

**WORKERS' COMPENSATION (BRUCELLOSIS) 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 Workers' Compensation (Brucellosis) Act, 1979, 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.



**WORKERS' COMPENSATION (BRUCellosIS) AMENDMENT
BILL, 1983**

No. , 1983.

A BILL FOR

An Act to amend the Workers' Compensation (Brucellosis) Act, 1979, 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.]

Workers' Compensation (Brucellosis) 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 "Workers' Compensation (Brucellosis) 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.

15 3. The Workers' Compensation (Brucellosis) Act, 1979, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

20 SCHEDULE 3.—AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

Workers' Compensation (Brucellosis) Amendment.

Amendment of Act No. 116, 1979.

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

SCHEDULE 1.

(Sec. 5.)

5

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

- (1) (a) Section 3, matter relating to Division 4 of Part III—
Omit "*Commission*", insert instead "*Court*".
- (b) Section 3, matter relating to Part IV—
10 Omit "BOARD", insert instead "PANEL".
- (c) Section 3, matter relating to Part V—
Omit "38", insert instead "37".
- (2) (a) Section 4 (1), definitions of "Board", "Court"—
Omit the definition of "Commission", insert instead:—
15 "Board" means the State Compensation Board constituted
under the Principal Act;
"Court" means the Compensation Court of New South Wales
constituted under the Compensation Court Act, 1983;
- (b) Section 4 (1), definition of "Registrar"—
20 Omit the definition.
- (c) Section 4 (1), definition of "rule"—
Omit "Commission", insert instead "Board".
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Workers' Compensation (Brucellosis) Amendment.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

- (1) (a) Section 5 (1) (b)—
5 Omit "Registrar", insert instead "Board".
- (b) Section 5 (1) (d), (2), (4)—
Omit "Commission" wherever occurring, insert instead "Board".
- (2) Section 6—
Omit "Commission", insert instead "Board".
- 10 (3) (a) Section 7 (1)—
Omit "Commission", insert instead "Board".
- (b) Section 7 (2) (b)—
Omit "signed by the Registrar", insert instead "executed by the Board".
- 15 (c) Section 7 (11) (b)—
After "debt", insert "in a court of competent jurisdiction".
- (d) Section 7 (12)—
Omit "Registrar", insert instead "Board".
- (4) (a) Section 8 (1)—
20 Omit the subsection.
- (b) Section 8 (2)—
Omit "or subsection (1)".

Workers' Compensation (Brucellosis) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(c) Section 8 (2)—

Omit "Commission" wherever occurring, insert instead "Board".

5 (d) Section 8 (3)—

Omit "(1) or".

(5) Section 9 (6)—

Omit "Registrar" wherever occurring, insert instead "Board".

SCHEDULE 3.

10

(Sec. 5.)

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) (a) Section 12 (6)—

Omit "Registrar to order", insert instead "Board to direct".

(b) Section 12 (7)—

15 Omit "Registrar may make an order", insert instead "Board may make a direction".

(c) Section 12 (8)—

Omit "Registrar" wherever occurring, insert instead "Board".

(d) Section 12 (8)—

20 Omit "of his own motion, order", insert **instead** "of its own motion, direct".

Workers' Compensation (Brucellosis) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(e) Section 12 (9)—

Omit the subsection, insert instead:—

- 5 (9) An authorised medical practitioner who, without reasonable excuse, fails to comply with a direction given under subsection (7) or (8) is liable to a penalty not exceeding \$400.

(2) Section 14 (1), (2)—

Omit "Registrar" wherever occurring, insert instead "Board".

10 (3) Section 18 (3), (4)—

Omit "Registrar" wherever occurring, insert instead "Board".

(4) (a) Section 21—

Omit "Registrar" wherever occurring, insert instead "Board".

(b) Section 21 (1) (b)—

- 15 Omit "medical board", insert instead "medical panel".

(c) Section 21 (3)—

After "debt", insert "in a court of competent jurisdiction".

(d) Section 21 (4)—

Omit "issued", insert instead "executed".

20 (5) (a) Section 22 (2)—

Omit "Registrar", insert instead "Board".

Workers' Compensation (Brucellosis) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(b) Section 22 (2)—

After “debt”, insert “in a court of competent jurisdiction”.

5 (6) Section 23 (5)—

Omit the subsection, insert instead:—

(5) The Board shall, on production to it of such evidence as it may require, decide a claim made under subsection (3) or (4).

(7) Section 24 (3)—

10 Omit the subsection, insert instead:—

(3) The Board shall, on production to it of such evidence as it may require, decide a claim made under subsection (1) or (2).

(8) Section 25 (2)—

Omit the subsection, insert instead:—

15 (2) The Board shall, on production to it of such evidence as it may require, decide a claim made under subsection (1).

(9) Division 4, heading—

Omit “*Commission*”, insert instead “*Court*”.

(10) (a) Section 26—

20 Omit “Registrar” wherever occurring, insert instead “Board”.

(b) Section 26—

Omit “*Commission*” wherever occurring, insert instead “*Court*”.

Workers' Compensation (Brucellosis) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(11) (a) Section 27 (1), (3)—

Omit "Commission" wherever occurring, insert instead "Court".

5 (b) Section 27 (2)—

Omit "Section 36 of the Principal Act applies", insert instead "Section 53G of the Principal Act and section 23 of the Compensation Court Act, 1983, apply".

(c) Section 27 (2)—

10 Omit "it applies", insert instead "those sections apply".

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

(1) Part IV, heading—

15 Omit "BOARD", insert instead "PANEL".

(2) (a) Section 28 (1)—

Omit "Registrar", insert instead "Board".

(b) Section 28 (1)–(3)—

20 Omit "medical board" wherever occurring, insert instead "medical panel".

(3) (a) Section 29—

Omit "medical board" wherever occurring, insert instead "medical panel".

Workers' Compensation (Brucellosis) Amendment.

SCHEDULE 4—*continued.*AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

- (b) Section 29 (1)—
5 Omit “Commission” where firstly occurring, insert instead
“Board”.
- (c) Section 29 (2), (4) (c), (7)—
Omit “Commission” wherever occurring, insert instead “Board”.
- (d) Section 29 (4) (c)—
Before “obtain”, insert “may”.
- 10 (e) Section 29 (7)—
Omit “or the Registrar”.
- (f) Section 29 (7)—
Omit “, the Registrar”.
- (g) Section 29 (7)—
15 Omit “the board”, insert instead “the panel”.
- (h) Section 29 (10)—
Omit “Registrar”, insert instead “Board”.
- (4) Section 30—
20 Omit “medical board” wherever occurring, insert instead “medical
panel”.
- (5) (a) Section 31—
Omit “medical board” wherever occurring, insert instead
“medical panel”.

Workers' Compensation (Brucellosis) Amendment.

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(b) Section 31—

Omit “Commission”, insert instead “Board”.

5 (c) Section 31—

Omit “the board”, insert instead “the panel”.

SCHEDULE 5.

(Sec. 5.)

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

10 (1) Section 33—

Omit “the Registrar”, insert instead “any member of the Board or by any person acting under the direction of the Board”.

(2) Section 36—

Omit “Commission” wherever occurring, insert instead “Board”.

15 (3) Section 37—

Omit “Commission”, insert instead “Board”.

(4) Section 38—

Omit the section.

BY AUTHORITY

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