



# Government Gazette

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## SPECIAL SUPPLEMENT

# Workers Compensation Legislation Amendment Act 2001 No 61— Proclamation

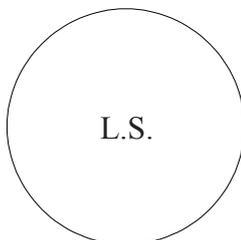
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Workers Compensation Legislation Amendment Act 2001*, do, by this my Proclamation, appoint 5 October 2001 as the day on which the following provisions of that Act commence:

- (a) sections 1 and 2, and section 3 in its application to the amendments referred to in paragraphs (b)–(i),
- (b) Schedule 2.1 [1],
- (c) Schedule 2.2 [2] and [3],
- (d) Schedule 4.1 [4],
- (e) Schedule 4.2 [3]–[5],
- (f) so much of Schedule 4.2 [17] as inserts the heading to Chapter 7, and Part 10 of Chapter 7, into the *Workplace Injury Management and Workers Compensation Act 1998*,
- (g) Schedule 4.2 [18],
- (h) Schedule 5.1,
- (i) Schedule 5.2 [1] and [3]–[5].

Signed and sealed at Sydney, this 3rd day of October 2001.

By Her Excellency's Command,



JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

Workers Compensation Legislation Amendment Act 2001 No 61—Proclamation

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GOD SAVE THE QUEEN!

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**Explanatory note**

The object of this proclamation is to commence amendments to the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* relating to the following matters:

- (a) certain formal matters providing for the name, commencement and effect of the *Workers Compensation Legislation Amendment Act 2001*,
- (b) the making of Workers Compensation Guidelines,
- (c) the approval of injury management consultants,
- (d) the making of regulations of a savings and transitional nature consequent on the enactment of the *Workers Compensation Legislation Amendment Act 2001*,
- (e) the establishment, administration and funding of the Workers Compensation Commission,
- (f) the making of regulations relating to adjustment of insurance premiums,
- (g) access to information and records relating to wages and workers compensation insurance premiums,
- (h) payment of weekly benefits to workers injured after reaching retiring age,
- (i) maximum amount of rates for medical treatment,
- (j) review of the effectiveness of the premium discount scheme,
- (k) increasing the number of members of the Workers Compensation and Workplace Occupational Health and Safety Council.

# Workers Compensation (General) Amendment (Transitional) Regulation 2001

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

Section 52 (2) (b) of the *Workers Compensation Act 1987* provides that a person who receives a work-related injury on or after reaching retiring age is not entitled to weekly payments of compensation for any resulting period of incapacity for work occurring more than 1 year after the date of injury.

The *Workers Compensation Legislation Amendment Act 2001* amends section 52 (2) (b) to provide that weekly payments of compensation are not payable for any period of incapacity that occurs more than 1 year after the first occasion of incapacity for work resulting from the injury. The effect of the amendment is to extend the period for which weekly payments of compensation may be paid for workers injured after reaching retiring age.

The object of this Regulation is to make transitional arrangements that extend the benefit of the amendment to persons injured before the commencement of the amendment (but not so as to revive or create any entitlement to compensation for a person who has, before the commencement of the amendment, ceased to be entitled to any weekly payments of compensation because a period of more than 1 year had elapsed after the date of injury).

Workers Compensation (General) Amendment (Transitional) Regulation 2001

Explanatory note

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This Regulation is made under the *Workers Compensation Act 1987*, including clause 1 (1) of Part 20 of Schedule 6 to the Act (as inserted by the *Workers Compensation Legislation Amendment Act 2001*).

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Workers Compensation (General) Amendment (Transitional)  
Regulation 2001

Clause 1

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## **Workers Compensation (General) Amendment (Transitional) Regulation 2001**

### **1 Name of Regulation**

This Regulation is the *Workers Compensation (General) Amendment (Transitional) Regulation 2001*.

### **2 Commencement**

This Regulation commences on 5 October 2001.

### **3 Amendment of Workers Compensation (General) Regulation 1995**

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

Workers Compensation (General) Amendment (Transitional)  
Regulation 2001

Schedule 1      Amendment

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## Schedule 1    Amendment

(Clause 3)

### Clause 73Q

Insert after clause 73P:

#### **73Q    Application of amendment to section 52 of the 1987 Act**

- (1) In this clause, *the 2001 amendment* means the amendment to section 52 (2) (b) of the *Workers Compensation Act 1987* made by the *Workers Compensation Legislation Amendment Act 2001*.
- (2) Section 52 (2) (b) of the 1987 Act, as amended by the 2001 amendment, applies to an injury received before or after the commencement of that amendment.
- (3) However, this clause does not revive or create any entitlement to weekly payments of compensation for a person who, before the commencement of the 2001 amendment, had ceased to receive a weekly payment of compensation by virtue of the operation of section 52 (2) (b) before its amendment by the 2001 amendment (being an entitlement that the person would not have apart from this clause).