

MISCELLANEOUS ACTS (WORKERS' COMPENSATION)
AMENDMENT ACT, 1984, No. 93

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 93, 1984.

An Act to amend certain Acts consequent on the enactment of the Compensation Court Act, 1984, and the Workers' Compensation (Amendment) Act, 1984, and to enact savings, transitional and other provisions consequent on and in connection with the enactment of those Acts, and for certain other purposes. [Assented to, 28th June, 1984.]

Miscellaneous Acts (Workers' Compensation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Miscellaneous Acts (Workers' Compensation) Amendment Act, 1984".

Commencement.

2. (1) Except as provided by subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to a provision of Schedule 1, and section 6, in its application to a provision of Schedule 2, shall commence on the day on which the provision commences.

(3) Part 1 of Schedule 1 (item (1) of the matter relating to the Statutory and Other Offices Remuneration Act, 1975, excepted) and Schedule 2 (clauses 3, 4 (2), 10 (2) and 11 excepted) shall commence on the day appointed and notified under section 2 (2) of the Compensation Court Act, 1984.

(4) Part 2 of Schedule 1 and clauses 3, 4 (2) and 10 (2) of Schedule 2 shall commence on the day appointed and notified under section 2 (4) of the Workers' Compensation (Amendment) Act, 1984.

Interpretation.

3. In this Act, "Principal Acts" means the Compensation Court Act, 1984, and the Workers' Compensation (Amendment) Act, 1984.

Miscellaneous Acts (Workers' Compensation) Amendment.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS CONSEQUENT ON THE ENACTMENT
OF THE PRINCIPAL ACTS.

SCHEDULE 2.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Amendments consequent on the enactment of the Principal Acts.

5. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Savings, transitional and other provisions.

6. Schedule 2 has effect.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS.

PART 1.

Associated General Contractors Insurance Company Limited Act, 1980, No. 38—

- (1) Section 2 (1), definitions of “regulation”, “State Compensation Board”—

Omit the definitions of “Registrar” and “regulation”, insert instead:—

“regulation” means a regulation made under this Act;

“State Compensation Board” means the State Compensation Board constituted under the Workers' Compensation Act, 1926.

- (2) (a) Section 4 (4)—

Omit “signed by the Registrar”, insert instead “executed by the Board”.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

(b) Section 4 (4)—

Omit "the signature or of the official character of the person by whom the certificate purports to have been signed", insert instead "its execution by the Board".

(3) Section 7—

Omit "Registrar", insert instead "State Compensation Board".

(4) Section 17 (1) (a)—

Omit "Registrar", insert instead "State Compensation Board".

(5) (a) Section 19—

Omit "Registrar" wherever occurring, insert instead "State Compensation Board".

(b) Section 19 (2)—

Omit "his", insert instead "its".

(c) Section 19 (3)—

Omit "him", insert instead "it".

Bishopsgate Insurance Australia Limited Act, 1983, No. 81—

(1) Section 2 (1), definitions of "regulation", "State Compensation Board"—

Omit the definitions of "Registrar" and "regulation", insert instead:—

"regulation" means a regulation made under this Act;

"State Compensation Board" means the State Compensation Board constituted under the Workers' Compensation Act, 1926.

(2) (a) Section 4 (4)—

Omit "signed by the Registrar", insert instead "executed by the Board".

(b) Section 4 (4)—

Omit "the signature or of the official character of the person by whom the certificate purports to have been signed", insert instead "its execution by the Board".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
*continued.*PART 1—*continued.*

(3) Section 7—

Omit "Registrar", insert instead "State Compensation Board".

(4) Section 17 (1) (a)—

Omit "Registrar", insert instead "State Compensation Board".

(5) (a) Section 19 (1), (2)—

Omit "Registrar" wherever occurring, insert instead "State Compensation Board".

(b) Section 19 (2)—

Omit "the Registrar's", insert instead "its".

(c) Section 19 (3)—

Omit "Registrar" where firstly occurring, insert instead "State Compensation Board".

(d) Section 19 (3)—

Omit "Registrar" where secondly occurring, insert instead "Board".

Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, No. 45—

(1) (a) Section 14 (5), (6), (8), (10)—

Omit "Workers' Compensation Commission" wherever occurring, insert instead "Compensation Court of New South Wales".

