



New South Wales

# Workers Compensation Amendment (Commission Members) Act 2010 No 18

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New South Wales

# **Workers Compensation Amendment (Commission Members) Act 2010 No 18**

Act No 18, 2010

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An Act to amend the *Workplace Injury Management and Workers Compensation Act 1998* with respect to the members of the Workers Compensation Commission; and to make a consequential amendment to the *Statutory and Other Offices Remuneration Act 1975*. [Assented to 18 May 2010]

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

**1 Name of Act**

This Act is the *Workers Compensation Amendment (Commission Members) Act 2010*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## **Schedule 1      Amendment of Workplace Injury Management and Workers Compensation Act 1998 No 86**

### **[1] Section 368**

Omit the section. Insert instead:

#### **368 Members of Commission**

- (1) The Commission consists of the following members:
  - (a) a President,
  - (b) Deputy Presidents,
  - (c) a Registrar,
  - (d) Arbitrators.
- (2) The members of the Commission are to be appointed by the Minister.
- (3) The instrument of appointment of a member is to specify whether a member has been appointed as:
  - (a) the President, or
  - (b) a Deputy President, or
  - (c) the Registrar, or
  - (d) an Arbitrator.
- (4) One or more of the Arbitrators may be appointed as a Senior Arbitrator, either by the instrument of appointment of the Arbitrator or by a later instrument executed by the Minister.

### **[2] Schedule 5 Provisions relating to members of Commission**

Omit clause 4. Insert instead:

#### **4 Remuneration**

- (1) The following are entitled to be paid remuneration (including travelling and subsistence allowances) in accordance with the *Statutory and Other Offices Remuneration Act 1975*:
  - (a) a Presidential member,
  - (b) the Registrar,
  - (c) a Senior Arbitrator or any other Arbitrator appointed on a full-time basis by the instrument of appointment of the Arbitrator or by a later instrument executed by the Minister.

- (2) Any other Arbitrator is entitled to be paid such remuneration (including travelling and subsistence allowances) in respect of work done as a member of the Commission as the Minister may from time to time determine in respect of the Arbitrator.

**[3] Schedule 5, clause 6 Vacancy in office**

Omit “(other than an Arbitrator)” from clause 6 (2).

**[4] Schedule 5, clause 6 (3)**

Omit the subclause.

**[5] Schedule 5, clause 8 Seniority**

Insert after clause 8 (1) (c):

- (c1) Senior Arbitrators according to the days on which their appointments took effect or, if the appointments of 2 of them took effect on the same day, according to the precedence assigned to them by their instruments of appointment,

**[6] Schedule 5, clause 13**

Insert after clause 12:

**13 2010 Amending Act—saving of existing appointments**

- (1) The substitution of section 368 of this Act by the *Workers Compensation Amendment (Commission Members) Act 2010* does not affect the continuity in office of any member of the Commission holding office immediately before the commencement of that Act.
- (2) An Arbitrator holding office immediately before the commencement of that Act is eligible to be appointed as a Senior Arbitrator or on a full-time basis

Workers Compensation Amendment (Commission Members) Act 2010 No 18

Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4) Schedule 2

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## **Schedule 2      Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

### **Schedule 2 Public Offices**

Insert in Part 1 after the matter relating to the Registrar of the Workers Compensation Commission:

Senior Arbitrator or other full-time Arbitrator of the Workers Compensation Commission

[Agreement in principle speech made in Legislative Assembly on 24 February 2010  
Second reading speech made in Legislative Council on 11 May 2010]

BY AUTHORITY