



New South Wales

Workers Compensation (General) Amendment (Savings, Transitional and Other Matters) Regulation 2001

under the

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

Her Excellency the Governor, with the advice of the Executive Council, has made
the following Regulation under the *Workers Compensation Act 1987* and
Workplace Injury Management and Workers Compensation Act 1998.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

Explanatory note

The *Workers Compensation Legislation Amendment Act 2001* and the *Workers
Compensation Legislation Further Amendment Act 2001* make a number of
changes to workers compensation legislation.

The object of this Regulation is to amend the *Workers Compensation (General)
Regulation 1995* so as to provide for savings and transitional matters, to make
amendments consequential to the proposed changes and to implement some of the
proposed changes. In particular, this Regulation:

- (a) revises the information required to be given to a worker when payments of
weekly compensation are proposed to be discontinued or reduced, or when
liability to make payments is disputed, and
- (b) requires employers and insurers to give copies of certain reports to workers
on the request of the worker, and
- (c) provides for conciliation of disputes to cease on 1 January 2002, and

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- (d) limits the application of provisions restricting the number of medical reports that can be admitted in proceedings to existing claims (for new claims this matter will be dealt with by Rules of the new Workers Compensation Commission), and
- (e) extends restrictions on recovery of the cost of medical reports to medical reports provided in connection with provisional weekly payments of compensation, and
- (f) exempts employers or insurers from paying any costs of a medical assessment or an appeal against a medical assessment if the worker failed without reasonable excuse to attend a medical examination for the assessment or a hearing on the appeal, and
- (g) provides for the arrangement of business before the new Workers Compensation Commission, and
- (h) provides for requirements as to evidence relating to a restriction on the new Workers Compensation Commission entering an award to give effect to an agreement for lump sum compensation to be dealt with by Rules of the Commission, and
- (i) makes consequential modifications to deal with the cessation of conciliation, and
- (j) modifies the new provisions of the *Workplace Injury Management and Workers Compensation Act 1998* that provide for medical assessments for permanent impairment compensation in their application to claims in respect of injuries received before the commencement of the provisions dealing with new claims procedures, and
- (k) provides for all existing claims to be treated as new claims on and from 1 April 2002, or, if an application in respect of the claim is pending in the Compensation Court on that date, on the day on which the Compensation Court determines the dispute or the parties register an agreement under section 66A of the 1987 Act, whichever occurs first, and
- (l) provides for binding medical certificates issued in respect of existing claims before the commencement of the new claims procedures to have continuing effect, so that a further medical assessment under the new procedures is not required, and
- (m) preserves the effect of a clause providing for the funding of the WorkCover Authority, and
- (n) continues and modifies provisions for conciliation of disputes for coal miners, and

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- (o) provides for transitional arrangements with respect to:
 - (i) the extension of the Uninsured Liability and Indemnity Scheme to common law damages for a work injury,
 - (ii) the appointment of mediators for claims for work injury damages,
- (p) provides for certain offences under the workers compensation legislation to be penalty notice offences (that is, offences for which “on the spot” fines may be issued).

This Regulation is made under the *Workers Compensation Act 1987* and *Workplace Injury Management and Workers Compensation Act 1998*, including sections 54, 63A, 66B and 280 of the 1987 Act, and Parts 18 and 18C of Schedule 6 and clause 2 of Part 20 of Schedule 6 to that Act, and sections 73, 74, 119, 246, 248, 297, 330, 349 and 357 of the 1998 Act.

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Clause 1 Workers Compensation (General) Amendment (Savings, Transitional and Other Matters) Regulation 2001

**Workers Compensation (General) Amendment
(Savings, Transitional and Other Matters)
Regulation 2001**

1 Name of Regulation

This Regulation is the *Workers Compensation (General) Amendment (Savings, Transitional and Other Matters) Regulation 2001*.

2 Commencement

This Regulation commences on 1 January 2002.