(b) Section 14 (7)—

Omit the subsection.

(c) Section 14 (10)—

Omit "that Commission", insert instead "the Court".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—continued.**AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.****PART 1—continued.****(2) (a) Section 14H (5), (6), (8), (10)—**

Omit "Workers' Compensation Commission" wherever occurring, insert instead "Compensation Court of New South Wales".

(b) Section 14H (7)—

Omit the subsection.

(c) Section 14H (10)—

Omit "the Commission", insert instead "the Court".

(d) Section 14H (11)—

Omit "Commission", insert instead "Compensation Court of New South Wales".

Judges' Pensions Act, 1953, No. 41—**(1) Section 2 (1), definition of "Judge"—**

Omit "Chairman or other member of the Workers' Compensation Commission", insert instead "Chief Judge or Judge of the Compensation Court of New South Wales".

(2) Section 2c—

After section 2B, insert:--

Continuity of office—Workers' Compensation Commission.

2c. The office of Chairman of the Workers' Compensation Commission and of member of the Workers' Compensation Commission under the Workers' Compensation Act, 1926 (as in force immediately before the commencement of Schedule 6 (2) to the Workers' Compensation (Amendment) Act, 1984), shall, for the purposes of this Act, be identical with the office of Chief Judge and of Judge, respectively, of the Compensation Court of New South Wales under the Compensation Court Act, 1984.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

(3) Section 3 (1) (d)—

After "1926", insert ", or section 9 (3) of the Compensation Court Act, 1984".

(4) Section 8 (3)—

Omit "an acting member of the Workers' Compensation Commission", insert instead "an acting member of the Workers' Compensation Commission (under the Workers' Compensation Act, 1926, as in force immediately before the commencement of Schedule 6 (2) to the Workers' Compensation (Amendment) Act, 1984) or an acting Judge of the Compensation Court of New South Wales (under the Compensation Court Act, 1984)".

Northumberland Insurance Company Limited Act, 1975, No. 86—

(1) (a) Section 2, definition of "policy of insurance"—

Omit "1926.", insert instead "1926;".

(b) Section 2, definition of "State Compensation Board"—

After the definition of "policy of insurance", insert:—

"State Compensation Board" means the State Compensation Board constituted under the Workers' Compensation Act, 1926.

(2) (a) Section 6 (4)—

Omit "signed by the Registrar of the Workers' Compensation Commission", insert instead "executed by the State Compensation Board".

(b) Section 6 (4)—

Omit "the signature or of the official character of the person by whom the certificate purports to have been signed", insert instead "its execution by the Board".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

Police Regulation (Superannuation) Act, 1906, No. 28—

(1) (a) Section 1 (2), definition of "Court"—

Omit the definition of "Commission", insert instead:—

"Court" means the Compensation Court of New South Wales constituted by the Compensation Court Act, 1984;

(b) Section 1 (2), definition of "secretary"—

Omit "Board.", insert instead "Board;".

(c) Section 1 (2), definition of "State Compensation Board"—

After the definition of "secretary", insert:—

"State Compensation Board" means the State Compensation Board constituted by the Workers' Compensation Act, 1926.

(2) (a) Section 2A (3) (d)—

Omit the paragraph, insert instead:—

(d) the Chief Executive Officer of the State Compensation Board.

(b) Section 2A (3A)—

Omit "Registrar of the Commission", insert instead "member referred to in subsection (3) (d)".

(c) Section 2A (5) (c)—

Omit the paragraph, insert instead:—

(c) in the case of an alternate member for the Chief Executive Officer of the State Compensation Board—a person on the staff of that Board.

(3) Section 2D (2) (b)—

Omit "Registrar of the Commission or the alternate member for the Registrar of the Commission", insert instead "Chief Executive Officer of the State Compensation Board or the alternate member for the Chief Executive Officer of the State Compensation Board".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

(4) (a) Section 21 (1), (4)–(6), (8), (9)—

Omit "Commission" wherever occurring, insert instead "Court".

(b) Section 21 (7)—

Omit the subsection, insert instead:—

(7) Subject to Part IV of the Compensation Court Act, 1984, the Court shall have exclusive jurisdiction to examine into, hear and determine applications under this section.

