

WORKCOVER LEGISLATION (AMENDMENT) ACT 1989
No. 121

NEW SOUTH WALES



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SCHEDULE 1 - AMENDMENTS

WORKCOVER LEGISLATION (AMENDMENT) ACT 1989
No. 121

NEW SOUTH WALES



Act No. 121, 1989

An Act to amend various Acts as a consequence of the enactment of the WorkCover Administration Act 1989; to repeal the Occupational Health and Safety (Workers' Compensation) Amendment Act 1985; and for other purposes. [Assented to 24 August 1989]

WorkCover Legislation (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the WorkCover Legislation (Amendment) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Acts

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Repeal of Occupational Health and Safety (Workers' Compensation) Amendment Act 1985 No. 93

4. The Occupational Health and Safety (Workers' Compensation) Amendment Act 1985 is repealed.

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(Sec. 3)

Construction Safety Act 1912 No. 38:

(1) Section 4C:

After section 4B, insert:

Fees to be paid into WorkCover Authority Fund

4C. Any fees paid under this Act or the regulations are to be paid into the WorkCover Authority Fund under the WorkCover Administration Act 1989.

(2) Section 6A (**Fees payable in respect of certain construction work**):

Omit the section.

SCHEDULE 1 - AMENDMENTS - *continued*

Dangerous Goods Act 1975 No. 68

- (1) Section 5B:
After section 5A, insert:
Fees to be paid into WorkCover Authority Fund
5B. Any fees paid under this Act or the regulations are to be paid into the WorkCover Authority Fund under the WorkCover Administration Act 1989.
- (2) Section 7 (**Annual report**):
Omit the section.

Factories, Shops and Industries Act 1962 No. 43

- (1) Part 3, Division 1, heading:
Omit the heading, insert instead:
Division 1 - Preliminary
- (2) Section 9 (**Definitions**):
Before the definition of "Boiler" in section 9 (1), insert:
"Authority" means the WorkCover Authority constituted under the WorkCover Administration Act 1989.
- (3) Section 9A:
After section 9, insert:
Fees to be paid into WorkCover Authority Fund
9A. Any fees paid under this Part or under regulations made for the purposes of this Part are to be paid into the WorkCover Authority Fund under the WorkCover Administration Act 1989.
- (4) Sections 11, 12, 13, 14, 15, 26, 45, 48:
Omit "Under Secretary" wherever occurring, insert instead "Authority".
- (5) Section 11 (**Registration of factories**):
 - (a) From section 11 (3A) (a), omit "he is", insert instead "the Authority is".

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SCHEDULE 1 - AMENDMENTS - *continued*

- (b) From section 11 (4), omit "on him", insert instead "on it".
 - (c) From section 11 (5) and (10), omit "he shall" wherever occurring, insert instead "the Authority must".
 - (d) From section 11 (8) (b), omit "to him", insert instead "to the Authority".
 - (e) From section 11 (9), omit "he may", insert instead "the Authority may".
 - (f) From section 11 (10), omit "his decision", insert instead "the decision".
- (6) Section 12 (**Notification by inspector of defects in factory**):
From section 12 (6), omit "he shall", insert instead "the Authority is to".
- (7) Section 14 (**Service of notice by Authority in respect of certain buildings, alterations etc.**):
- (a) From section 14 (1), omit "he may", insert instead "the Authority may".
 - (b) From section 14 (1), omit "his approval", insert instead "its approval".
 - (c) From section 14 (5), omit "by him", insert instead "by the Authority".
- (8) Section 26 (**Exemptions**):
- (a) Omit "under his hand", insert instead "signed by the Authority".
 - (b) Omit "he is", insert instead "the Authority is".

Occupational Health and Safety Act 1983 No. 20

- (1) Section 3 (**Arrangement**):
Omit the section.
- (2) Section 4 (**Definitions**):
 - (a) Omit the definition of "Council" from section 4 (1).

