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New South Wales

# Workers Compensation Amendment Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Workers Compensation Act 1987* to reinstate certain amendments that were omitted from the *WorkCover Legislation Amendment Bill 1996 (No 2)* during the Committee stage in the Legislative Council.

The amendments to be reinstated relate principally to coal miners and provide for:

- (a) the making of regulations to modify the operation of or disapply any of the amendments made by the *WorkCover Legislation Amendment Act 1996* (except the journey claim amendments) in respect of coal miners, and
  - (b) the exemption of coal miners from the new provision inserted by that Act for the discontinuation of weekly payments of compensation after 2 years.
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The amendment referred to in paragraph (b) also exempts persons who are permanently and totally incapacitated for work from the provision for discontinuation of weekly payments of compensation after 2 years.

The Bill also makes a minor amendment by way of statute law revision to correct a cross-reference.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act is taken to have commenced on the date of assent to the *WorkCover Legislation Amendment Act 1996* except for the amendment referred to in paragraph (b) above, which commences or is taken to have commenced on the commencement of the provision that it amends.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the *Workers Compensation Act 1987*.

## Schedule 1 Amendments

**Schedule 1 [1]** exempts coal miners, and workers who are totally and permanently incapacitated for work, from the operation of the new provision for discontinuation of weekly payments of compensation after 2 years.

**Schedule 1 [2]** makes a statute law revision amendment to correct a cross-reference.

**Schedule 1 [3]** inserts a regulation making power to enable the regulations to modify the operation of or disapply any of the amendments made by the *WorkCover Legislation Amendment Act 1996* (except the journey claim amendments) in respect of coal miners. The regulations can be made so as to operate retrospectively (back to the date of assent to the *WorkCover Legislation Amendment Act 1996*).

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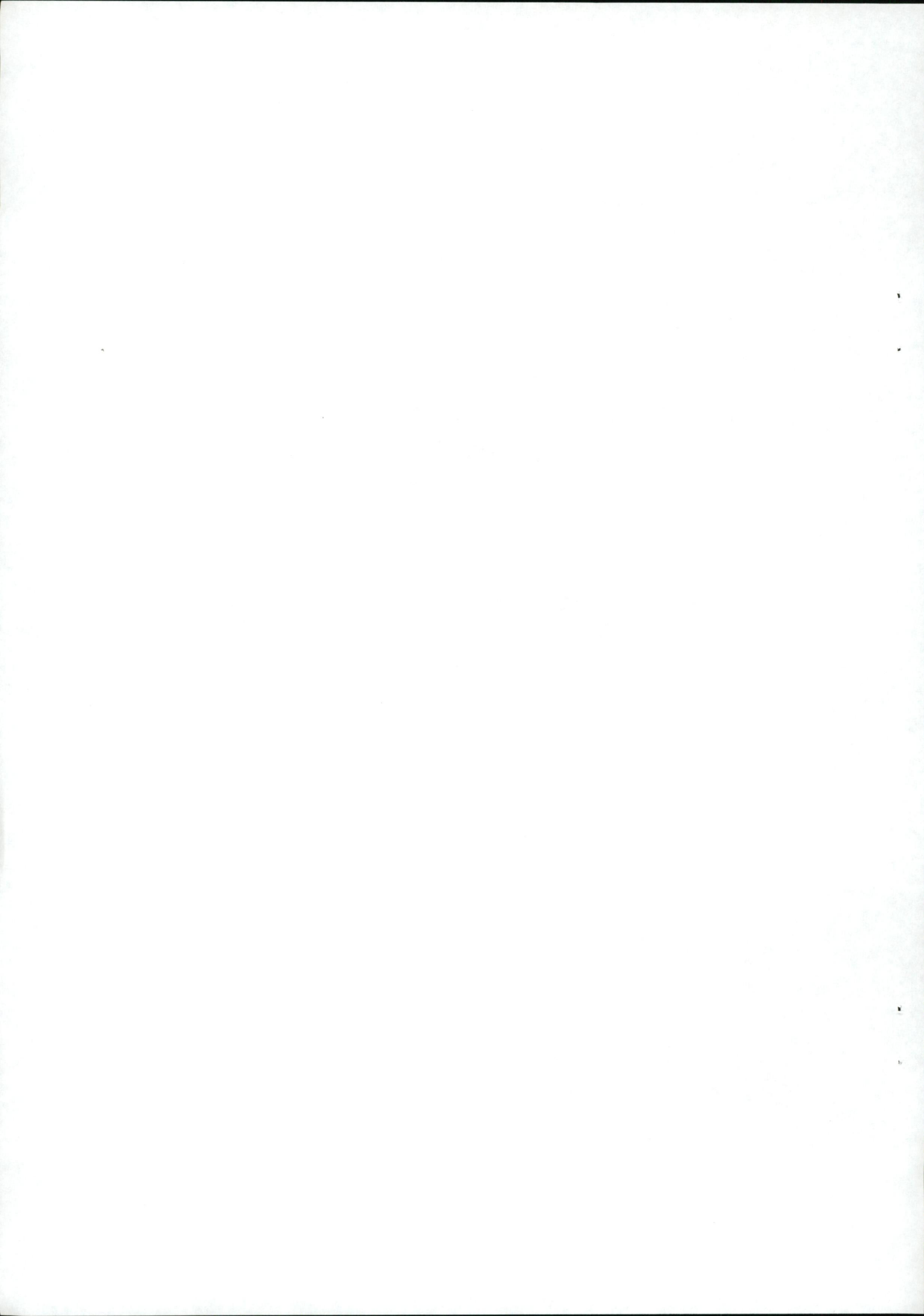
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New South Wales