(c) Section 21 (11)—

Omit the subsection.

Public Service Act, 1979, No. 89—

(1) Schedule 2, Part 1—

In Columns 1 and 2 respectively, after the matter relating to the Soil Conservation Service, insert:—

| | | |
|------------------------------------|--|---------------------------------------|
| State Compensation Board | | Chief Executive Officer of the Board. |
|------------------------------------|--|---------------------------------------|

(2) Schedule 2, Part 1—

Omit:—

| | | |
|--|--|-----------------------------|
| The Workers' Compensation Commission of New South Wales. | | Chairman of the Commission. |
|--|--|-----------------------------|

Riverina Insurance Company Limited and Another Insurance Company Act, 1971, No. 20—

(1) Section 2, definition of "State Compensation Board"—

After the definition of "Policy of insurance", insert:—

"State Compensation Board" means the State Compensation Board constituted under the Workers' Compensation Act, 1926.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

(2) (a) Section 6 (4)—

Omit "signed by the Registrar of the Workers' Compensation Commission", insert instead "executed by the State Compensation Board".

(b) Section 6 (4)—

Omit "the signature or of the official character of the person by whom the certificate purports to have been signed", insert instead "its execution by the Board".

Statutory and Other Offices Remuneration Act, 1975 (1976, No. 4)—

(1) Schedule 2, Part 1—

At the end of the Part, insert:—

Commissioner of the Compensation Court of New South Wales.

Chief Executive Officer of the State Compensation Board.

Full-time member of the State Compensation Board, other than the Chief Executive Officer.

(2) Schedule 4—

Omit:—

Chairman of The Workers' Compensation Commission of New South Wales.

Member of The Workers' Compensation Commission of New South Wales, other than the Chairman.

Insert instead:—

Chief Judge of the Compensation Court of New South Wales.

Judge of the Compensation Court of New South Wales, other than the Chief Judge.

Superannuation Act, 1916, No. 28—

Section 3 (1), definition of "Employee"—

After "District Court," insert "or a Judge of the Compensation Court,".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

Supreme Court Act, 1970, No. 52—

Section 48 (1) (a), definition of "specified tribunal"—

Omit paragraph (v), insert instead:—

(v) the Compensation Court of New South Wales;

Transport Act, 1930, No. 18—

(1) Section 124AA (1)—

Omit the subsection, insert instead:—

(1) Subject to Part IV of the Compensation Court Act, 1984, the Compensation Court of New South Wales (in this section referred to as the "Compensation Court") shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under section 124 (1), (2) and (3) and section 124A (2).

(2) Section 124AA (2)–(4), (6)—

Omit "Workers' Compensation Commission" wherever occurring, insert instead "Compensation Court".

(3) Section 124AA (3)—

Omit "Part IV (subsection (4) of section 36 and sections 40, 41, 42 and 42A excepted) and section 50", insert instead "sections 50 and 53H".

(4) Section 124AA (3), (4)—

Omit "section 36 of" wherever occurring, insert instead "section 53G (1) of".

(5) Section 124AA (4)—

Omit "53D, 56, 62A and 70 of the Workers' Compensation Act, 1926, and, except in so far as the rules made under that Act otherwise provide, those rules.", insert instead "53D and 56 of the Workers' Compensation Act, 1926, ".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

(6) Section 124AA (4)—

Omit "that Commission", insert instead "that Court".

(7) Section 124AA (5)—

Omit the subsection.

Transport Authorities Act, 1980, No. 103—

(1) (a) Schedule 5, clause 1, definition of "Compensation Court"—

Before the definition of "former provisions", insert:—

"Compensation Court" means the Compensation Court of New South Wales constituted under the Compensation Court Act, 1984;

(b) Schedule 5, clause 1, definition of "relevant Authority"—

Omit "is an officer;", insert instead "is an officer."

(c) Schedule 5, clause 1, definition of "Workers' Compensation Commission"—

Omit the definition.

(2) (a) Schedule 5, clause 4 (1)—

Omit the subclause, insert instead:—

(1) Subject to Part IV of the Compensation Court Act, 1984, the Compensation Court shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under clause 2 (1), (2) and (3) and clause 3 (2).

