

FIRST PRINT

**WORKERS COMPENSATION (JOURNEY CLAIMS)
AMENDMENT BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

Section 10 (1A) of the Workers Compensation Act 1987 provides that compensation is not payable in respect of a personal injury received by a worker on a journey to which that section applies if the injury was wholly *or partly* caused by the fault of the worker. The journeys concerned include journeys between the worker's home and the place of employment.

The object of this Bill is to amend the Act so that compensation for such an injury is not excluded because of any fault of the worker. The amendment will place journey claims in the same position as other workers compensation claims and restore the position applicable before the amendment of section 10 of the Act in 1989. The effect of the worker's conduct on a compensation claim is dealt with in section 14 of the Act. Under that section, compensation is excluded if the injury is solely attributable to the serious and wilful misconduct of the worker and does not result in death or serious and permanent disablement.

Clause 1 specifies the short title of the proposed Act.

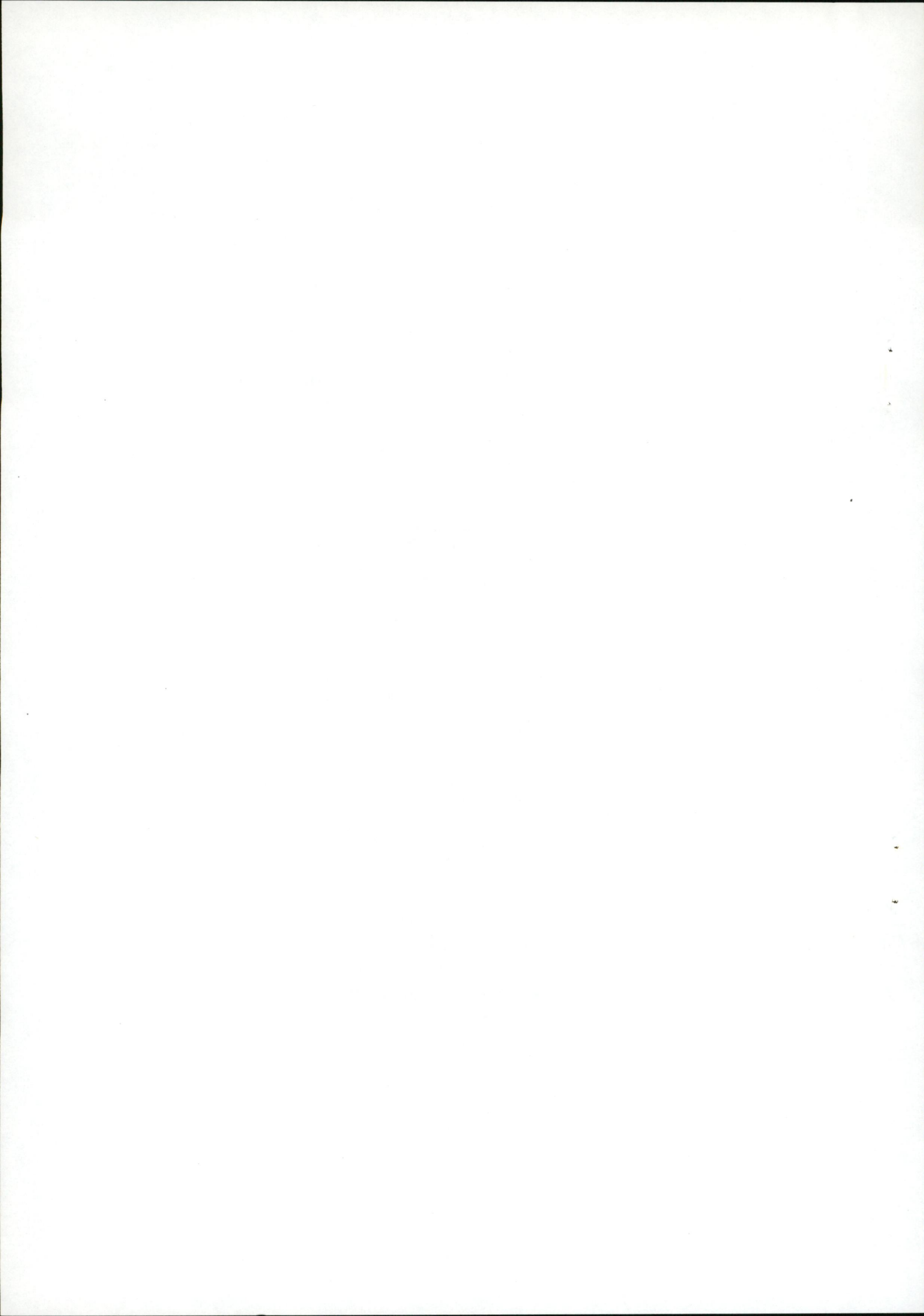
Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 gives effect to the Schedule of amendments to the Workers Compensation Act 1987.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) amends section 10 to give effect to the above object.

Schedule 1 (2) amends Schedule 6 to provide that the amendment applies only to injuries received after the commencement of the proposed Act.