3 Amendment of Workers Compensation (General) Regulation 1995

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

Schedule 1 Amendments

(Clause 3)

[1] Clause 15

Omit the clause. Insert instead:

15 Notice of intention to discontinue or reduce weekly payments

- (1) The notice referred to in section 54 of the 1987 Act must:
 - (a) include a statement of the reason for the decision to discontinue payment, or reduce the amount, of weekly payments of compensation, and
 - (b) include a statement of the particulars that support the reason for the decision, including the required details for each report (if any) that is relied on to support that reason, and
 - (c) include a statement advising that the worker may request a copy of a report specified in the statement of particulars from the person paying compensation, and
 - (d) include a statement advising that the worker may request the person paying the compensation to review the decision and advising of the procedure for making such a request, and
 - (e) include a statement advising that if the worker disputes the discontinuation or reduction of weekly payments:
 - (i) in the case of a dispute about a claim that is an existing claim within the meaning of Chapter 7 of the 1998 Act, the worker may apply to the Compensation Court for determination of the dispute, or
 - (ii) in the case of a dispute about a claim that is a new claim within the meaning of Chapter 7 of the 1998 Act, the worker may refer the dispute to the Registrar for determination by the Commission, and

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(f) include the address and fax number for the registrar of the Compensation Court or the Registrar of the Commission, as appropriate.

(2) If:

(a) the notice referred to in section 54 relates to a reduction in the amount of weekly payments of compensation as a result of the application of section 40 of the 1987 Act, and

(b) the worker is not in receipt of earnings (or the compensation is otherwise calculated on the basis of the worker's ability to earn after the injury, rather than on the worker's actual earnings after the injury),

the notice must also include a statement of how the compensation (to be so reduced) has been calculated.

(3) In this clause:

required details, in relation to a report, means the subject matter of the report, the name and relevant professional qualifications of the person who wrote the report and the date of the report.

[2] Clause 30 Revocation by Authority of direction under sec 63A (4)

Insert "or the Commission" after "order of the Compensation Court" in clause 30 (4).

[3] Clause 35 Application of Part to proceedings pending in Compensation Court

Insert "or the Commission" after "pending in the Compensation Court".

[4] Clause 35 (a)

Insert "or the Commission" after "the Court".

[5] Clause 36 Disputes—conciliation procedures etc

Omit the clause.

[6] Clauses 39 and 40

Omit the clauses.

[7] Clause 40A Notice of dispute about liability

Omit clause 40A (1). Insert instead:

- (1) The notice given to a claimant under section 74 of the 1998 Act must:
 - (a) include a statement of the particulars that support the reason for the decision, including the required details for each report (if any) on which the insurer relies to support that reason, and
 - (b) include a statement advising that the claimant may request a copy of a report specified in the statement of particulars from the insurer, and
 - (c) include a statement advising that the claimant may request the insurer to review the decision, and advising of the procedure for making such a request, and
 - (d) include a statement to the effect that:
 - (i) in the case of a dispute about a claim that is an existing claim within the meaning of Chapter 7 of the 1998 Act, the claimant may apply to the Compensation Court for determination of the dispute, or
 - (ii) in the case of a dispute about a claim that is a new claim within the meaning of Chapter 7 of the 1998 Act, the claimant may refer the dispute to the Registrar for determination by the Commission, and
 - (e) include the address and fax number for the registrar of the Court or the Registrar of the Commission, as appropriate.

Note. Section 74 of the 1998 Act also requires the notice to include a statement of the reason the insurer disputes liability.

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[8] Clause 40A (4)

Insert after clause 40A (3):

(4) In this clause:

required details, in relation to a report, means the subject matter of the report, the name and relevant professional qualifications of the person who wrote the report and the date of the report.

[9] Clause 41 Form of notice to be posted up at workplace

Omit clause 41 (2)–(6). Insert instead:

(2) Any form approved for the time being by the Authority is an *approved form* for the purposes of this clause.

(3) An approved form that ceases to be an approved form (as a result of the amendment or substitution of 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.

(4) A notice posted up under section 231 of the 1998 Act that, immediately before the commencement of this subclause (as inserted by the *Workers Compensation (General) Amendment (Savings, Transitional and Other Matters) Regulation 2001*), was in the form of Form 2 of Schedule 1 (as in force immediately before its repeal by that Regulation) continues to be in the form of an approved form for the purposes of section 231 until 30 June 2002.

[10] Clauses 42A and 42B

Insert after clause 42:

42A Access to certain reports obtained by insurer: sec 73 of 1998 Act

- (1) A worker may request an insurer to supply the worker with a copy of a report obtained by the insurer and specified in a notice to the worker under section 54 ((Notice required before termination or reduction of payment of weekly compensation) of the 1987 Act or a notice under section 74 (Insurers to give notice and reasons when liability disputed) of the 1998 Act.
- (2) An insurer who receives a request for a copy of such a report must, within 10 days after receiving the request, supply the worker (or a legal practitioner or agent acting on behalf of the worker) with a copy of the report.