(b) Schedule 5, clause 4 (2)–(4), (6)—

Omit "Workers' Compensation Commission" wherever occurring, insert instead "Compensation Court".

(c) Schedule 5, clause 4 (3)—

Omit "Part IV (sections 36 (4), 40, 41, 42 and 42A excepted) and section 50", insert instead "sections 50 and 53H".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
*continued.*PART 1—*continued.*

(d) Schedule 5, clause 4 (3), (4)—

Omit "section 36" wherever occurring, insert instead "section 53G (1)".

(e) Schedule 5, clause 4 (4)—

Omit "53D, 56, 62A and 70 of the Workers' Compensation Act, 1926, and, except in so far as the rules made under that Act otherwise provide, those rules", insert instead "53D and 56 of the Workers' Compensation Act, 1926, ".

(f) Schedule 5, clause 4 (4)—

Omit "that Commission", insert instead "that Court".

(g) Schedule 5, clause 4 (5)—

Omit the subclause.

Workers' Compensation (Dust Diseases) Act, 1942, No. 14—

(1) Section 8 (3)—

Omit "Commission" wherever occurring, insert instead "Court".

(2) Section 8H (4) (e)—

Omit "Commission", insert instead "State Compensation Board".

Workmen's Compensation (Broken Hill) Act, 1920, No. 36—

(1) Section 14 (1)—

Omit "Workers' Compensation Commission in manner prescribed by the rules of that Commission", insert instead "Compensation Court of New South Wales in the manner prescribed by the rules of that Court".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
continued.

PART 1—*continued.*

(2) Section 14 (1)—

Omit “the Commission” wherever occurring, insert instead “the Court”.

(3) Section 14 (2)—

Omit the subsection.

(4) Section 14 (3)—

After “section”, insert “or Part IV of the Compensation Court Act, 1984”.

PART 2.

Associated General Contractors Insurance Company Limited Act, 1980, No. 38—

Section 15 (2), (3), (4)—

Omit “Government Insurance Office” wherever occurring, insert instead “State Compensation Board”.

Bishopsgate Insurance Australia Limited Act, 1983, No. 81—

Section 15 (2), (3), (4)—

Omit “Government Insurance Office” wherever occurring, insert instead “State Compensation Board”.

Northumberland Insurance Company Limited Act, 1975, No. 86—

(1) Section 7A (2)—

Omit “Government Insurance Office”, insert instead “State Compensation Board”.

(2) Section 7A (3) (a)–(c)—

Omit section 7A (3) (a) and (b), insert instead:—

(a) a reference to the Government Insurance Office shall be construed as a reference to the State Compensation Board;

(b) a reference to the fund shall be construed as a reference to the Contribution Fund; and

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS CONSEQUENT ON THE ENACTMENT OF THE PRINCIPAL ACTS—
*continued.*PART 2—*continued.*

- (c) a reference to any right or liability of the Company shall be construed as a reference to any right or liability the Company would have had but for its dissolution.

Riverina Insurance Company Limited and Another Insurance Company Act, 1971, No. 20—

Sections 7A (2), 7B, 7C—

Omit "Government Insurance Office" wherever occurring, insert instead "State Compensation Board".

The Standard Insurance Company Limited and Certain Other Insurance Companies Act, 1963, No. 18—

(1) Section 2, definition of "State Compensation Board"—

After the definition of "Policy of insurance", insert:—

"State Compensation Board" means the State Compensation Board constituted under the Workers' Compensation Act, 1926.

(2) Sections 7A (2), 7B, 7C—

Omit "Government Insurance Office" wherever occurring, insert instead "State Compensation Board".

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2.

(Sec. 6.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Interpretation: Sch. 2.

