

**MISCELLANEOUS ACTS (WORKERS COMPENSATION)
AMENDMENT ACT 1987 No. 79**

NEW SOUTH WALES



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**MISCELLANEOUS ACTS (WORKERS COMPENSATION)
AMENDMENT ACT 1987 No. 79**

NEW SOUTH WALES



Act No. 79, 1987

An Act to amend certain Acts as a consequence of and in connection with the enactment of the Workers Compensation Act 1987. [Assented to 10 June 1987]

Miscellaneous Acts (Workers Compensation) Amendment 1987

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 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendments to certain Acts

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

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO CERTAIN ACTS

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

(1) Section 2 (1), definition of "Injury"—

Omit "Workers' Compensation Act, 1926, as amended by subsequent Acts", insert instead "Workers Compensation Act 1987".

(2) (a) Section 19A (1) (a)—

Omit "or any amendment thereof," insert instead "or the Workers Compensation Act 1987;"

(b) Section 19A (1) (b)—

Omit "-1947".

(c) Section 19A (2)—

Omit ", or any amendment thereof,".

Miscellaneous Acts (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO CERTAIN ACTS—*continued*

(3) (a) Section 19B (1) (a)—

Omit “or any amendment thereof”, insert instead “or the Workers Compensation Act 1987 (whichever is applicable)”.

(b) Section 19B (2) (b)—

After “1926.”, insert “or the Workers Compensation Act 1987”.

(c) Section 19B (3)—

After “redemption”, insert “or commutation”.

(d) Section 19B (3)—

Omit “, or any amendment thereof,”, insert instead “or the Workers Compensation Act 1987”.

Dentists Act 1934 No. 10—

Section 12A (6)—

Omit “medical treatment within the meaning of the Workers’ Compensation Act, 1926, as amended by subsequent Acts”, insert instead “medical or related treatment within the meaning of Division 3 of Part 3 of the Workers Compensation Act 1987”.

District Court Act 1973 No. 9—

Section 77 (5) (b)—

After “1926.”, insert “or under section 150 (1) (e) of the Workers Compensation Act 1987”.

Government Insurance Act 1927 No. 18—

Section 10—

Omit “Workers’ Compensation Act 1926”, insert instead “Workers Compensation Act 1987”.

Health Insurance Levies Act 1982 No. 159—

Section 17 (3) (a)—

Omit the paragraph, insert instead:

(a) Division 3 of Part 3 of the Workers Compensation Act 1987; or

Industrial Arbitration Act 1940 No. 2—

Section 88B (3) (c)—

Omit “Workers’ Compensation Act, 1926, and any Act amending or replacing any of those Acts”, insert instead “Workers Compensation Act 1987”.

Miscellaneous Acts (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO CERTAIN ACTS—*continued*

Insurance Act 1902 No. 49—

Section 21 (2) (c)—

Omit “Workers’ Compensation Act, 1926,” insert instead “Workers Compensation Act 1987”.

Law Reform (Miscellaneous Provisions) Act 1946 No. 33—

Section 6 (8)—

Omit “Workers’ Compensation Act, 1926–1945,” insert instead “Workers Compensation Act 1987”.

Law Reform (Miscellaneous Provisions) Act 1965 No. 32—

(1) Section 10 (1) (c)—

Omit “–1965”.

(2) Section 10 (1) (d)—

Omit “–1965”, insert instead “or pursuant to section 150 of the Workers Compensation Act 1987”.

(3) (a) Section 10 (1) (e)—

Omit “–1965, remains”, insert instead “or Division 3 of Part 3 of the Workers Compensation Act 1987 remains”.

(b) Section 10 (1) (e)—

Omit “paragraph (a) of subsection (1) of section 64 of the Workers’ Compensation Act, 1926–1965,” insert instead “section 150 of the Workers Compensation Act 1987”.

(c) Section 10 (1) (e)—

Omit “said Act”, insert instead “Workers’ Compensation Act 1926 or Division 3 of Part 3 of the Workers Compensation Act 1987, whichever is applicable”.

Medical Practitioners Act 1938 No. 37—

Section 37—

Omit “medical treatment within the meaning of the Workers’ Compensation Act, 1926”, insert instead “medical or related treatment within the meaning of Division 3 of Part 3 of the Workers Compensation Act 1987”.

