



New South Wales

# **Workers Compensation (General) Amendment (Injury Notification) Regulation 2003**

under the

**Workplace Injury Management and Workers Compensation  
Act 1998**

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

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## **Explanatory note**

The object of this Regulation is to provide for the notification of workplace injury to a workers compensation insurer and the WorkCover Authority.

The Regulation requires that:

- (a) the notification an employer is required to give to the employer's insurer or the WorkCover Authority must be given by electronic communication, in writing by post, facsimile or lodgment in person, or by telephone, and
- (b) notification given to an insurer that is to be forwarded to the WorkCover Authority must be forwarded by an approved method of electronic communication, and
- (c) an employer is required to keep a record of an injury that is the subject of any such notification, and a record of the giving, and of any acknowledgement, of the notification, for 5 years and is required to make those records available for inspection by an authorised officer of the WorkCover Authority or an authorised representative of an industrial organisation of employees.

This Regulation is made under the *Workplace Injury Management and Workers Compensation Act 1998*, including sections 44, 59 and 248 (the general regulation-making power).

## **Workers Compensation (General) Amendment (Injury Notification) Regulation 2003**

under the

Workplace Injury Management and Workers Compensation Act 1998

### **1 Name of Regulation**

This Regulation is the *Workers Compensation (General) Amendment (Injury Notification) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 September 2003.

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

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

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## **Schedule 1 Amendment**

(Clause 3)

### **Clause 37A**

Insert before clause 38:

#### **37A Notification of workplace injury**

- (1) For the purposes of section 44 (2) of the 1998 Act, notification to an insurer or the Authority by an employer that a worker has received a workplace injury must be given in any of the following ways:
  - (a) by electronic communication (using a mode of electronic communication approved by the insurer or the Authority) providing the information requested by the insurer or the Authority,
  - (b) in writing by completing a notification form approved for the purpose by the insurer or the Authority and sending the completed form to the insurer or the Authority by post or facsimile transmission at the address or facsimile number indicated on the form, or by completing and lodging the form in person at an office of the insurer or the Authority,
  - (c) by telephone to the insurer or the Authority, giving such information as may be requested of the caller.
- (2) For the purposes of section 44 (3) of the 1998 Act, an insurer who has been given notice by an employer under section 44 (2) of that Act that a worker has received a workplace injury must forward that notice to the Authority using a mode of electronic communication approved by the Authority.
- (3) An employer who gives a notification under section 44 (2) of the 1998 Act must make and keep for at least 5 years after the notification is given:
  - (a) a record of the date, time, place and nature of the injury to which the notification relates, and
  - (b) a record of the date on which and the way in which the notification was given, and

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(c) a record of any acknowledgement (such as a receipt number) given to the employer by the insurer or the Authority as evidence of receipt of the notification.

**Note.** An entry in the register of injuries kept under section 63 of the 1998 Act is a sufficient record of an injury for the purposes of this clause. The record of an acknowledgement of the notification can also be made and kept as part of the register of injuries.

(4) An employer must make the records kept under subclause (3) available for inspection by an authorised officer or authorised employee representative in accordance with a request by the authorised officer or authorised employee representative, and in any event no later than 7 days after the date of the request.

(5) In this clause:

***authorised employee representative*** means an officer of an industrial organisation of employees (including any person who is concerned in, or takes part in, the management of that organisation) who is authorised under Part 7 of Chapter 5 of the *Industrial Relations Act 1996*.

***authorised officer*** means an authorised officer under section 238 of the 1998 Act.

Maximum penalty: 20 penalty units.

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BY AUTHORITY