# Workers Compensation Amendment Bill 1996

No. , 1996

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## **A Bill for**

An Act to amend the *Workers Compensation Act 1987* to make further provision with respect to workers compensation for coal miners; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Workers Compensation Amendment Act 1996*.

**2 Commencement**

- (1) This Act is taken to have commenced on the date of assent to the *WorkCover Legislation Amendment Act 1996*, except as provided by subsection (2). 5
- (2) Schedule 1 [1] commences or is taken to have commenced on the commencement of section 52A of the *Workers Compensation Act 1987* (as inserted by the *WorkCover Legislation Amendment Act 1996*). 10

**3 Amendment of Workers Compensation Act 1987 No 70**

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

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## Schedule 1 Amendments

(Section 3)

### [1] Section 52A Discontinuation of weekly payments after 2 years

Insert at the end of section 52A (as inserted by the *WorkCover Legislation Amendment Act 1996*):

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- (10) This section does not apply to a worker who is permanently and totally incapacitated for work and does not apply to compensation for an injury received by a person as a worker employed in or about a mine to which the *Coal Mines Regulation Act 1982* applies.

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### [2] Schedule 6 Savings, transitional and other provisions, Part 15 Provisions relating to insurance

Omit "279 (2A)" from clause 24. Insert instead "279 (3)".

### [3] Schedule 6, Part 18 Special provision relating to coal miners

Insert after clause 1:

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#### 2 Regulations to modify or disapply 1996 amendments in relation to coal miners

- (1) In this clause:

*the 1996 amendments* means the amendments made to this Act by the *WorkCover Legislation Amendment Act 1996* except the amendments made by Schedule 1.3 (Journey claims) to that Act.

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- (2) The regulations may make provision for or with respect to either or both of the following:

(a) modifying any of the 1996 amendments in their application to or in respect of workers employed in or about a mine to which the *Coal Mines Regulation Act 1982* applies,

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(b) exempting any such workers from the operation of any of the 1996 amendments.

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Schedule 1      Amendments

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- (3) A provision referred to in subclause (2) may, if the regulations so provide, take effect as from the date of assent to the *WorkCover Legislation Amendment Act 1996* or a later day.