



New South Wales

Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003

under the
Workers Compensation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and on the recommendation of the WorkCover Authority, and in pursuance of section 168 of the *Workers Compensation Act 1987*, make the following Order.

Dated, this 10th day of September 2003.

By Her Excellency's Command,

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

Explanatory note

The object of this Order is to amend the *Insurance Premiums Order 2003–2004* to exclude from the amount of wages used to calculate a workers compensation insurance premium a motor vehicle allowance or accommodation allowance to the extent of an amount calculated at a rate fixed by an applicable industrial instrument or specified in the Order.

This Order is made under section 168 of the *Workers Compensation Act 1987*.

2003 No 667

Clause 1 *Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003*

**Insurance Premiums Order 2003–2004 Amendment
(Wages) Order 2003**

under the

Workers Compensation Act 1987

1 Name of Order

This Order is the *Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003*.

2 Amendment of Insurance Premiums Order 2003–2004

The *Insurance Premiums Order 2003–2004* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Interpretation

Omit the definition of *wages* from clause 1 (1).

Insert instead:

wages means wages as defined in section 174 (9) of the Act, but not including a motor vehicle allowance or accommodation allowance to the extent that the allowance is required to be excluded from wages by clause 1A.

[2] Schedule 1, clause 1A

Insert after clause 1:

1A Extent to which motor vehicle and accommodation allowances to be excluded from wages

(1) A motor vehicle allowance paid to a worker is to be excluded from wages for the purposes of this Order to the extent of an amount calculated at whichever of the following rates is applicable in the particular case:

- (a) in the case of a worker paid an allowance under an award that specifies the allowance as a rate for each kilometre or part of a kilometre travelled by the worker in the course of the worker's employment by means of a motor vehicle provided or maintained by the worker—the rate specified in the award,
- (b) in the case of any other worker—53.5 cents for each kilometre or part of a kilometre travelled by the worker in the course of business journeys by means of a motor vehicle provided or maintained by the worker.

Note. If the amount calculated is greater than the amount actually paid as motor vehicle allowance, only the amount actually paid is to be excluded from the calculation of wages.

(2) An accommodation allowance paid to a worker is to be excluded from wages for the purposes of this Order to the extent of an amount calculated at whichever of the following rates is applicable in the particular case:

- (a) in the case of a worker paid an allowance under an award that specifies the allowance as a rate for each night the worker is absent from the worker's usual place of residence—the rate specified in the award,

2003 No 667

Insurance Premiums Order 2003–2004 Amendment (Wages) Order 2003

Schedule 1 Amendments

- (b) in the case of any other worker—\$130 for each night the worker is absent from the worker's usual place of residence in the course of the worker's employment.

Note. If the amount calculated is greater than the amount actually paid as accommodation allowance, only the amount actually paid is to be excluded from the calculation of wages.

- (3) In this clause, ***award*** means:
 - (a) an industrial instrument within the meaning of the *Industrial Relations Act 1996*, or
 - (b) any agreement with respect to salaries or wages entered into under the provisions of any other law of the State between an employer constituted by that law and an association or organisation representing a group or class of employees, or
 - (c) an award, agreement or other instrument under the law of the Commonwealth or of another State or Territory, being an award, agreement or other instrument of a similar nature to an instrument or agreement referred to in paragraph (a) or (b).

BY AUTHORITY