

WORKERS COMPENSATION ACT 1987—REGULATION

(Relating to occupational rehabilitation services)

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 15 July 1994.

Amendment of Workers Compensation (General) Regulation 1987

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

- (a) by inserting after clause 10E the following clause:

Occupational rehabilitation services—maximum amount for which employer liable

10EA. (1) For the purposes of section 63A (3) (b) of the Act, the prescribed amount is \$1,500, adjusted in accordance with Division 6 of Part 3 of the Act as if it were an adjustable amount for the purposes of that Division.

(2) The prescribed amount of \$1,500 applies in relation to occupational rehabilitation services in respect of injuries received before the commencement of this clause in the same way as it applies in relation to services in respect of injuries received immediately after that commencement.

(b) by inserting after clause 10R the following clause:

Authority not prevented from giving opinion on rehabilitation liability

10s. Nothing in this Part (for example clause 10K (Review by the Authority)) prevents the Authority from giving its opinion on matters relating to the liability of an employer under the Act for particular occupational rehabilitation services.

Amendment of Workers Compensation (General Rehabilitation Programmes) Regulation 1988

3. The Workers Compensation (General Rehabilitation Programmes) Regulation 1988 is amended by omitting clause 12 (3) (c) and by inserting instead the following paragraph:

(c) be accompanied by such fee as the Authority may determine.

EXPLANATORY NOTE

Amendment of Workers Compensation (General) Regulation 1987

Section 63A of the Workers Compensation Act 1987 relates to the rates at which employers must pay for occupational rehabilitation services for injured employees.

The object of clause 2 of this Regulation is to prescribe an indexed amount (starting at \$1,500) as the maximum amount for which an employer is liable in relation to rehabilitation services provided for the same injury.

This amount applies in substitution for the amount of \$1,200 which the Workers Compensation Act 1987 itself prescribes. The new limit of \$1,500 (unindexed) will also apply to services for an injury received before the commencement of this Regulation.

Clause 2 of this Regulation is made under section 63A (Rates applicable for occupational rehabilitation service) and section 280 (Regulations) of the Workers Compensation Act 1987.

The application of the new maximum amount where an injury was received before this Regulation commences is specifically authorised by section 280 (4) of the Act.

Amendment of Workers Compensation (General Rehabilitation Programmes) Regulation 1988

The Authority issues certificates of accreditation to providers of rehabilitation services. At present, an applicant for a certificate must pay a fee of \$100. The object of clause 3 of this Regulation is to make the amount of the fee one determined by the Authority.

Clause 3 of this Regulation is made under section 152 (Rehabilitation programmes to be established by employers) of the Workers Compensation Act 1987.