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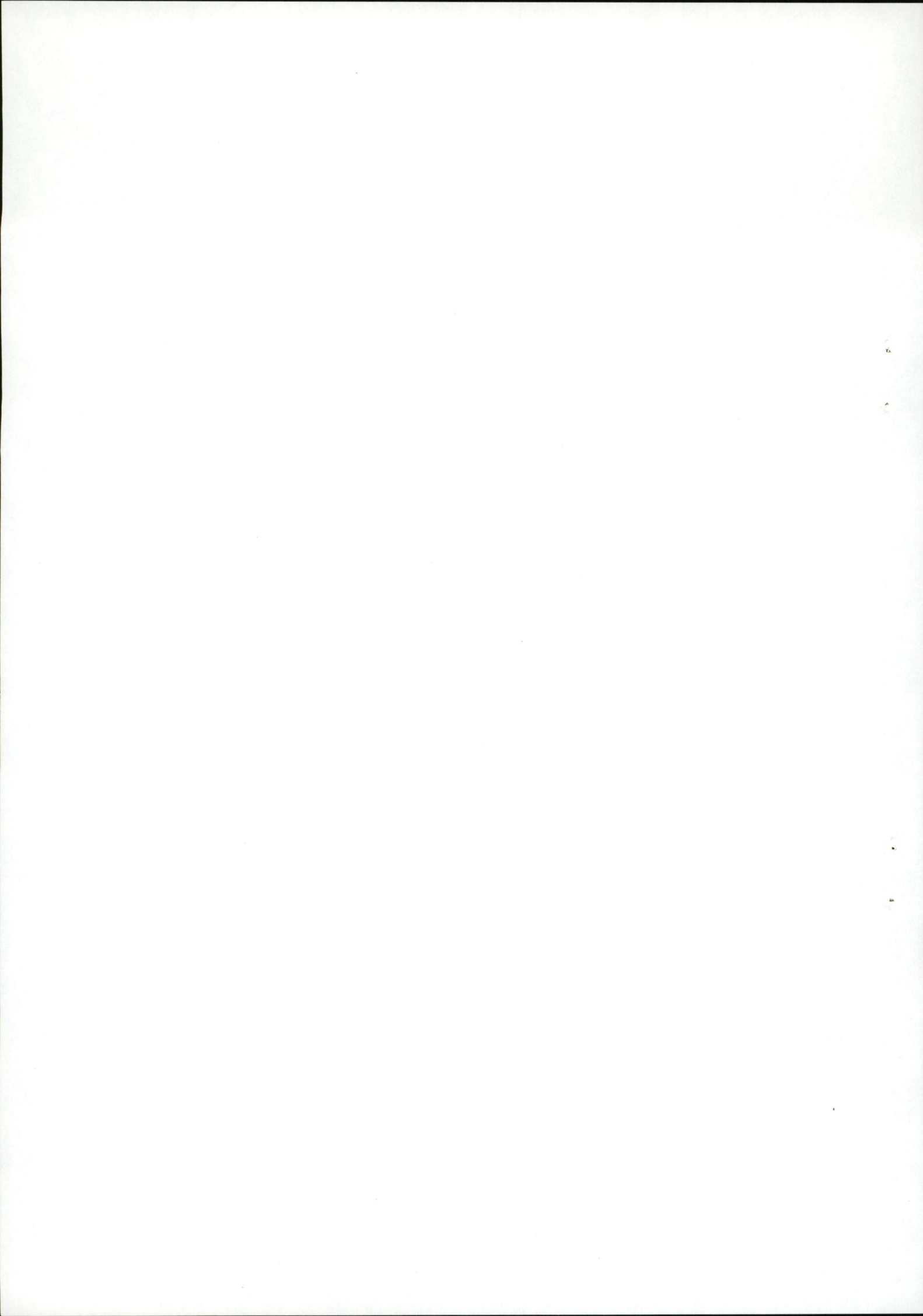
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Workers Compensation Act 1987 No. 70

SCHEDULE 1—AMENDMENTS



**WORKERS COMPENSATION (JOURNEY CLAIMS)
AMENDMENT BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Workers Compensation Act 1987 with respect to
journey claims.

Workers Compensation (Journey Claims) Amendment 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Workers Compensation (Journey Claims) Amendment Act 1993.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Workers Compensation Act 1987 No. 70

3. The Workers Compensation Act 1987 is amended as set out in Schedule 1.

10

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 10 (**Journey claims**):

(a) Omit section 10 (1A), (1B) and (1C).

(b) Omit the definition of "fault" in section 10 (6).

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(2) Schedule 6 (**Savings, transitional and other provisions**):

After clause 2 (2) of Part 2, insert:

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(3) In the case of a personal injury received by a worker after the commencement of Schedule 1 to the Workers Compensation (Amendment) Act 1989 and before the commencement of the Workers Compensation (Journey Claims) Amendment Act 1993 on a journey to which section 10 of this Act applied before the commencement of the last-mentioned Act, liability is to be determined in accordance with section 10 of this Act, as in force before the commencement of the last-mentioned Act.

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