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) After the definition of "work" in section 4 (1), insert:
"WorkCover Authority" means the WorkCover Authority constituted under the WorkCover Administration Act 1989.
- (3) Part 2 (**The Occupational Health, Safety and Rehabilitation Council of New South Wales**):
Omit the Part.
- (4) Section 23 (**Establishment of occupational health and safety committees in workplaces**):
Omit "Council" from section 23 (1) (b), insert instead "WorkCover Authority".
- (5) Section 29 (**Power of members of Council to enter workplace**):
Omit the section.
- (6) Section 44A (**Industry Codes of Practice**):
 - (a) Omit "Council" wherever occurring, insert instead "WorkCover Authority".
 - (b) Omit "Department of Industrial Relations and Employment", insert instead "WorkCover Authority".
- (7) Section 54 (**Evidentiary statements**):
 - (a) Omit "Co-ordinator of Occupational Health, Safety and Rehabilitation Services", insert instead "General Manager of the WorkCover Authority".
 - (b) Omit section 54 (a) (ii).
 - (c) Omit "departmental document" from section 54 (b), insert instead "official document".
- (8) Schedule 1 (**Provisions relating to the members and procedure of the Council**):
Omit the Schedule.

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SCHEDULE 1 - AMENDMENTS - *continued*

Police Regulation (Superannuation) Act 1906 No. 28:

Section 2H (Constitution of Committee):

Omit section 2H (3) (d), insert instead:

- (d) 1 shall be a person nominated by the WorkCover Authority; and

Public Finance and Audit Act 1983 No. 152:

Schedule 2 (Statutory Bodies):

- (1) Omit "Workers Compensation and Rehabilitation Authority."
(2) Insert (in alphabetical order) "WorkCover Authority."

Public Sector Management Act 1988 No. 33:

(1) Schedule 2 (Administrative Offices):

- (a) Omit the matter relating to the Workers Compensation and Rehabilitation Authority.
(b) Insert (in alphabetical order):
WorkCover Authority . . . General Manager of the Authority.

(2) Schedule 3A:

Omit "General Manager of the Workers Compensation and Rehabilitation Authority", insert instead "General Manager of the WorkCover Authority".

(3) Schedule 3B:

Omit "Deputy General Manager of the Workers Compensation and Rehabilitation Authority".

Sporting Injuries Insurance Act 1978 No. 141:

Schedule 2 (Constitution and Procedure of Sporting Injuries Committee):

SCHEDULE 1 - AMENDMENTS - *continued*

Schedule 2, clause 1:

Omit the definition of "Authority", insert instead:

"Authority" means the WorkCover Authority constituted under the WorkCover Administration Act 1989;

WorkCover Administration Act 1989

Schedule 2 (**Provisions relating to General Manager**):

(a) Clause 1A:

After clause 1, insert:

Employment of General Manager

1A. The employment of the General Manager is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 2 and 4 - 10:

Omit the clauses.

Workers Compensation Act 1987 No. 70

(1) Section 3 (**Definitions**):

(a) Section 3 (1), definition of "Authority":

Omit the definition, insert instead:

"Authority" means the WorkCover Authority constituted under the WorkCover Administration Act 1989;

(b) Section 3 (1), definitions of "Board", "Insurance Premiums Committee":

Omit the definitions.

(c) Section 3 (1):

Omit the definition of "Workers Compensation and Rehabilitation Authority Fund", insert instead:

"WorkCover Authority Fund" means the WorkCover Authority Fund established under section 18 of the WorkCover Administration Act 1989.

(2) Sections 87, 127, 142 - 145, 153, 156, 175, 206, 228, Part 13 of Schedule 6:

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SCHEDULE 1 - AMENDMENTS - *continued*

Omit "Workers Compensation and Rehabilitation Authority Fund" wherever occurring, insert instead "WorkCover Authority Fund".

(3) Section 107A:

After section 107, insert:

Authority may intervene in proceedings

107A. (1) The Authority has a right to be heard in any proceedings before the Compensation Court.

(2) The Authority may, for that purpose, be represented by a barrister or solicitor or an officer of the Authority or by any other person.

(3) In any such proceedings the Authority may apply for any order for which any party may apply in those proceedings.

(4) Sections 165 (**Insurance Premiums Committee**), 166 (**Investigations by Insurance Premiums Committee**), 167 (**Delegation by Insurance Premiums Committee**):

Omit the sections.

(5) Section 168 (**Insurance premiums order**):

Omit "Insurance Premiums Committee", insert instead "Authority".

(6) Part 9, heading:

Omit the heading, insert instead:

PART 9 - WORKCOVER AUTHORITY FUND

(7) Part 9, Division 1 (**Constitution of Authority**), Division 2 (**Functions of Authority**), Division 4 (**Miscellaneous**):

Omit the Divisions.

(8) Part 9, Division 3, heading:

Omit the heading.

(9) Section 258 (**Definitions**):

(a) Omit "In this Division", insert instead "In this Part".

