such date, the Minister is to cause the Rules of the Commission, as in force for the time being, to be laid before both Houses of Parliament.
- Grns** No. 15 Pages 95, Schedule 4.2 [16], proposed section 369, lines 28 and 29. Omit all words on those lines. Insert instead:
- (2) A person is eligible to be appointed as Deputy President only if the person:
- (a) is or has been a judicial officer (within the meaning of the *Judicial Officers Act 1986*), or
- (b) is a legal practitioner of at least 5 years’ standing.
- R Jones** No. 16 Page 107, Schedule 5.2. Insert after line 22:

**[1] Section 29 Membership and procedure of Council**

Insert after section 29 (1) (j):

- (k) 2 other persons appointed by the Minister.

**R Jones** No. 17 Page 108, Schedule 5. Insert after line 2:

**[2] Section 230A Premium Discount Schemes**

Insert after section 230A (7):

- (8) The Authority is to review the effectiveness of the first Premium Discount Scheme after the Scheme has been in operation for 12 months. The review is to include consideration of the introduction of no-claim bonuses.

**D O.** No. 18 Page 109, Schedule 5.2. Insert after line 10:

**[3] Schedule 2 Provisions relating to Council, clause 10 Quorum**

Omit “9 members”. Insert instead “10 members”.