



New South Wales

Workers Compensation (General) Amendment (Miscellaneous) Regulation 1998

under the

Workers Compensation Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

JEFFREY SHAW, Q.C., M.L.C.,

Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Workers Compensation (General) Regulation 1995* as follows:

- (a) an existing provision that requires a claim for compensation for pain and suffering to state the proportion of the maximum amount payable that is being claimed is amended to make it clear that the amount claimed is not to be stated to be the maximum amount of compensation that is payable and must instead be stated as an actual amount,
- (b) an existing provision that sets limits on the amounts payable to legal practitioners for certain legal services is extended to apply to agents in respect of agent services.

This Regulation is made under the *Workers Compensation Act 1987*, including sections 92, 117 and 280 (the general regulation making power).

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Clause 1 Workers Compensation (General) Amendment (Miscellaneous) Regulation 1998

**Workers Compensation (General) Amendment
(Miscellaneous) Regulation 1998**

1 Name of Regulation

This Regulation is the *Workers Compensation (General) Amendment (Miscellaneous) Regulation 1998*.

2 Commencement

This Regulation commences on 20 February 1998.

**3 Amendment of Workers Compensation (General) Regulation
1995**

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] **Clause 40 Claims for compensation under section 67—paid and suffering**

Insert after clause 40 (1):

- (1A) For the purposes of subclause (I) (d), the amount claimed is not to be stated to be the maximum amount of compensation under section 67 of the Act except in a most extreme case (as referred to in subsection (3) of that section).

Note. Subclause (1A) is to remove any doubt that subclause (1) (d) requires that the claim specifies the actual amount claimed.

[2] **Clause 51B**

Omit the clause. Insert instead:

51B Maximum costs for legal practitioners and agents at conciliation conferences

- (1) Pursuant to section 117 (1) (a) of the Act, the maximum amount payable to a legal practitioner or agent as costs for the following legal services or agent services is as follows:
- (a) assistance with any pre-conciliation telephone discussion and preparation and lodgment of a request for conciliation (including any appropriate attachments)—\$200,
 - (b) preparation for, attendance at and participation at a conciliation conference, for each hour or part of any hour—\$200,
 - (c) assistance in the preparation and execution of terms of agreement in a case where resolution of the dispute is achieved—\$75 (with no amount being payable in respect of assistance in the preparation and execution of terms of agreement in a case where resolution of the dispute is not achieved).

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Schedule 1 Amendments

- (2) Pursuant to section 117 (1) (b) of the Act, the maximum amount payable to a legal practitioner as costs for a matter that is not a legal service, or to an agent as costs for a matter that is not an agent service, but that is related to any of the matters referred to in subclause (1) is (for both legal practitioners and agents) as fixed in respect of the matter under section 196 of the *Legal Profession Act 1987*.
- (3) The limits imposed by subclause (1) on the costs payable to a legal practitioner or agent do not apply to any amount payable as disbursements (but this subclause does not limit the operation in respect of legal practitioners of section 196 of the *Legal Profession Act 1987* with respect to disbursements).
- (4) Costs are payable in respect of the appearance of one representative only for a party appearing at a conciliation conference (whether the representative is a legal practitioner or agent) and no costs are payable for any additional representative (whether a legal practitioner or agent) who appears for the party at the conciliation conference on the same occasion.