

1990 - No. 346

WORKERS COMPENSATION ACT 1987 - REGULATION

(Relating to procedure before Workcover Authority
in relation to insurance premiums)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Workers Compensation Act 1987, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY
Minister for Industrial Relations and Employment.

Commencement

1. This Regulation commences on 30 June 1990.

Amendments

2. The Workers Compensation (Insurance Premiums) Regulation 1987 is amended:

- (a) by omitting from clause 3 (1) the definition of "Board" and by inserting instead the following definition:
"Authority" means the Workcover Authority constituted under the WorkCover Administration Act 1989;
- (b) by omitting from clauses 8,9 (1) and (2), 11,13 and 15 the word "Board" wherever occurring and by inserting instead the word "Authority";
- (c) by omitting from the heading to Part 5 the word "BOARD" and by inserting instead the word "AUTHORITY";

- (d) by omitting clause 13 (3) (b) and by inserting instead the following paragraph:
 - (b) give the respondent a reasonable opportunity to make submissions on the matter.
- (e) by omitting clause 14 and by inserting instead the following clause:

Answer

14. If a respondent who has notice of the application wishes to make representations to the Authority in relation to the application, the respondent must lodge those representations with the Authority in writing (unless the Authority otherwise directs).

- (f) by omitting from clauses 15 and 16 the words "or its delegate" wherever occurring;
- (g) by omitting from clause 15 (a) the words "oral or written evidence or";
- (h) by omitting from clause 16 the word "Board" where firstly occurring and by inserting instead the word "Authority";
- (i) by omitting clause 16 (a);
- (j) by omitting from clause 16 (c) the words "any member of the Board,";
- (k) by inserting after clause 16 the following clauses:

Time for lodgment of certain applications

16A (1) An application to the Authority for the purposes of this Regulation or an insurance premiums order is to be made:

- (a) in the case of an application relating to the premium payable for the issue of a policy - within 1 month after the date of the insurer's demand for the premium; or
- (b) in the case of an application relating to the premium payable for the renewal of a policy - before or within 1 month after:
 - (i) the date of expiry of the period for which premiums have been paid in respect of the policy; or
 - (ii) the date of the insurer's demand for the premium,

whichever is the later,
or within such further period as the Authority may, in special circumstances, approve in relation to that application.

(2) In this clause, a reference to the premium payable for the issue or renewal of a policy includes a reference to any part of a premium so payable.

Recovery of premium despite making of application

16B. The making of an application to the Authority for the purposes of this Regulation or an insurance premiums order does not affect the entitlement of an insurer under the Act to recover the premium (or part of premium) concerned except to the extent that the Authority may otherwise direct in a particular case.

(l) by inserting in clause 17 (1) after the words "by the regulations" the words "or by order of the Authority".

EXPLANATORY NOTE

The object of this Regulation is to amend the Workers Compensation (Insurance Premiums) Regulation 1987:

- (a) to replace references in the principal Regulation to the State Compensation Board with references to the Workcover Authority and
- (b) to provide that a respondent is given an opportunity to make written submissions in relation to an application to the Authority for the purposes of the principal Regulation or an insurance premiums order; and
- (c) to dispense with the requirement that a time and place be notified for the consideration of such an application; and
- (d) to provide for the time within which such an application is to be made; and
- (e) to make other minor changes.
