

1993—No. 6

WORKERS COMPENSATION ACT 1987—REGULATION

(Relating to treatment in public hospitals)

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 P. HANNAFORD, M.L.C.,
Attorney General,
and Minister for Industrial Relations.

The Workers Compensation (General) Regulation 1987 is amended:

- (a) by omitting the heading to Part 4A and by inserting instead the following heading:

**PART 4A—TREATMENT IN A HOSPITAL OTHER
THAN A PUBLIC HOSPITAL**

- (b) by inserting after Part 4A the following Part:

PART 4AA—TREATMENT IN A PUBLIC HOSPITAL

Definitions

10BA. (1) In this Part:

“**critical care**”, in relation to a patient, has the same meaning as in Circular No. 92/56 headed “Glossary of Terms for DOHRS Activity Reporting 1992/93”, dated 24 July 1992 and issued by the Department of Health;

“metropolitan (non-referral) hospital” means a public hospital notified as a metropolitan (non-referral) hospital for the purposes of this Regulation by the Director-General of the Department of Health by order published in the Gazette;

“metropolitan (referral) hospital” means a public hospital notified as a metropolitan (referral) hospital for the purposes of this Regulation by the Director-General of the Department of Health by order published in the Gazette;

“non-metropolitan hospital” means a public hospital notified as a non-metropolitan hospital for the purposes of this Regulation by the Director-General of the Department of Health by order published in the Gazette;

“occasion of service” means a non-inpatient occasion of service within the meaning of Circular No. 92/56 headed “Glossary of Terms for DOHRS Activity Reporting 1992/93”, dated 24 July 1992 and issued by the Department of Health;

“other public hospital” means a public hospital other than a metropolitan (non-referral) hospital, a metropolitan (referral) hospital, a non-metropolitan hospital or a psychiatric hospital;

“psychiatric hospital” means a public hospital notified as a psychiatric hospital for the purposes of this Regulation by the Director-General of the Department of Health by order published in the Gazette.

(2) An order under this clause may provide that a hospital is not a public hospital of a particular kind in respect of treatment provided to a specified class of patients.

Section 62 (1)—prescribed rates

10BB. For the purposes of section 62 (1) of the Act, the amount for which an employer is liable in respect of hospital treatment of a worker at a public hospital is the amount specified in the Table to this clause for the relevant classifications of public hospital and patient:

- (a) in the case of an in-patient—for each day (or part of a day) that the worker is such a patient at the hospital; and
- (b) in the case of an out-patient—for each occasion of service provided to the worker.

TABLE

Column 1 <i>Patient classification</i>	Column 2 <i>Hospital classification</i>				
	Metropolitan (referral)	Metropolitan (non-referral)	Non- metropolitan	Psychiatric	Other
	\$	\$	\$	\$	\$
Critical care patient	1635	905	725	-	
In-patient (other than critical care patient)	670	430	415	245	135
Out-patient	70	55	45	45	45

Expiry of new prescribed rates

10BC. This Part has effect until 31 March 1994. After that date, the amount for which an employer is liable in respect of hospital treatment of a worker at a public hospital is the amount for which the employer was liable immediately before the commencement of this Part (being the amount referred to in clause 7 of Part 5 of Schedule 6 to the Act).

EXPLANATORY NOTE

On its enactment, section 62 of the Workers Compensation Act 1987 permitted the regulations to determine the amount for which an employer was to be liable in respect of hospital treatment of a worker at a hospital other than a public hospital. Liability in relation to treatment at a public hospital was to be the average cost to the hospital concerned, as estimated by the Minister for Health.

The Workers Compensation (Benefits) Amendment Act 1989 repealed the provisions relating to public hospitals and amended the section so as to permit the regulations to determine the relevant amount in respect of those hospitals as well as private hospitals. (A savings provision in that Act provided that, until the appropriate regulation was made, the amount concerned would be the amount in force under the repealed provisions immediately before their repeal.)

Accordingly, the object of this Regulation is to determine the amount of an employer's liability in relation to a worker who is treated at a public hospital.

The new prescribed amount is to apply until 31 March 1994.