



Workers' Compensation (Dust Diseases) Regulation 2013

under the

Workers' Compensation (Dust Diseases) Act 1942

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers' Compensation (Dust Diseases) Act 1942*.

GREG PEARCE, MLC
Minister for Finance and Services

Explanatory note

The object of this Regulation is to remake the provisions of the *Workers' Compensation (Dust Diseases) Regulation 2008*, which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) making of applications for compensation,
- (b) requiring employers to furnish information to the Workers' Compensation (Dust Diseases) Board (*the Board*) regarding the employment and remuneration of applicants and other persons,
- (c) other matters of a machinery or savings nature.

The Regulation differs from the *Workers' Compensation (Dust Diseases) Regulation 2008 (the 2008 Regulation)* in the following respects:

- (a) the Regulation includes a new provision providing that the Board may require an applicant for compensation who was a dependant of a deceased worker to furnish the Board with full and correct information concerning the extent of that dependency,
- (b) the Regulation does not remake provisions of the 2008 Regulation that dealt with the procedure of meetings of the Board and the medical authority appointed under the Act, the service of certain summonses and the prohibition of disclosure of certain health information by that medical authority.

This Regulation is made under the *Workers' Compensation (Dust Diseases) Act 1942*, including section 10 (the general regulation-making power).

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Explanatory note

This Regulation relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely, matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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2013 No 117

Clause 1 Workers' Compensation (Dust Diseases) Regulation 2013

Workers' Compensation (Dust Diseases) Regulation 2013

under the

Workers' Compensation (Dust Diseases) Act 1942

1 Name of Regulation

This Regulation is the *Workers' Compensation (Dust Diseases) Regulation 2013*.

2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Workers' Compensation (Dust Diseases) Regulation 2008* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

compensation means compensation under section 8 of the Act.

the Act means the *Workers' Compensation (Dust Diseases) Act 1942*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Applications for compensation

(1) An application for compensation is to be made to the board in a form approved by the board.

(2) The board may require an applicant for compensation for total or partial disablement to furnish to the board full and correct information concerning:

(a) the applicant's present and previous employment and engagements, whether as a worker or otherwise, in and outside New South Wales, and

(b) the applicant's dependants and the extent of their dependency.

(3) The board may require an applicant for compensation who was a dependant of a deceased worker to furnish to the board full and correct information concerning the extent of that dependency.

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- (4) An applicant for compensation must not, in support of the application, make or sign a statement that the applicant knows to be false or misleading in a material particular.

Maximum penalty: 1 penalty unit.

5 Employers to supply certain information

- (1) This clause applies to a person:
- (a) who employs or has employed an applicant for compensation, or
 - (b) who employs or has employed a person receiving compensation under an award of compensation, or
 - (c) who employs or has employed a person who has been claimed by an applicant for compensation to be dependent on that applicant or on a person receiving compensation, or
 - (d) who has employed a person in respect of whose death an application has been made for an award of compensation.
- (2) The board may, by notice in writing served on a person to whom this clause applies, require the person to furnish to the board, within such time as is specified in the notice, such information in relation to the employment and remuneration of the applicant or person as is so specified.
- (3) A person on whom such a notice is served must not fail to comply with the requirements of the notice.

Maximum penalty: 1 penalty unit.

6 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Workers' Compensation (Dust Diseases) Regulation 2008*, had effect under that Regulation continues to have effect under this Regulation.