

FIRST PRINT

WORKERS' COMPENSATION (BRUCELLOSIS) REVIVAL AND AMENDMENT BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Workers' Compensation (Further Amendment) Bill 1986.

The objects of this Bill are—

- (a) to revive Parts II-V of, and Schedule 1 to, the Workers' Compensation (Brucellosis) Act 1979 which were repealed with effect from 1 January 1985;
- (b) to provide for the continuation of the Brucellosis Compensation Fund between the times of repeal and revival of the provisions of the Principal Act;
- (c) to provide for the collection of contributions under the Principal Act for the period between the date of its repeal and 30 June 1987;
- (d) to permit the collection of contributions from employers where the employers do not have current insurers;
- (e) to provide for the repeal of Parts II-V of, and Schedule 1 to, the Principal Act with effect from 1 July 1988; and
- (f) to make consequential amendments to the Principal Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 defines the Principal Act.

Clause 3 provides that Parts II-V of, and Schedule 1 to, the Principal Act are revived and, subject to the proposed Act, have full force and effect.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 5 contains transitional, validation and savings provisions, including provisions for the continuation and operation of the Brucellosis Compensation Fund between the times of repeal and revival of the provisions of the Principal Act, the validation of acts done during that period and the saving of regulations, etc., made before the repeal.

Schedule 1 (1) amends section 7 (annual estimate and contributions) of the Principal Act so as to permit the collection of contributions to the Brucellosis Compensation Fund from employers where the employers do not have current insurers.

Schedule 1 (2) amends section 8 of the Principal Act so as to provide for the levying of contributions to the Fund for the period between 1 January 1985 (the date of repeal of the relevant provisions of the Principal Act) and 30 June 1987 (the end of the current contribution period).

Schedule 1 (3) substitutes section 39 of the Principal Act. This section provides that certain certificates continue to have force and effect as if the repeal of the relevant provisions of the Principal Act had not been effected. This enables the recovery of unpaid contributions notwithstanding the repeal.

Schedule 1 (4) amends section 40 of the Principal Act. This section provides for the disposal, on the repeal of the relevant provisions of the Principal Act, of any money remaining in the Fund. The section is amended so as to provide that it does not apply, and shall be deemed never to have applied, to the repeal effected on 1 January 1985.

Schedule 1 (5) substitutes section 41 of the Principal Act so as to provide that Parts II-V of, and Schedule 1 to, the Principal Act will be repealed on and from 1 July 1988.

WORKERS' COMPENSATION (BRUCellosIS) REVIVAL AND AMENDMENT BILL 1986

NEW SOUTH WALES



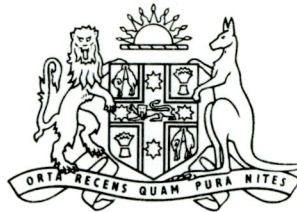
TABLE OF PROVISIONS

1. Short title
2. Principal Act
3. Revival of Act No. 116, 1979
4. Amendment of Act No. 116, 1979
5. Transitional, validation and savings provisions

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

**WORKERS' COMPENSATION (BRUCELLOSIS) REVIVAL
AND AMENDMENT BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to revive the parts of the Workers' Compensation (Brucellosis) Act 1979 which were repealed with effect from 1 January 1985; to provide for the collection of contributions under that Act for the period between the date of that repeal and 30 June 1987; to provide for the repeal of those parts of that Act with effect from 1 July 1988; and for other purposes.

Workers' Compensation (Brucellosis) Revival and Amendment 1986

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) Revival and Amendment Act 1986".

Principal Act

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

Revival of Act No. 116, 1979

3. Parts II-V of, and Schedule 1 to, the Principal Act are revived and, subject to this Act, have full force and effect.

Amendment of Act No. 116, 1979

4. The Principal Act is amended in the manner set forth in Schedule 1.

Transitional, validation and savings provisions

5. (1) The Brucellosis Compensation Fund established under section 5 of the Principal Act as in force before 1 January 1985 shall be deemed to have continued in existence from 1 January 1985 to the date of assent to this Act.

(2) Any acts done during the period from 1 January 1985 to the date of assent to this Act that could have been validly done had Parts II-V of, and Schedule 1 to, the Principal Act been in force are validated and shall have effect for the purposes of the Principal Act as if those provisions had not been repealed.

