

1993—No. 370

**WORKERS' COMPENSATION (DUST DISEASES) ACT 1942—  
REGULATION**

(Workers' Compensation (Dust Diseases) Regulation 1993)

NEW SOUTH WALES



*[Published in Gazette No. 89 of 13 August 1993]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Workers' Compensation (Dust Diseases) Act 1942, has been pleased to make the Regulation set forth hereunder.

KERRY CHIKAROVSKI, M.P.,  
Minister for Industrial Relations and Employment.

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**Citation**

1. This Regulation may be cited as the Workers' Compensation (Dust Diseases) Regulation 1993.

**Commencement**

2. This Regulation commences on 1 September 1993.

**Definitions**

3. In this Regulation:

“**compensation**” means compensation under section 8 of the Act;

“**the Act**” means the Workers' Compensation (Dust Diseases) Act 1942.

**Meetings of the Workers' Compensation (Dust Diseases) Board**

4. (1) Meetings of the Board are to be held at such intervals as the Chairperson may fix.

(2) In the absence from a meeting of the Chairperson (or of any alternate member appointed by the Minister to act in place of the Chairperson) a member of the Board chosen by the members present is to preside at the meeting.

(3) The person presiding at a meeting of the Board is to determine the procedure at the meeting.

### **Service of summons to attend meeting of the Board**

5. A summons under section 5 (2A) of the Act may be served by post.

### **Meetings of the Medical Authority**

6. Subject to section 7 of the Act, the Chairperson of the Medical Authority (or, in the Chairperson's absence, the Deputy Chairperson) is to determine the procedure at a meeting of the Authority.

### **Non-disclosure of information—members of the Medical Authority**

7. (1) A member of the Medical Authority must not disclose any information that the member has acquired, in the course of the member's duties, as to the physical condition of an applicant for compensation.

Maximum penalty: 1 penalty unit.

(2) This clause does not prevent a member of the Medical Authority from disclosing any such information to the applicant or:

- (a) with the written consent of the applicant; or
- (b) in the performance of the member's duties,

to any other person.

### **Applications for compensation**

8. (1) An application for compensation is to be made to the Board in a form approved by the Board.

(2) The Board may require an applicant for compensation for total or partial disablement to furnish to the Board full and correct information concerning:

- (a) the applicant's present and previous employments and engagements, whether as a worker or otherwise, in and outside New South Wales; and
- (b) the applicant's dependants and the extent of their dependency.

(3) An applicant for compensation must not, in support of the application, make or sign a statement which the applicant knows to be false or misleading in a material particular.

Maximum penalty: 1 penalty unit.

### **Employers to supply certain information**

9. (1) The Board may, by notice in writing served on a person who:
- (a) employs or has employed an applicant for compensation; or
  - (b) employs or has employed a person receiving compensation under an award of compensation; or
  - (c) employs or has employed a person who has been claimed by an applicant for compensation to be dependent on that applicant or on a person receiving compensation; or
  - (d) has employed a person in respect of whose death an application has been made for an award of compensation,

require the person to furnish to the Board, within such time as is specified in the notice, such information in relation to the employment and remuneration of the applicant or person as is so specified.

(2) A person on whom such a notice is served must not fail to comply with the requirements of the notice.

Maximum penalty: 1 penalty unit.

### **Repeal**

10. (1) The Workers' Compensation (Dust Diseases) Regulations 1968 are repealed.

(2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under the Workers' Compensation (Dust Diseases) Regulations 1968 is taken to have effect under this Regulation.

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal the Workers' Compensation (Dust Diseases) Regulations 1968 and remake the provisions of those regulations which are still required.

The new Regulation contains provisions with respect to the following matters:

- (a) the holding of meetings of the Workers' Compensation (Dust Diseases) Board (clause 4);
- (b) the service of summonses to attend meetings of the Board (clause 5);
- (c) the procedure at meetings of the Medical Authority appointed under the Act (clause 6);
- (d) the prohibition of members of the Medical Authority from disclosing information as to the physical condition of applicants for compensation (clause 7);
- (e) the making of applications for compensation (clause 8);
- (f) the requiring of employers to furnish information regarding the employment and remuneration of applicants and other persons to the Board (clause 9);
- (g) other matters of a minor, consequential or ancillary nature (clauses 1–3 and 10).

This Regulation is made under the Workers' Compensation (Dust Diseases) Act 1942, including section 10 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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