Note. A worker may also request from the employer or insurer under clause 43A a copy of a medical opinion or report obtained by the employer, or a medical report relating to treatment of the worker on a disputed claim under section 126 of the 1998 Act.

- (3) If the insurer is of the opinion that supplying the worker with a copy of a medical report would pose a serious threat to the life or health of the worker or any other person, the insurer may instead supply the medical report to a medical practitioner nominated by the worker for that purpose.

42B Interim payment direction not presumed to be warranted: sec 297 of 1998 Act

For the purposes of section 297 (3) (e) of the 1998 Act, it is not to be presumed that an interim payment direction for weekly payments of compensation is warranted in circumstances where the insurer has given the worker notice under section 74 of the 1998 Act (Insurers to give notice and reasons when liability disputed).

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[11] Clause 43A

Insert after clause 43:

43A Access to medical opinion or report obtained by employer: sec 119 of 1998 Act

- (1) A worker may request the employer or insurer to supply the worker with a copy of a medical opinion or report furnished to the employer or insurer under section 119 (Medical examination of workers at direction of employer) of the 1998 Act and specified in a notice to the worker under section 54 (Notice required before termination or reduction of payment of weekly compensation) of the 1987 Act or a notice under section 74 (Insurers to give notice and reasons when liability disputed) of the 1998 Act.
- (2) An employer or insurer who receives a request for a copy of such a report must, within 10 days after receiving the request, supply the worker (or a legal practitioner or agent acting on behalf of the worker) with a copy of the report.
Note. A worker may also request from the insurer under clause 42A a copy of other reports obtained by the insurer, or a medical report relating to treatment of the worker on a disputed claim under section 126 of the 1998 Act.
- (3) If the employer or insurer is of the opinion that supplying the worker with a copy of a medical opinion or report would pose a serious threat to the life or health of the worker or any other person, the employer or insurer may instead supply the medical report to a medical practitioner nominated by the worker for that purpose.

[12] Clause 44 Application to refer matter to medical referee or panel etc

Insert at the end of the clause:

- (2) This clause applies only in respect of existing claims and existing claim matters within the meaning of Chapter 7 of the 1998 Act.

[13] Part 13 Conciliation of disputes

Omit the Part.

[14] Clause 51E Definitions

Omit “a conciliator” from the definition of *proceedings*.
Insert instead “the Commission”.

[15] Clause 51F Restrictions on number of medical reports that can be admitted

Insert before clause 51F (1):

- (1A) This clause applies only in respect of existing claims and existing claim matters within the meaning of Chapter 7 of the 1998 Act.

[16] Clause 51G Permissible updates of medical reports

Insert before clause 51G (1):

- (1A) This clause applies only in respect of existing claims and existing claim matters within the meaning of Chapter 7 of the 1998 Act.

[17] Clause 51H Restrictions on recovery of cost of medical reports

Insert after clause 51H (2) (a):

- (a1) a medical certificate that accompanies an initial notification of injury,

[18] Clause 51H (3)

Insert at the end of clause 51H:

- (3) In this clause:
 - (a) a reference to a claim includes an initial notification of injury (as defined in Part 3 of Chapter 7 of the 1998 Act), and
 - (b) a reference to proceedings on a claim includes proceedings in respect of the payment of provisional weekly payments of compensation under that Part.

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[19] Clause 51J Reports of medical panels and referees not affected

Insert “in connection with an existing claim” after “medical referee” in clause 51J (a).

[20] Clause 51J (b)

Insert “in connection with an existing claim” after “the 1998 Act”.

[21] Clause 51J (c)

Insert at the end of clause 51J (b):

, or

- (c) a medical report provided by an approved medical specialist under Part 7 of Chapter 7 (Medical assessment) of the 1998 Act in respect of the assessment of a new claim.

[22] Clause 51J (2)

Insert at the end of clause 51J:

- (2) In this clause:

existing claim and *new claim* have the same meaning as in Chapter 7 of the 1998 Act.