(3) Any regulations, rules or appointments made under the Principal Act before the repeal on 1 January 1985 of Parts II-V of, and Schedule 1 to, that Act shall be deemed not to have been affected by that repeal.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 7 (**Annual estimate and contributions**)—

5 (a) Section 7 (4)—

Omit “the amount, or the method of calculating the amount”, insert instead “an amount, or a method of calculating an amount”.

(b) Section 7 (6)—

10 After “amounts”, insert “, or different methods of calculating amounts,”.

(c) Section 7 (7)—

Omit the subsection, insert instead:

15 (7) The Insurance Premiums Committee shall send the terms of a determination to the employers who are required to contribute to the Fund as a result of the determination or, where the employers have current insurers, to those insurers.

(d) Section 7 (9)—

Omit “, other than a self-insurer,”.

(e) Section 7 (10)—

20 Omit the subsection, insert instead:

(10) An employer shall, on being advised under subsection (7) of the terms of a determination, pay into the Fund the contribution determined at or before the time determined.

25 (2) Section 8 (**Levy covering period between repeal and 30 June 1987, and additional levies**)—

(a) Section 8 (1)—

Before section 8 (2), insert:

30 (1) The Board shall, as soon as practicable after the commencement of the Workers' Compensation (Brucellosis) Revival and Amendment Act 1986, make an estimate of the amount to be expended out of the Fund from 1 January 1985 until 30 June 1987, both dates inclusive.

*Workers' Compensation (Brucellosis) Revival and Amendment 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(b) Section 8 (2)—

After “section 7” , insert “or subsection (1)” .

(c) Section 8 (3)—

Before “(2)” , insert “(1) or” .

5 (d) Section 8 (4)—

After section 8 (3), insert:

(4) For the purposes of the application of the provisions of section 7 (2)–(14) to and in respect of an estimate made under subsection (1) or (2)—

10 (a) a reference in those provisions to an employer shall be deemed to include a reference to a person who was an employer at any time during the period in respect of which the estimate is made; and

15 (b) a reference in those provisions to an insurer shall be deemed to include a reference to a person who was an insurer at any time during the period in respect of which the estimate is made.

(3) Section 39—

Omit the section, insert instead:

20 **Saving**

39. (1) Section 8 of the Interpretation Act 1897 applies to the repeal effected by section 41 as if that repeal had been effected by a separate Act.

25 (2) Without limiting the generality of section 8 of the Interpretation Act 1897, any certificate issued as referred to in a provision of this Act and—

30 (a) in force immediately before the date of the repeal of that provision effected by section 41 as in force before the commencement of the Workers' Compensation (Brucellosis) Revival and Amendment Act 1986; or

Workers' Compensation (Brucellosis) Revival and Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(b) in force immediately before the date of the repeal of that provision effected by section 41 as in force after that commencement,

5 shall continue to have force and effect as if that repeal had not been effected.

(4) Section 40 (**Winding up of the Fund**)—

Section 40 (2)—

At the end of section 40, insert:

10 (2) Subsection (1) does not apply, and shall be deemed never to have applied, in respect of the repeal effected by section 41 as in force before the commencement of the Workers' Compensation (Brucellosis) Revival and Amendment Act 1986.

(5) Section 41—

Omit the section, insert instead:

15 **Repeal of provisions of Act**

41. On and from 1 July 1988 this Act, Part I and this Part excepted, is repealed.







WORKERS' COMPENSATION (BRUCELLOSIS) REVIVAL AND AMENDMENT ACT 1986 No. 177

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Principal Act
3. Revival of Act No. 116, 1979
4. Amendment of Act No. 116, 1979
5. Transitional, validation and savings provisions

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT



**WORKERS' COMPENSATION (BRUCellosIS) REVIVAL AND
AMENDMENT ACT 1986 No. 177**

NEW SOUTH WALES



Act No. 177, 1986

An Act to revive the parts of the Workers' Compensation (Brucellosis) Act 1979 which were repealed with effect from 1 January 1985; to provide for the collection of contributions under that Act for the period between the date of that repeal and 30 June 1987; to provide for the repeal of those parts of that Act with effect from 1 July 1988; and for other purposes. [Assented to 17 December 1986]