Pastures Protection Act 1934 No. 35—

Section 21—

Omit “Workers’ Compensation Act, 1926,” insert instead “Workers Compensation Act 1987”.

Miscellaneous Acts (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO CERTAIN ACTS—*continued*

Sporting Injuries Insurance Act 1978 No. 141—

(1) Section 6 (**Appointment of referees and medical panels**)—

Section 6 (1)—

Omit “section 50 (1) of the Workers’ Compensation Act 1926”, insert instead “the Workers Compensation Act 1987”.

(2) Section 18 (**Failure of organisation to pay premiums**)—

Section 18 (1)—

Omit “paragraph (g) of the definition of ‘Worker’ in section 6 (1) of the Workers’ Compensation Act 1926”, insert instead “paragraph (d) of the definition of ‘worker’ in section 3 (1) of the Workers Compensation Act 1987”.

(3) Schedule 2 (**Constitution and procedure of Sporting Injuries Committee**)—

(a) Clause 1, definition of “Board”—

Omit “Workers’ Compensation Act 1926”, insert instead “Workers Compensation Act 1987”.

(b) Clause 2 (2), 5 (1)—

Omit “Chairman of the Board” wherever occurring, insert instead “Chairperson of the Board”.

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

Schedule 2, Part 1—

Omit:

Senior Commissioner of the Compensation Court of New South Wales (appointed under the Workers’ Compensation Act, 1926).

Commissioner of the Compensation Court of New South Wales (appointed under the Workers’ Compensation Act, 1926), other than the Senior Commissioner.

Insert instead:

Senior Workers Compensation Commissioner.

Workers Compensation Commissioner, other than the Senior Workers Compensation Commissioner.

Supreme Court Act 1970 No. 52—

(1) Section 89 (2) (a)—

Omit “or”.

Miscellaneous Acts (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO CERTAIN ACTS—*continued*

- (2) Section 89 (2) (b), (c)—

At the end of section 89 (2) (b), insert:

; or

(c) section 150 (1) (e) of the Workers Compensation Act 1987,

Transport Act 1930 No. 18—

- (1) (a) Section 124 (3)—

After “medical” where firstly occurring, insert “or related treatment”.

- (b) Section 124 (3), (3A)—

Omit the second sentence in section 124 (3), insert instead:

(3A) The provisions of Division 3 of Part 3 of the Workers Compensation Act 1987 (except section 60) apply, with any necessary modifications, to any such treatment or service in the same way as those provisions apply to any treatment or service under that Act.

- (2) Section 124AA—

Omit the section, insert instead:

Jurisdiction of workers compensation commissioners, medical disputes etc.

124AA. (1) The workers compensation commissioners have the same jurisdiction to hear and determine matters arising under section 124 (1)–(3) and section 124A (2) as they have for matters arising under the Workers Compensation Act 1987.

(2) The provisions of Divisions 4 and 5 of Part 4 of the Workers Compensation Act 1987 and the provisions of the Compensation Court Act 1984 apply to proceedings under this section.

- (3) Section 124B (4) (b) (ii)—

After “medical”, insert “or related treatment”.

- (4) Section 124C (1), proviso—

After “that section”, insert “, or been paid compensation under Division 4 of Part 3 of the Workers Compensation Act 1987”.

Miscellaneous Acts (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO CERTAIN ACTS—*continued*

(5) Section 125—

Omit the section, insert instead:

Abolition of common law remedies of officers

125. (1) Section 149 of the Workers Compensation Act 1987 (and Schedule 6 to that Act in relation to that section) apply to and in respect of an officer even though the officer has not elected to make a claim for compensation against the Commissioner by whom the officer is employed.

(2) For the purposes of the application of those provisions, the payments required to be made by a Commissioner under section 124 (1)–(3) and section 124A (2) shall be deemed to be compensation payable by the Commissioner under the Workers Compensation Act 1987.

(3) This section has effect notwithstanding anything to the contrary in this Act.

Transport Authorities Act 1980 No. 103—

Schedule 5 (Staff compensation entitlements)—

(1) Clause 1—

At the end of the clause, insert:

“workers compensation commissioner” means a workers compensation commissioner under the Workers Compensation Act 1987.

(2) Clause 2 (3)—

after “medical”, insert “or related treatment”.

(3) Clause 2 (4)—

Omit the subclause, insert instead:

(4) The provisions of Division 3 of Part 3 of the Workers Compensation Act 1987 (except section 60) apply, with any necessary modifications, to any such treatment or service in the same way as those provisions apply to any treatment or service under that Act.

