

SPORTING INJURIES INSURANCE (WORKERS' COMPENSATION) AMENDMENT BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Compensation Court Bill, 1983.

The object of this Bill is to amend the Sporting Injuries Insurance Act, 1978, consequent on the enactment of the Compensation Court Bill, 1983, and Workers' Compensation (Amendment) Bill, 1983.

The judicial functions of the Workers' Compensation Commission are to be vested in a Compensation Court and the Commission's administrative functions are to be vested in a State Compensation Board.

The provisions of this Bill convert references to the Commission (or to the Registrar of the Commission) to references to the Court or the Board, as the case may require, and make other amendments of a minor, consequential or ancillary nature.

The Bill (Schedule 2) also increases from 5 to 6 the membership of the Sporting Injuries Committee. The Chairman of the proposed State Compensation Board is to be a member of the Committee in place of the Registrar of the Commission. The additional member of the Committee will be the Deputy Chairman of the proposed Board.

**SPORTING INJURIES INSURANCE (WORKERS'
COMPENSATION) AMENDMENT BILL, 1983**

No. , 1983.

A BILL FOR

An Act to amend the Sporting Injuries Insurance Act, 1978, consequent on the enactment of the Compensation Court Act, 1983, and the Workers' Compensation (Amendment) Act, 1983, and for certain other purposes.

[MR WALKER—2 December, 1982.]

Sporting Injuries Insurance (Workers' Compensation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Sporting Injuries Insurance (Workers' Compensation) Amendment Act, 1983".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Compensation Court Act, 1983.

Principal Act.

3. The Sporting Injuries Insurance Act, 1978, is referred to in this Act **15** as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PARTS I AND V OF THE PRINCIPAL ACT.

20 SCHEDULE 2.—AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL ACT.

Amendment of Act No. 141, 1978.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Sporting Injuries Insurance (Workers' Compensation) Amendment.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO PARTS I AND V OF THE PRINCIPAL ACT.

- (1) (a) Section 4 (1), definition of "Board"—
- 5 After the definition of "authorised activity", insert:—
 "Board" means the State Compensation Board constituted
 under the Workers' Compensation Act, 1926;
- (b) Section 4 (1), definition of "Commission"—
- Omit the definition.
- 10 (c) Section 4 (1), definition of "Court"—
- After the definition of "compensable injury", insert:—
 "Court" means the Compensation Court of New South Wales
 constituted under the Compensation Court Act, 1983;
- (d) Section 4 (1), definition of "medical panel"—
- 15 Omit the definition of "medical board", insert instead:—
 "medical panel" means a medical panel appointed under
 section 6 (4);
- (2) Section 6 (4)—
- Omit "board", insert instead "panel".
- 20 (3) Sections 24, 25 (1) (a), (c) (i)—
- Omit "board" wherever occurring, insert instead "panel".
- (4) (a) Section 29 (1), (2), (4), (5), (7)—
- Omit "Commission" wherever occurring, insert instead "Court".

Sporting Injuries Insurance (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND V OF THE PRINCIPAL ACT—*continued.*

(b) Section 29 (6)—

Omit the subsection, insert instead:—

5 (6) Subject to Part IV of the Compensation Court Act, 1983, the Court shall have exclusive jurisdiction to examine into, hear and determine applications under this section.

(c) Section 29 (9)—

Omit the subsection.

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SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL ACT.

(1) (a) Clause 2 (1)—

Omit "5", insert instead "6".

15 (b) Clause 2 (2)—

Omit the subclause, insert instead:—

(2) Of the members—

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(a) 1 shall be the person for the time being holding or acting in the office of the Chairman of the Board, who shall be the Chairman of the Committee; and

(b) 1 shall be the person for the time being holding or acting in the office of the Deputy Chairman of the Board, who shall be the Deputy Chairman of the Committee.

Sporting Injuries Insurance (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL ACT—*continued.*

(2) Clause 5—

Omit the clause.

5 (3) (a) Clause 8 (1)—

Omit “of a member”, insert instead “of an appointed member”.

(b) Clause 8 (1)—

10 Omit “a member and, if he is appointed to act in the office of the member who is the Chairman, shall have and may perform the functions of, and shall be deemed to be, the Chairman”, insert instead “an appointed member”.

(c) Clause 8 (2)—

Omit the subclause, insert instead:—

15 (2) A person shall not be appointed under subclause (1) of this clause to act in the office of the member referred to in clause 2 (3) (a) unless he is nominated for appointment by the Minister referred to in that paragraph.

(d) Clause 8 (4)—

Omit “the Chairman or any other”, insert instead “a”.

20 (e) Clause 8 (4)—

Omit “the Chairman or that other member, as the case may be”, insert instead “the member”.

(4) Clause 11—

Omit “2”, insert instead “3”.

Sporting Injuries Insurance (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO PARTS I AND V OF THE PRINCIPAL ACT—*continued.*

(5) (a) Clause 12 (3)—

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After "Chairman", insert "or, in the absence of the Chairman, the Deputy Chairman".

(b) Clause 12 (4)—

Omit "Chairman", insert instead "person presiding at a meeting of the Committee".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(40c)