Workers' Compensation (Brucellosis) Revival and Amendment 1986

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:

Short title

1. This Act may be cited as the "Workers' Compensation (Brucellosis) Revival and Amendment Act 1986".

Principal Act

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

Revival of Act No. 116, 1979

3. Parts II-V of, and Schedule 1 to, the Principal Act are revived and, subject to this Act, have full force and effect.

Amendment of Act No. 116, 1979

4. The Principal Act is amended in the manner set forth in Schedule 1.

Transitional, validation and savings provisions

5. (1) The Brucellosis Compensation Fund established under section 5 of the Principal Act as in force before 1 January 1985 shall be deemed to have continued in existence from 1 January 1985 to the date of assent to this Act.

(2) Any acts done during the period from 1 January 1985 to the date of assent to this Act that could have been validly done had Parts II-V of, and Schedule 1 to, the Principal Act been in force are validated and shall have effect for the purposes of the Principal Act as if those provisions had not been repealed.

(3) Any regulations, rules or appointments made under the Principal Act before the repeal on 1 January 1985 of Parts II-V of, and Schedule 1 to, that Act shall be deemed not to have been affected by that repeal.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 7 (**Annual estimate and contributions**)—

(a) Section 7 (4)—

Omit “the amount, or the method of calculating the amount”, insert instead “an amount, or a method of calculating an amount”.

(b) Section 7 (6)—

After “amounts”, insert “, or different methods of calculating amounts,”.

(c) Section 7 (7)—

Omit the subsection, insert instead:

(7) The Insurance Premiums Committee shall send the terms of a determination to the employers who are required to contribute to the Fund as a result of the determination or, where the employers have current insurers, to those insurers.

(d) Section 7 (9)—

Omit “, other than a self-insurer,”.

(e) Section 7 (10)—

Omit the subsection, insert instead:

(10) An employer shall, on being advised under subsection (7) of the terms of a determination, pay into the Fund the contribution determined at or before the time determined.

(2) Section 8 (**Levy covering period between repeal and 30 June 1987, and additional levies**)—

(a) Section 8 (1)—

Before section 8 (2), insert:

(1) The Board shall, as soon as practicable after the commencement of the Workers' Compensation (Brucellosis) Revival and Amendment Act 1986, make an estimate of the amount to be expended out of the Fund from 1 January 1985 until 30 June 1987, both dates inclusive.

Workers' Compensation (Brucellosis) Revival and Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(b) Section 8 (2)—

After “section 7” , insert “or subsection (1)” .

(c) Section 8 (3)—

Before “(2)” , insert “(1) or” .

(d) Section 8 (4)—

After section 8 (3), insert:

(4) For the purposes of the application of the provisions of section 7 (2)–(14) to and in respect of an estimate made under subsection (1) or (2)—

- (a) a reference in those provisions to an employer shall be deemed to include a reference to a person who was an employer at any time during the period in respect of which the estimate is made; and
- (b) a reference in those provisions to an insurer shall be deemed to include a reference to a person who was an insurer at any time during the period in respect of which the estimate is made.

(3) Section 39—

Omit the section, insert instead:

Saving

39. (1) Section 8 of the Interpretation Act 1897 applies to the repeal effected by section 41 as if that repeal had been effected by a separate Act.

(2) Without limiting the generality of section 8 of the Interpretation Act 1897, any certificate issued as referred to in a provision of this Act and—

- (a) in force immediately before the date of the repeal of that provision effected by section 41 as in force before the commencement of the Workers' Compensation (Brucellosis) Revival and Amendment Act 1986; or

Workers' Compensation (Brucellosis) Revival and Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(b) in force immediately before the date of the repeal of that provision effected by section 41 as in force after that commencement,

shall continue to have force and effect as if that repeal had not been effected.

(4) Section 40 (**Winding up of the Fund**)—

Section 40 (2)—

At the end of section 40, insert:

(2) Subsection (1) does not apply, and shall be deemed never to have applied, in respect of the repeal effected by section 41 as in force before the commencement of the Workers' Compensation (Brucellosis) Revival and Amendment Act 1986.

(5) Section 41—

Omit the section, insert instead:

Repeal of provisions of Act

41. On and from 1 July 1988 this Act, Part I and this Part excepted, is repealed.

