



New South Wales

Workers Compensation (Workplace Injury Management) Amendment Regulation 1999

under the

Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*.

J. W. SHAW, Q.C., M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Workers Compensation (Workplace Injury Management) Regulation 1995*:

- (a) to allow certain employers, as an alternative to employing a person to be a return-to-work co-ordinator, to engage a person for that purpose under other types of work arrangement (such arrangements include the sharing of the services of a person among a number of employers or arrangements with a person or organisation that provides return-to-work co-ordinator services), and
- (b) to enable a group of 2 or more employers that has engaged a return-to-work co-ordinator on a shared basis to establish a single return-to-work program for those employers in accordance with WorkCover Authority guidelines.

This Regulation is made under the *Workers Compensation Act 1987*, including section 280 (the general regulation-making power) and the *Workplace Injury Management and Workers Compensation Act 1998*, including sections 52 (workplace rehabilitation) and 248 (the general regulation-making power).

1999 No 646

Clause 1 Workers Compensation (Workplace Injury Management) Amendment Regulation 1999

Workers Compensation (Workplace Injury Management) Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Workers Compensation (Workplace Injury Management) Amendment Regulation 1999*.

2 Commencement

This Regulation commences on 1 January 2000.

3 Amendment of Workers Compensation (Workplace Injury Management) Regulation 1995

The *Workers Compensation (Workplace Injury Management) 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 6 Standard return-to-work programs for category 2 employers

Omit “workplace rehabilitation” from clause 6 (1).
Insert instead “return-to-work”.

[2] Clause 11A

Omit the clause. Insert instead:

11A Category 1 employers must have return-to-work co-ordinator

- (1) A category 1 employer must:
 - (a) employ a person to be a return-to-work co-ordinator for injured workers of the employer, being a person who has undergone such training as the guidelines may require, or
 - (b) engage a person in accordance with such arrangements as the guidelines may from time to time permit to be a return-to-work co-ordinator for injured workers of the employer.

Maximum penalty: 20 penalty units.

- (2) The following are examples of the arrangements that the guidelines can permit for the purposes of this clause:
 - (a) the engagement of a person under an arrangement with a person or organisation that provides return-to-work co-ordinators to employers,
 - (b) an arrangement under which a person is engaged on a shared basis by 2 or more employers.
- (3) The guidelines can require an employer to obtain the approval of the Authority before entering into an arrangement for the purposes of subclause (1) (b).
- (4) The guidelines can impose requirements with respect to the training, qualifications and experience of persons who may be engaged to be return-to-work co-ordinators under subclause (1) (b).

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Schedule 1 Amendments

[3] Clause 11B Functions of return-to-work co-ordinators

Omit “rehabilitation” from clause 11B.

Insert instead “return-to-work”.

[4] Clause 11C

Insert after clause 11B:

11C Shared return-to-work programs

- (1) For the purposes of section 52 (5) of the 1998 Act, a group of 2 or more employers may establish a single return-to-work program for the members of the group if:
 - (a) those employers have engaged a person to be a return-to-work co-ordinator for injured workers of those employers on a shared basis, and
 - (b) in the opinion of the Authority:
 - (i) those employers are engaged in the same business, or
 - (ii) those employers operate in the same locality, or
 - (iii) those employers satisfy any requirements of the guidelines imposed for the purposes of this paragraph, and
 - (c) those employers have complied with all of the requirements of the guidelines with respect to the establishment of a single return-to-work program for groups of employers.
- (2) The guidelines can require employers to obtain the approval of the Authority for:
 - (a) the establishment of a single return-to-work program for a group of employers, and
 - (b) the terms of a single return-to-work program and any revisions or amendments to those terms.

BY AUTHORITY