1. (1) In this Schedule—

“appointed day”, in relation to a provision of this Schedule, means the day of commencement of the provision;

“award” includes order, decision, determination, ruling and direction;

“Board” means the State Compensation Board constituted under the Workers' Compensation Act, 1926;

“Commission” means The Workers' Compensation Commission of New South Wales constituted under the Workers' Compensation Act, 1926, as in force immediately before the commencement of Schedule 5 to the Workers' Compensation (Amendment) Act, 1984, and includes the Registrar of the Commission;

“Court” means the Compensation Court of New South Wales constituted under the Compensation Court Act, 1984;

“instrument” means an Act (other than this Act), a rule, a by-law, a regulation or an ordinance, or any other instrument or document, whether of the same or of a different kind or nature;

“Insurers' Contribution Fund” means the fund established under section 30H of the Workers' Compensation Act, 1926, as in force immediately before the day appointed and notified under section 2 (4) of the Workers' Compensation (Amendment) Act, 1984;

“regulation” means a regulation made under this Act;

“the amending Acts” means the Compensation Court Act, 1984, the Workers' Compensation (Amendment) Act, 1984, the Workers' Compensation (Brucellosis) Amendment Act, 1984, the Sporting Injuries Insurance (Workers' Compensation) Amendment Act, 1984, and this Act.

(2) A reference in this Schedule to—

(a) a function includes a reference to a power, authority and duty; and

(b) the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Transfer of certain property, etc., of the Commission.**

2. On and from the appointed day—

- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Commission shall vest in or belong to the Board;
- (b) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable to, or recoverable by, the Commission shall be debts due and money payable to and claims recoverable by the Board;
- (c) all suits, actions and proceedings pending immediately before that day at the suit of the Commission shall be respectively suits, actions and proceedings pending at the suit of the Board and all suits, actions and proceedings so pending at the suit of any person against the Commission shall be respectively suits, actions and proceedings pending at the suit of that person against the Board;
- (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Commission and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Board;
- (e) the Board may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of suits, actions and proceedings so referred to as the Commission might have done but for the enactment of the Workers' Compensation (Amendment) Act, 1984;
- (f) the Board may enforce and realise any security or charge existing immediately before that day in favour of the Commission and may exercise any powers thereby conferred on the Commission as if the security or charge were a security or charge in favour of the Board;
- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Commission shall be debts due and money payable by and claims recoverable against the Board; and
- (h) all liquidated and unliquidated claims for which the Commission would, but for the enactment of the Workers' Compensation (Amendment) Act, 1984, have been liable shall be liquidated and unliquidated claims for which the Board shall be liable.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Transfer of certain property, etc.—Insurers' Contribution Fund.**

3. (1) In subclause (2)—

"Board" means the Board as director, controller or manager of the Insurers' Contribution Fund;

"Office" means the Government Insurance Office as director, controller or manager of the Insurers' Contribution Fund.

(2) On and from the appointed day—

- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Office shall vest in or belong to the Board;
- (b) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable to, or recoverable by, the Office shall be debts due and money payable to and claims recoverable by the Board;
- (c) all suits, actions and proceedings pending immediately before that day at the suit of the Office shall be respectively suits, actions and proceedings pending at the suit of the Board and all suits, actions and proceedings so pending at the suit of any person against the Office shall be respectively suits, actions and proceedings pending at the suit of that person against the Board;
- (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Office and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Board;
- (e) the Board may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of suits, actions and proceedings so referred to as the Office might have done but for the enactment of the Workers' Compensation (Amendment) Act, 1984;
- (f) the Board may enforce and realise any security or charge existing immediately before that day in favour of the Office and may exercise any powers thereby conferred on the Office as if the security or charge were a security or charge in favour of the Board;
- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Office shall be debts due and money payable by and claims recoverable against the Board; and

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (h) all liquidated and unliquidated claims for which the Office would, but for the enactment of the Workers' Compensation (Amendment) Act, 1984, have been liable shall be liquidated and unliquidated claims for which the Board shall be liable.

Effect of certain acts, etc., of the Commission and the Government Insurance Office.

4. (1) Subject to this Act, to the extent that any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Commission would, but for the enactment of the amending Acts, have had, on or after that day, any force or effect or been in operation, that act, matter or thing shall—

- (a) to the extent that that act, matter or thing would have been an act, matter or thing done or omitted to be done by, to or in respect of the Court had Schedule 6 to the Workers' Compensation (Amendment) Act, 1984, been in force at that time—be deemed to have been done or omitted to be done by, to or in respect of the Court; and
- (b) to the extent that that act, matter or thing would have been an act, matter or thing done or omitted to be done by, to or in respect of the Board had Schedule 6 to the Workers' Compensation (Amendment) Act, 1984, been in force at that time—be deemed to have been done or omitted to be done by, to or in respect of the Board.