[23] Clauses 82–104

Insert after clause 81:

82 Costs of medical assessment: sec 330 of 1998 Act

- (1) An employer or insurer is not required to pay any costs of medical assessment in connection with:
 - (a) a medical assessment under Part 7 of Chapter 7 of the 1998 Act, if the worker failed without reasonable excuse to submit himself or herself to a medical examination conducted for the assessment, or
 - (b) any further examination conducted for a medical assessment referred to in paragraph (a), or

- (c) an appeal against such a medical assessment, if the worker failed without reasonable excuse to attend a hearing on the appeal, or
 - (d) any further hearing held on an appeal referred to in paragraph (c).
- (2) The worker is required to pay any costs of assessment referred to in subclause (1) (a)–(d).

83 Arrangement of business before Commission: sec 349 of 1998 Act

- (1) The President determines which Presidential member will hear an appeal against a decision of an Arbitrator or an application for leave to appeal.
- (2) The Registrar determines which Arbitrator will hear any other matter before the Commission.

84 Proceedings to enter up award on agreement for compensation: sec 66B of 1987 Act

An application for determination of a claim for compensation by way of an award to give effect to an agreement between the parties may be lodged only if the application is accompanied by such evidence that the proceedings are not prevented by section 66B of the 1987 Act from being entertained by the Commission as is specified by the Rules of the Commission for that purpose.

Part 21 Provisions consequent on enactment of 2001 amending Acts

Division 1 Preliminary

85 Definitions

In this Part:

existing claim, *existing claim matter*, *new claim* and *new claim matter* have the same meaning as in Chapter 7 of the 1998 Act.

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amending Acts means the *Workers Compensation Legislation Amendment Act 2001* and the *Workers Compensation Legislation Further Amendment Act 2001*.

Division 2 Cessation of conciliation

86 Cessation of conciliation

- (1) On and from 1 January 2002:
 - (a) Divisions 3 and 4 of Part 2 of Chapter 4 of the 1998 Act cease to apply to all existing claims and there is to be no further conciliation of disputes in respect of existing claims on and from that date, and
 - (b) a provision of the 1987 Act or the 1998 Act is of no further force or effect to the extent that it confers or imposes a power, authority, duty or function on a conciliator or the Principal Conciliator or provides for conciliation of a dispute.
- (2) If a dispute has been referred to conciliation before the commencement of this clause and a conciliation certificate has not been issued before that commencement, court proceedings may be commenced with respect to the dispute in accordance with sections 101–103 of the 1998 Act (as modified by clauses 87–90).

87 Modification of section 101 of 1998 Act (Restrictions on commencing court proceedings about weekly payments)

- (1) Section 101 of the 1998 Act is modified by replacing subsections (1)–(3) with the following subsection:
 - (1) On and from 1 January 2002, a worker cannot commence court proceedings in respect of weekly payments of compensation within 21 days after the worker made the claim for that compensation.
- (2) This clause applies whether the claim for compensation was made before or after the commencement of this clause.

88 Modification of section 102 of 1998 Act (Restrictions on commencing court proceedings for lump sum compensation)

(1) Section 102 of the 1998 Act is modified by replacing subsections (1)–(3) with the following subsection:

(1) On and from 1 January 2002, a worker cannot commence court proceedings in respect of compensation under section 66 of the 1987 Act (as in force immediately before its amendment by the amending Acts) within 2 months after the worker made the claim for that compensation.

(2) This clause applies whether the claim for compensation was made before or after the commencement of this clause.

89 Modification of section 103 of 1998 Act (Restrictions on commencing court proceedings about medical, hospital and other expenses)

(1) Section 103 of the 1998 Act is modified by replacing subsections (1)–(3) with the following subsection:

(1) On and from 1 January 2002, a worker cannot commence court proceedings in respect of compensation under Division 3 (Compensation for medical, hospital and rehabilitation expenses etc) or Division 5 (Compensation for property damage) of Part 3 of the 1987 Act within 28 days after the worker made the claim for that compensation.

(2) This clause applies whether the claim for compensation was made before or after the commencement of this clause.

90 Modification of sec 74 of 1998 Act (Insurers to give notice and reasons when liability disputed)

On and from 1 January 2002, section 74 of the 1998 Act as it applies to existing claims (that is, as in force immediately before its amendment by the *Workers Compensation Legislation Amendment Act 2001*) is modified by omitting section 74 (2) (b) and (c).

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91 Modification of sec 121 of 1998 Act (Assessment of medical disputes by approved medical specialists)

On and from 1 January 2002, section 121 is modified by reading the reference to the Principal Conciliator in section 121 (2) (b) as a reference to the Registrar of the Commission.