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) Omit the definition of "Fund", insert instead:
"Fund" means the WorkCover Authority Fund
established under section 18 of the WorkCover
Administration Act 1989;
- (10) Section 259 (**Establishment of Workers Compensation and
Rehabilitation Authority Fund**):
Omit the section.
- (11) Section 260 (**Assessment by Authority of amount to be
contributed to Fund**):
Omit "Division" wherever occurring, insert instead "Part".
- (12) Schedule 3 (**Provisions relating to the directors and procedure
of the Board**), Schedule 4 (**Provisions relating to the executive
officers**):
Omit the Schedules.
- (13) Schedule 6 (**Savings, transitional and other provisions**):
 - (a) Part 15, clause 5 (Insurance Premiums Committee):
Omit the clause.
 - (b) Part 17 (Provisions consequent on the enactment of the
Workers Compensation (Amendment) Act 1988):
Omit the Part.

**Workers Compensation (Bush Fire, Emergency and Rescue Services)
Act 1987 No. 83:**

Section 3 (**Definitions**):

Omit the definition of "Authority", insert instead:

"Authority" means the WorkCover Authority
constituted under the WorkCover Administration Act
1989;

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SCHEDULE 1 - AMENDMENTS - *continued*

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

(1) Section 3 (**Definitions**):

After the definition of "Widower", insert:

"WorkCover Authority" means the WorkCover Authority constituted under the WorkCover Administration Act 1989.

(2) Section 5 (**Workers' Compensation (Dust Diseases) Board**):

(a) Section 5 (1) (b):

Omit the paragraph.

(b) Section 5 (1) (c) (i):

Omit the subparagraph, insert instead:

(i) The chairman and other members of the board hold office for a term of 3 years, and are eligible for reappointment.

(c) Section 5 (4):

After section 5 (3), insert:

(4) The board may, with the approval of the Minister, arrange for the use of the services of any staff or facilities of a Government department, administrative office or public authority.

(3) Section 6 (**Constitution of Fund**):

(a) Section 6 (1) (b):

Omit "the Insurance Premiums Committee constituted under the Principal Act (hereinafter referred to as the Insurance Premiums Committee)", insert instead "the WorkCover Authority".

(b) Section 6:

Omit "Insurance Premiums Committee" wherever occurring, insert instead "WorkCover Authority".

SCHEDULE 1 - AMENDMENTS - *continued*

- (c) Section 6 (2) (c) (as inserted by Act No. 64, 1989):
Omit "the executive member and".
- (d) Section 6 (7C), (7D):
Omit the subsections, insert instead:
 - (7C) There is established a fund to be known as the Dust Diseases Reserve Fund vested in and administered by the WorkCover Authority.
There is to be paid into the Dust Diseases Reserve Fund:
 - (a) all amounts which, immediately before the establishment of the Fund, stood to the credit of the Dust Diseases Contribution Account or the Dust Diseases Outstanding Liability Reserve Fund; and
 - (b) all amounts contributed by insurers under subsection (6) or (7D).
 - The WorkCover Authority may, out of the Dust Diseases Reserve Fund, pay such amounts as are required from time to time by the Workers' Compensation (Dust Diseases) Fund to meet its liabilities.
 - (7D) The WorkCover Authority may determine additional amounts of contributions to be paid by insurers from their premium income to the Dust Diseases Reserve Fund if it considers that it is necessary having regard to relevant prevailing circumstances and the financial stability of the Fund.
- (e) Section 6 (7E):
Omit "the Chairperson of".
- (f) Section 6 (8):
Omit "that committee", insert instead "the Authority".
- (4) Section 7 (**Medical authority**):
 - (a) Section 7 (1):
Omit "a deputy", insert instead "one or more deputies".
 - (b) Section 7 (1):

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SCHEDULE 1 - AMENDMENTS - *continued*

Omit "the deputy", insert instead "a deputy".

(c) Section 7 (1A):

After section 7 (1), insert:

(1A) A member of the medical authority holds office for a term of:

(a) 3 years from the date of appointment; or

(b) in the case of a person holding office on the commencement of this subsection - 3 years from that commencement,

and is eligible for reappointment.

(5) Section 8H (**Inspectors**):

Section 8H (4) (e):

Omit "Workers Compensation and Rehabilitation Authority", insert instead "WorkCover Authority".

[Minister's second reading speech made in -
Legislative Assembly on 1 August 1989
Legislative Council on 3 August 1989 a.m.]