

1992—No. 273

WORKERS COMPENSATION ACT 1987—REGULATION

(Relating to workers compensation insurers)

NEW SOUTH WALES



[Published in Gazette No. 66 of 5 June 1992]

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,
Minister for Further Education,
Training and Employment.

Commencement

- 1. (1)** This Regulation commences on 1 July 1992, except as provided by subclause (2).
- (2)** Clause 3 (c) commences on 6th June, 1992.

Amendment of Workers Compensation (General) Regulation 1987

- 2.** The Workers Compensation (General) Regulation 1987 is amended:
 - (a) by omitting clause 21A;
 - (b) by omitting from condition 10 of Form 7 in Schedule 1 the words “State Compensation Board” and by inserting instead the words “WorkCover Authority”;
 - (c) by omitting item 1 of the Notes at the end of Form 7 in Schedule 1 and by inserting instead the following item:
 - 1. Recovery of excess from Employer.** Under section 160 of the Act, the Employer is required to repay an excess of the first \$500 (or if another amount is prescribed, that other amount) of weekly payments of compensation in respect of each claim paid by the Insurer. An Employer is not

required to make the repayment to the extent that the Insurer either offsets the amount against compensation duly advanced by the Employer to the claimant worker or makes an appropriate debit on the Employer's premium account. If the premium payable under the policy does not exceed \$2,000, the excess is repayable only if the Employer and Insurer have agreed.

Amendment of Workers Compensation (Insurance Premiums) Regulation 1987

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

- (a) by omitting from clause 9 (1) (a) (vii) the words "referred to in subparagraph (viii) or an amount recovered or recoverable" and by inserting instead the words "recovered or recoverable under section 160 of the Act,";
- (b) by omitting from clause 9 (1) (a) (ix) the word "or" where lastly occurring and by inserting instead the word "and";
- (c) by inserting after clause 9 (1) (a) (ix) the following subparagraph:
 - (x) does not include any amount which section 153A (4) (b) of the Act (second-injury scheme) requires to be excluded from the claims experience of the employer; or

EXPLANATORY NOTE

The object of clause 2 of this Regulation is to amend the Workers Compensation (General) Regulation 1987 as a consequence of the amendments to section 160 of the Act contained in the Workers Compensation (Benefits) Amendment Act 1991. Those amendments relate to the amount of excess that certain employers are required to repay to their insurers in respect of claims paid. Clause 2 also updates a reference to the State Compensation Board (which is now the WorkCover Authority).

The object of clause 3 of this Regulation is to amend the Workers Compensation (Insurance Premiums) Regulation 1987 to provide that the cost of an individual claim in the total "cost of claims" made against a particular employer ("cost of claims" being a factor in calculating the premium payable by the employer under the workers compensation policy concerned) does not include any amount of a claim for an injury to a worker to whom the second-injury scheme applies.
