



New South Wales

# Workers Compensation Legislation Amendment (Trainees) Act 2003 No 97

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New South Wales

# **Workers Compensation Legislation Amendment (Trainees) Act 2003 No 97**

Act No 97, 2003

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An Act to amend the *Workers Compensation Act 1987* with respect to insurance for trainees; to make consequential amendments to other laws; and for other purposes. [Assented to 10 December 2003]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Workers Compensation Legislation Amendment (Trainees) Act 2003*.

**2 Commencement**

This Act commences on 1 January 2004.

**3 Amendment of Workers Compensation Act 1987 No 70**

The *Workers Compensation Act 1987* is amended as set out in Schedule 1.

**4 Amendment of Workplace Injury Management and Workers Compensation Act 1998 No 86**

The *Workplace Injury Management and Workers Compensation Act 1998* is amended as set out in Schedule 2.

**5 Amendment of Workers Compensation Regulation 2003**

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 3.

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## **Schedule 1 Amendment of Workers Compensation Act 1987**

(Section 3)

**[1] Section 11 Recess claims**

Omit “apprenticeship”. Insert instead “training contract”.

**[2] Section 24 Illegal employment**

Omit “or apprenticeship” wherever occurring.

Insert instead “or training contract”.

**[3] Section 158 Insurance for trainees**

Omit the section.

**[4] Section 168 Insurance premiums orders**

Omit section 168 (4) (b).

**[5] Section 174 Records relating to wages, contracts etc to be kept and supplied**

Omit “or apprenticeship” from paragraph (a) of the definition of *wages* in section 174 (9).

Insert instead “or a training contract”.

**[6] Section 193 Definitions**

Omit the definition of *policy of insurance* from section 193 (1). Insert instead:

*policy of insurance* does not include a policy of insurance of any class exempted by the regulations from this Division.

**[7] Section 217 Definitions**

Omit the definition of *policy* from section 217 (1). Insert instead:

*policy* means a policy of insurance.

**[8] Schedule 6 Savings, transitional and other provisions, Part 18G**

Insert after Part 18F:

**Part 18G Provisions consequent on enactment of 2003 trainee amendments**

**1 Definitions**

In this Part:

*the 2003 amending Act* means the *Workers Compensation Legislation Amendment (Trainees) Act 2003*.

*trainee* means a trainee within the meaning of section 158 of this Act as in force immediately before its repeal by the 2003 amending Act.

**2 Insurance for trainees**

- (1) Section 158 (2) of this Act (as in force immediately before its repeal by the 2003 amending Act) continues to have effect in relation to any person employed as a trainee immediately before that repeal until 31 December 2004, or the end of the traineeship, whichever first occurs (the *end of the continued insurance period*).
- (2) Section 158 of this Act (as in force immediately before its repeal by the 2003 amending Act) continues to apply to and in respect of a policy of insurance deemed by that section to be held by an employer in respect of a trainee referred to in subclause (1) until the end of the continued insurance period.
- (3) The repeal of section 158 by the 2003 amending Act does not affect the validity of a policy of insurance referred to in subclause (2) to the extent that it relates to any liability of the employer with respect to that trainee referred to in section 158 (3) before its repeal that arises before the end of the continued insurance period.
- (4) Clause 50 (2) of the *Workers Compensation Regulation 2003* (as in force immediately before its repeal by the 2003 amending Act) continues to have effect in relation to the wages of a trainee referred to in subclause (1) until the end of the continued insurance period.

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**[9] Schedule 6 Part 20**

Insert at the end of clause 1 (1):

*Workers Compensation Legislation Amendment (Trainees)  
Act 2003*

## **Schedule 2 Amendment of Workplace Injury Management and Workers Compensation Act 1998**

(Section 4)

### **[1] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

*training contract* has the meaning it has in the *Apprenticeship and Traineeship Act 2001*.

**Note.** A training contract is a contract entered into for the purpose of establishing an apprenticeship or traineeship.

### **[2] Section 4**

Omit “apprenticeship” from the definition of *worker* in section 4 (1).

Insert instead “a training contract”.

### **[3] Schedule 1 Deemed employment of workers**

Omit “apprenticeship” from clause 1.

Insert instead “a training contract”.

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**Schedule 3 Amendment of Workers Compensation  
Regulation 2003**

(Section 5)

**Clause 50 Trainees under Australian Traineeship System**

Omit the clause.

[Second reading speech made in—  
Legislative Assembly on 19 November 2003  
Legislative Council on 4 December 2003]

BY AUTHORITY