(2) Subject to this Act, to the extent that any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Government Insurance Office as director, controller or manager of the Insurers' Contribution Fund would, but for the enactment of the amending Acts, have had, on or after that day, any force or effect or been in operation, that act, matter or thing shall be deemed to have been done or omitted to be done by, to or in respect of the Board as director, controller or manager of that Fund.

Transfer of certain assets, debts and liabilities from the Board to the Crown.

5. (1) A reference in this clause to assets, debts and liabilities of the Board is a reference to assets, debts and liabilities of the Board which were, immediately before the appointed day, assets, debts or liabilities of the Commission.

(2) For the purpose of determining what assets, debts and liabilities of the Board should be those of the Crown there shall, on and from the appointed day, be a committee consisting of—

- (a) a chairman, being the Treasurer, or a person appointed by the Treasurer as the representative of the Treasurer on the committee;

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (b) the Minister administering the Compensation Court Act, 1984, or a person appointed by that Minister as the representative of the Court on the committee; and
 - (c) the Minister administering Part IV of the Workers' Compensation Act, 1926, or a person appointed by that Minister as the representative of the Board on the committee.
- (3) The committee shall—
- (a) determine what assets of the Board are to be assets of the Crown;
 - (b) determine (by apportionment or otherwise) what debts and liabilities of the Board are to be debts and liabilities of the Crown;
 - (c) determine what records (including books, documents and papers) of the Board are to be records of the Court; and
 - (d) determine how the expense of meeting payments on account of the leave entitlements or on the retirement or death or other termination of the employment of an officer or employee of the Commission transferred to the service of the Court should be apportioned between the Board and the Crown.
- (4) Where a determination has been made under this clause, a record thereof shall be filed in the Court and the office of the Board, and a copy transmitted to the Treasury for record purposes.
- (5) A determination made under this clause shall be given effect to by the Board, the Court or, on behalf of the Crown, the Minister administering the Compensation Court Act, 1984, as the case may require.
- (6) Questions arising at a meeting of the committee shall be determined by a majority of votes of the members of the committee.

Vesting of certain assets, etc., in the Court.

6. (1) Without affecting anything in clause 5, the Governor may, by proclamation published in the Gazette, declare that any assets, debts or liabilities referred to in that clause and specified or referred to in the proclamation belong to the Crown.

(2) A proclamation may be published under subclause (1) in respect only of assets, debts and liabilities that are determined under clause 5 to be those of the Crown.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) The provisions of clauses 2 and 4 (1) apply to and in respect of the assets, debts or liabilities to which a proclamation under subclause (1) relates in the same way as they apply to and in respect of the things therein referred to, and so apply as if references to—

- (a) the appointed day were references to the date of publication in the Gazette of the proclamation or a later date specified in the proclamation;
- (b) the Commission were references to the Board; and
- (c) the Board were references to the Crown.

(4) For the purposes of subclause (1), any assets, debts or liabilities may be specified or referred to in a proclamation by reference to documents, lists or inventories kept in the Court or at the office of the Board, or both.

Savings as to members and staff of the Commission.

7. (1) A person appointed as a member of the Commission and holding office as such immediately before the appointed day shall be deemed to have been duly appointed as a Judge of the Court.

(2) A person appointed to act temporarily as an additional member of the Commission under section 31 (4) of the Workers' Compensation Act, 1926, and whose appointment continues in force immediately before the appointed day, shall be deemed to have been duly appointed to act as a Judge of the Court under section 11 (4) of the Compensation Court Act, 1984, but the person shall not, by virtue of this subclause, hold office as such for a time longer than that for which the person was appointed.

(3) The person who was, immediately before the appointed day, the Chairman of the Commission shall be deemed to have been duly appointed as the Chief Judge of the Court.

