

1994—No. 247

WORKERS COMPENSATION ACT 1987—REGULATION

(Relating to notice of premium calculation and to payments by instalments)

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.

KERRY CHIKAROVSKI, M.P.,
Minister for Industrial Relations and Employment.

Commencement

1. This Regulation commences on 30 June 1994.

Amendment

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

(a) by omitting clause 4 (1) and by inserting instead the following subclause:

(1) An employer must, as soon as practicable (but not later than 28 days) after:

(a) making an application to an insurer for the issue of a policy; or

(b) the renewal of a policy,

supply the insurer concerned with a notice in the approved form, duly completed, which contains a reasonable estimate of the wages that will be payable by the employer during the relevant period of insurance to workers employed by the employer.

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(b) by inserting after clause 12 (2) the following subclause:

(3) Subclause (1) does not apply if the employer has not supplied the insurer with the relevant notice under clause 4 (1). However, the insurer must send the notice referred to in subclause (1) as soon as practicable after the notice under clause 4 (1) is supplied.

(c) by inserting in clause 19 (1) after the words “a policy of insurance” the words “issued or renewed on or after 30 June 1994”;

(d) by omitting from the matter relating to Instalment No. 4 in clause 19 (1) the words “16 months after the commencement of the period of insurance” and by inserting instead the words “1 month after service on the employer of a notice that payment of the instalment is due, but not before payment of the other instalments”;

(e) by omitting clause 19 (2) and by inserting instead the following subclauses:

(2) A notice in relation to the fourth instalment as referred to in subclause (1) does not affect the service of a notice under section 172 (1) (c) of the Act.

(3) If, when the first instalment is due, the estimated premium for the policy cannot be determined, the mount of the first instalment is to be:

(a) such amount as may be agreed on between the insurer and employer; or

(b) if no such amount is agreed on—\$800.

(4) Subclause (3) applies if the estimated premium cannot be determined because the employer has not yet supplied the relevant notice under clause 4 (1) and the insurer cannot estimate the premium by reference to wages for the previous period of insurance in accordance with the relevant insurance premiums order.

EXPLANATORY NOTE

The objects of this Regulation are:

- to provide that an insurer is not required to send a notice of premium calculation if the employer has not supplied the insurer with the return relating to wages (but is required to do so when the returns are supplied) (see clause 2 (b))
- to provide that the fourth (and final) instalment (which presently is payable within 16 months after the commencement of the period of insurance) is payable within 1 month after service on the employer of a notice that payment of the instalment is due (see clause 2 (d))
- to provide that the amount of the first instalment is, if the estimated premium cannot be determined when the instalment is due, to be an agreed amount (or \$800 if the insurer and employer do not agree on the amount) (see clause 2 (e))
- to make other minor and related amendments to the Workers Compensation (Insurance Premiums) Regulation 1987.

This Regulation is made under the Workers Compensation Act 1987, including sections 171 and 280 (the general regulation-making power).
