



New South Wales

# Workers Compensation (General) Amendment (Form of Summary) Regulation 2000

under the

Workplace Injury Management and Workers Compensation Act  
1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workplace Injury Management and Workers Compensation Act 1998*.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

## Explanatory note

The objects of this Regulation are:

- (a) to substitute the prescribed form that sets out the summary of claims and notice of injury requirements, and other information, required to be posted up at workplaces, and
- (b) to allow the WorkCover authority to approve alternatives to the prescribed form, including alternatives applicable only to classes of employers (such as self-insurers and those insured by specialised insurers), and
- (c) to allow the continued use of a form posted up before changes are made to the prescribed or approved form, for 12 months or until the form posted up is renewed.

This Regulation is made under the *Workplace Injury Management and Workers Compensation Act 1998*, including section 231 (Posting summary of Act) and 248 (the general regulation-making power).

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Clause 1            Workers Compensation (General) Amendment (Form of Summary)  
                         Regulation 2000

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**Workers Compensation (General) Amendment  
(Form of Summary) Regulation 2000**

**1 Name of Regulation**

This Regulation is the *Workers Compensation (General) Amendment (Form of Summary) Regulation 2000*.

**2 Commencement**

This Regulation commences on 1 November 2000.

**3 Amendment of Workers Compensation (General) Regulation 1995**

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

**4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 41

Omit the clause. Insert instead:

#### 41 Form of notice to be posted up at workplace

- (1) For the purposes of section 231 (1) of the 1998 Act:
  - (a) the summary of the requirements of that Act with regard to the giving of notice of injuries and the making of claims is to be in the form of an approved form, and
  - (b) the other information required to be posted up in accordance with that section is the other information contained in the approved form.
- (2) Form 2 and any form approved for the time being by the Authority under this clause are *approved forms* for the purposes of this clause.
- (3) The Authority may from time to time, by order, approve of one or more forms for the purposes of this clause. A form may be approved in respect of employers generally or in respect of a particular class of employers.

**Note.** For example, a form could be approved in respect of employers who are self-insurers or who are insured by a specialised insurer.
- (4) A form approved by the Authority must provide substantially the same summary and information as Form 2 (whether or not it provides additional information). However, a form approved in respect of a particular class of employers need only provide so much of that summary and information as is relevant and appropriate to those employers.

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- (5) An approved form that ceases to be an approved form (as a result of the amendment or substitution of Form 2 or a form approved by the Authority) continues to be an approved form for the purposes of a notice posted up under section 231 of the 1998 Act that was in that form immediately before it ceased to be an approved form, but only until the earlier of:
  - (a) the renewal or replacement of the notice, or
  - (b) 12 months after the form ceases to be an approved form.
- (6) Subclause (5) extends to the substitution of Form 2 by the *Workers Compensation (General) Amendment (Form of Summary) Regulation 2000* and for that purpose a reference in this clause to Form 2 includes a reference to that form as in force before the commencement of that Regulation.

**[2] Schedule 1 Forms**

Omit Form 2. Insert instead:

**Form 2**

(Clause 41)

**Workers Compensation Act 1987 & Workplace Injury  
Management and Workers Compensation Act 1998**

**STOP THE INJURY BEFORE IT HAPPENS!**

If you are having any physical problems at work tell your employer before any injury happens. Your employer may be able to make changes in the workplace, provide different tasks or arrange assistance to prevent an injury.

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## BUT IF YOU ARE INJURED THROUGH WORK ...

- **Report the injury**

If you receive a work injury you should report the injury as soon as possible. (Injury can include a disease or illness.)

Make the report to your employer or your supervisor or to the person designated by your employer.

You can make the report orally or in writing. A convenient way is to write it in the Register of Injuries that your employer should have available. If you write it another way it should then be delivered or posted.

When reporting the injury, the details you should give include your name and address, the cause of the injury and the date on which the injury happened.

If your injury is a loss or further loss of hearing, you must do your report on a special form. You can ask your employer for one of those forms.