(4) Clause 4—

Omit the clause, insert instead:

Jurisdiction of workers compensation commissioners, medical disputes etc.

4. (1) The workers compensation commissioners have the same jurisdiction to hear and determine matters arising under clause 2 (1), (2) and (3) and clause 3 (2) as they have for matters arising under the Workers Compensation Act 1987.

Miscellaneous Acts (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO CERTAIN ACTS—*continued*

(2) The provisions of Divisions 4 and 5 of Part 4 of the Workers Compensation Act 1987 and the provisions of the Compensation Court Act 1984 apply to proceedings under this clause.

(5) Clause 5 (4) (b) (ii)—

After “medical”, insert “or related treatment”.

(6) Clause 6 (2)—

After “that section”, insert “, or been paid compensation under Division 4 of Part 3 of the Workers Compensation Act 1987”.

(7) Clause 6A—

After clause 6, insert:

Abolition of common law remedies against Authority etc.

6A. (1) Section 149 of the Workers Compensation Act 1987 (and Schedule 6 to that Act in relation to that section) apply to and in respect of an officer even though the officer has not elected to make a claim for compensation against the Authority.

(2) For the purposes of the application of those provisions, the payments required to be made by the Authority under clauses 2 and 3 shall be deemed to be compensation payable by the Authority under the Workers Compensation Act 1987.

(3) This section has effect notwithstanding anything to the contrary in this Schedule.

Workers' Compensation (Brucellosis) Act 1979 No. 116—

Section 2 (3)—

After section 2 (2), insert:

(3) After the repeal of the Principal Act, a reference in this Act to a provision of that Act shall be construed as a reference to the corresponding provision of the Workers Compensation Act 1987.

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

(1) Section 1—

Omit “, and shall be construed with the Workmen's Compensation Act, 1916, hereinafter called the Principal Act”.

*Miscellaneous Acts (Workers Compensation) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO CERTAIN ACTS—*continued*

(2) (a) Schedule, clause 5A (a)—

Omit “the Workers’ Compensation Act, 1926,” where firstly occurring, insert instead “Division 2 of Part 3 of, and Schedule 6 to, the Workers Compensation Act 1987”.

(b) Schedule, clause 5A (a) (i)—

Omit the subparagraph, insert instead:

- (i) the mine worker were a worker (as defined in the Workers Compensation Act 1987) employed in or about a mine to which the Coal Mines Regulation Act 1982 applies;

(c) Schedule, clause 5A (b)—

Omit “the Workers’ Compensation Act, 1926,” insert instead “the Workers Compensation Act 1987”.

(d) Schedule, clause 6 (1) (a)–(c)—

Omit “20.00”, “7.00”, “7.00”, “9.50”, “9.50”, “9.50”, “7.00”, “20.00”, “14.50”, “9.50”, “20.00”, insert instead respectively “38.30”, “13.40”, “13.40”, “18.20”, “18.20”, “18.20”, “13.40”, “38.30”, “27.80”, “18.20”, “38.30”.

(e) Schedule, clause 6 (2) (c)—

After clause 6 (2) (b), insert:

(c) After the repeal of the Workers’ Compensation Act 1926 the reference in paragraph (b) to that Act shall be construed as a reference to the Workers Compensation Act 1987 and a reference to section 9 (2) of that Act shall be construed as a reference to section 37 (2) of the Workers Compensation Act 1987.

(f) Schedule, clause 6A (b)—

Omit “63.00”, “63.00”, “4.50”, “26.50”, insert instead respectively “120.70”, “120.70”, “8.60”, “50.80”.

(g) Schedule, clause 6C—

Omit the clause, insert instead:

6C. Division 6 of Part 3 of the Workers Compensation Act 1987 (Indexation of amounts of benefits) applies to any amount payable under this scheme at a weekly rate (other than an amount payable under clause 5A (a) of this scheme) in the same way as it applies to an adjustable amount under that Division.

Miscellaneous Acts (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO CERTAIN ACTS—*continued*

Workmen's Compensation (Lead Poisoning—Broken Hill) Act 1922 No. 31—

Section 16—

After section 15, insert:

Repeal of Act

16. This Act is repealed on such date as may be appointed by the Governor and notified by proclamation published in the Gazette.