

1995—No. 736

WORKERS COMPENSATION ACT 1987—REGULATION

(Workers Compensation (Transitional—Hearing Loss Claims) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Workers Compensation Act 1987, has been pleased to make the Regulation set forth hereunder.

JEFFREY W. SHAW, Q.C., M.L.C.
Attorney General, and Minister
for Industrial Relations.

Citation

1. This Regulation may be cited as the Workers Compensation (Transitional—Hearing Loss Claims) Regulation 1995.

Commencement

2. This Regulation commences on the date of assent to the WorkCover Legislation Amendment Act 1995.

Definition

3. In this Regulation:

“the Act” means the Workers Compensation Act 1987.

5% further hearing loss amendments not to apply until 1 July 1996

4. (1) Section 69A (2) of the Act does not apply to compensation under section 66 of the Act for further loss of hearing that is the subject of a claim for compensation made before 1 July 1996 or of court proceedings commenced before that date. The example in section 69A (4) of the Act is to be read subject to this clause.

(2) This clause has effect despite clause 9 of Part 6 of Schedule 6 to the Act.

EXPLANATORY NOTE

Section 69A of the Workers Compensation Act 1987 (which was inserted by the WorkCover Legislation Amendment Act 1995) imposes 2 restrictions on the entitlement under the Act to lump sum workers compensation for hearing loss. The first restriction provides that there is no entitlement to lump sum compensation until the worker's total hearing loss reaches 6%. The second restriction (the *5% further loss restriction*) provides that once a worker has received compensation for hearing loss, compensation is not payable for further hearing loss until that further loss reaches 5%.

The object of this Regulation is to provide that the 5% further loss restriction does not apply to compensation that is claimed before 1 July 1996 or that is the subject of court proceedings commenced before that date.

This Regulation is made under the Workers Compensation Act 1987, in particular clause 1 (Savings and transitional regulations) of Part 20 of Schedule 6.

This Regulation relates to matters of a transitional nature.