If your injury seems to be a *significant injury* your employer must notify the workers compensation insurer within 48 hours after becoming aware of it. You may inform the insurer as well. A *significant injury* is one that is likely to stop you doing all or some of your work duties for more than 7 days in a row (whether or not they are work days).

For all other injuries, your employer must notify the insurer within 7 days after becoming aware of it.

- **Continuing with or returning to work after injury**

If you have to take time off work because of an injury, you must make all reasonable efforts to return to work as soon as possible.

Talk with your doctor about whether there are at least some work duties you can continue to do. Sometimes a gradual return to work is advisable. Ask your doctor to give you a medical certificate in the official WorkCover format (or a similar format) setting out details of what work duties you can do. Give that certificate to your employer.

Your employer should give you suitable duties if you cannot do all your normal duties.

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Approved Injury Management Consultants can assist if there is a problem about suitability of work duties after your injury. You can ask the insurer to refer you.

If you have a *significant injury*, within 3 days after being notified of it your employer's insurer must start developing an *injury management plan* for you. The aim of that plan is to help you return safely and quickly to employment that, as far as possible, will be the same as or equivalent to your job before the injury.

The insurer must develop the *injury management plan* in consultation with you, your employer and, if appropriate, your treating doctor.

You and your employer must co-operate in developing the *injury management plan* and must then follow it.

If the insurer requests you must nominate a treating doctor who is willing to participate in developing your *injury management plan* and in arrangements under the plan. The insurer can agree to make payments to that doctor and for other treatment, even if you have not yet made a claim or if the claim is not yet decided.

The insurer must keep you and your employer informed about the plan and what is and will be done under it. That includes information about your obligations under the plan and possible penalties (suspension of weekly compensation) if you unreasonably fail to cooperate.

### • **Making a claim for workers compensation**

If you want to make a claim, your employer should, on request, give you a claim form or get one for you from the insurer.

If your claim is for time off work or reduced earnings, you must also get a supporting medical certificate in the official WorkCover format (or a similar format).

Give or post the completed claim form and medical certificate to your employer. Keep a copy of all your documents.

Your employer must send your claim and medical certificate (and also any further medical certificates and accounts) to the insurer within 7 days after receiving them. The employer must do that even if he or she has doubts about your claim or about whether you are covered by the insurance policy.

The initial claim should be made within 6 months after the injury happens or after you first become aware of the injury, unless you have a reasonable cause for claiming later.

Claims can include weekly compensation, including make-up pay if your earnings are reduced because of the injury, and medical and related expenses. You may also be entitled to extra compensation benefits if your injury is permanent.

There are severe penalties (including fines and imprisonment) for claims and statements that are deliberately false or misleading.

- **Payment of claim**

If your claim is for time off work or reduced earnings, the insurer must start your compensation payments as soon as possible (and usually no later than 21 days) after you make the claim. If the insurer needs longer than 21 days, it must send you the reason in writing and must then start payments no later than 42 days after you made the claim, unless the claim is disputed.

When your employer receives compensation from the insurer, the employer must pay it to you as soon as possible.

- **Your right to information**

Your employer must, on request, give you the correct name and address of the employer and the employer's insurer.

Contact the insurer if there is a delay with your *injury management plan* or with getting suitable work after the injury or with payment of your claim.

If the insurer disputes your claim, it must send you the reasons in writing.

- **Resolving disputes**

If the insurer disputes your claim, you can refer the dispute to the Workers Compensation Resolution Service (in the NSW Department of Industrial Relations). That Service has Conciliators who try to resolve disputes quickly. A Conciliator can sometimes order the insurer to pay the claim.

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Information sent to you by the insurer should include how you can refer the dispute to the Workers Compensation Resolution Service. If you need assistance, you can consult your trade union or a solicitor.

**The return-to-work coordinator (if applicable) for this workplace is:**

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**The workers compensation insurer is:** .....

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(Name, address and phone number)

For further information about safety at work or about workers compensation and injury management contact the NSW WorkCover Information Centre—Phone No: 131050

BY AUTHORITY