(4) A person appointed as a member of the Commission and not holding office as such immediately before the appointed day, and a widow of any such person, shall have the same rights as to salary, pension or otherwise which he or she would have had if the amending Acts had not been enacted.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(5) A person appointed or employed as a casual employee of the Commission under section 33 (4) of the Workers' Compensation Act, 1926, and whose appointment or employment continues in force immediately before the appointed day shall be deemed, where the Minister directs by instrument in writing that he or she be deemed to be a casual employee of the Board, to have been duly appointed or employed, as the case may be, as a casual employee of the Board under section 36 (5) of the Workers' Compensation Act, 1926, and his or her wages and conditions of employment, if fixed by the Commission, shall be deemed to have been fixed by the Board.

Pending proceedings, etc., before the Commission in court session.

8. (1) Any sittings of the Commission arranged for dates on or after the appointed day shall, unless the Chief Judge of the Court otherwise directs, be deemed to be sittings of the Court.

(2) Subject to the rules of the Court, and unless the Court otherwise orders—

- (a) any proceedings pending before the Commission in court session immediately before the appointed day shall be continued before and disposed of by the Court, but otherwise those proceedings shall be continued and disposed of as if the amending Acts had not been enacted;
- (b) any award of the Court in proceedings referred to in paragraph (a) shall be enforceable in the same way as an award of the Court in proceedings commenced after the appointed day is enforceable;
- (c) except as provided by paragraph (d), any award of the Commission in court session shall be enforceable by the Court in the same way as an award of the Court is enforceable;
- (d) any award of the Commission in court session shall, as regards any step taken in the enforcement of the award before the appointed day, be enforceable by the Court, but otherwise shall be enforceable as if the amending Acts had not been enacted; and
- (e) the entitlement of any party to costs in respect of proceedings commenced in the Commission before the appointed day and completed in the Court after that day shall be ascertained as if the amending Acts had not been enacted.

(3) Unless the Supreme Court in a particular case otherwise orders—

- (a) Part IV of the Compensation Court Act, 1984, applies to and in respect of proceedings in, or an award of, the Commission in court session as if they were proceedings in, or it were an award of, the Court; and

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (b) any appeal made under Part IV of the Workers' Compensation Act, 1926, and pending in the Supreme Court immediately before the appointed day shall be deemed to have been made under Part IV of the Compensation Court Act, 1984.

Matters pending before the Commission, other than in court session.

9. Subject to the regulations, any matter pending before the Commission immediately before the appointed day (other than a proceeding pending before the Commission in court session) shall be continued before and disposed of by the Board.

Construction of certain references.

10. (1) Subject to the regulations, a reference in an instrument enacted, made, proclaimed or published before the appointed day, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to—

- (a) the Commission, the Chairman of the Commission or a member of the Commission shall be read and construed as a reference to the Board, except to the extent that a reference is made in relation to a function that is by or under this or any other Act conferred or imposed (otherwise than by a delegation) on the Court;
- (b) the Commission, the Chairman of the Commission or a member of the Commission, to the extent that the reference is made in relation to a function that is by or under this or any other Act conferred or imposed (otherwise than by a delegation) on the Court, shall be read and construed as a reference to the Court, the Chief Judge of the Court and a Judge of the Court, respectively;
- (c) a medical board within the meaning of section 51 of the Workers' Compensation Act, 1926, as in force before the appointed day, shall be read and construed as a reference to a medical panel appointed under section 50 of that Act, as in force on and after that day; and
- (d) the Uninsured Liability Scheme constituted under section 18c of the Workers' Compensation Act, 1926, as in force before the appointed day, shall be read and construed as a reference to the Uninsured Liability and Indemnity Scheme constituted under that section, as in force on and after that day.

Miscellaneous Acts (Workers' Compensation) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) Subject to the regulations, a reference in an instrument enacted, made, proclaimed or published before the appointed day, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to, the Government Insurance Office as manager of the Insurers' Contribution Fund shall be read and construed as a reference to the Board as manager of that Fund.

Regulations.

11. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of the amending Acts.

(2) A provision made under subclause (1) may take effect—

- (a) except as provided in paragraph (b)—as from the day appointed and notified under section 2 (2) of the Compensation Court Act, 1984; or
- (b) where the provision is consequent on the enactment of Schedule 5 (Schedule 5 (3) (a) excepted) to the Workers' Compensation (Amendment) Act, 1984—
—as from the day appointed and notified under section 2 (4) of that Act.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or a public authority) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the foregoing clauses of this Schedule.