Division 3 Medical assessment of new claims in respect of pre-commencement injuries

92 Assessment of impairment dispute

The following modifications are prescribed to Part 7 of Chapter 7 of the 1998 Act as that Part applies to a new claim in respect of an injury received before the day on which that Part commences:

- (a) omit section 322 (Assessment of impairment),
- (b) omit section 323 (Deduction for previous injury or pre-existing condition or abnormality).

Division 4 Transfer of existing claims

93 Transfer of existing claims

- (1) On and from 1 April 2002, each existing claim in respect of which there is no pending application for determination by the Compensation Court is to be treated as a new claim for the purposes of the Workers Compensation Acts (under clause 5 of Part 18C of Schedule 6 to the 1987 Act).
- (2) An existing claim in respect of which an application for determination by the Compensation Court is pending on 1 April 2002 is to be treated as a new claim for the purposes of the Workers Compensation Acts (under clause 5 of Part 18C of Schedule 6 to the 1987 Act):
 - (a) on the day on which the Compensation Court makes a final award or order determining the claim (including a consent award or order), or

- (b) on the day on which the claim is resolved by an agreement between the parties being registered under section 66A of the 1987 Act,

whichever occurs first.

- (3) Despite section 105 of the 1998 Act, the Compensation Court has jurisdiction to examine, hear and determine the following matters with respect to existing claims that are treated as new claims under this clause:

- (a) reconsideration of a matter to amend a judgment, award or order within 28 days after the judgment, award or order was made or given,
- (b) reconsideration of a matter that has been remitted to the Compensation Court for reconsideration by the Court of Appeal,
- (c) matters arising under section 112 (Costs) of the 1998 Act, if an application for an order with respect to costs is made within 28 after the day on which the final award or order determining the claim was made,
- (d) the making of orders as to matters ancillary to proceedings before the court (for example, matters such as the return of exhibits or enforcement of awards).

94 Transitional provision—medical certificates

- (1) If a binding medical certificate has been given for a dispute with respect to an existing claim before the day on which the existing claim is to be treated as a new claim under this Division, then after that day:
 - (a) the binding medical certificate is conclusively presumed to be correct as to a matter on which the certificate was conclusive evidence when it was issued, and
 - (b) the dispute is not required to be assessed under Part 7 of Chapter 7 of the 1998 Act (despite section 293 of that Act and clause 4 of Part 18C of Schedule 6 to the 1987 Act).

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(2) In this clause:

binding medical certificate means a certificate given under one of the following provisions of the 1998 Act:

- (a) section 121 (Assessment of medical disputes by approved medical specialists),
- (b) section 122 (Referral of medical disputes to referee or panel on application of worker or employer).

Division 5 Miscellaneous

95 Uninsured Liability and Indemnity Scheme

An amendment made by Schedule 9 to the *Workers Compensation Legislation Further Amendment Act 2001* does not apply in respect of an injury received before the commencement of the amendment.

96 Repeal of private insurance arrangements

The commencement of an amendment made by Schedule 6 to the *Workers Compensation Legislation Further Amendment Act 2001* does not affect clause 73M (Contributions to WorkCover Authority Fund) or anything done under that clause.

97 Appointment of mediators

- (1) The President may select one or more Arbitrators to act as mediators until such time as the President appoints one or more persons to be mediators under section 318F of the 1998 Act.
- (2) An Arbitrator selected by the President under this clause:
 - (a) has and may exercise all the functions of a mediator under the 1998 Act, and
 - (b) ceases to have those functions when one or more mediators are appointed.

Part 22 Provisions for coal miners consequent on enactment of 2001 amending Acts

98 Definitions

In this Part:

amending Acts means the *Workers Compensation Legislation Amendment Act 2001* and the *Workers Compensation Legislation Further Amendment Act 2001*.

Compensation Court conciliator means an officer or employee of the Compensation Court nominated by the registrar of the Compensation Court to carry out conciliation in connection with a claim for compensation in respect of an injury received by a coal miner.

coal miners has the same meaning as in clause 3 of Part 18 of Schedule 6 to the 1987 Act.

99 Compensation Court conciliators

- (1) A Compensation Court conciliator has and may exercise all the powers, authorities, duties and functions conferred on a Compensation Court conciliator as a result of the operation of this Part.
- (2) The Chief Judge of the Compensation Court may issue guidelines for or with respect to the referral of disputes for conciliation and the conduct of conciliations.

100 Conciliation

On and from 1 January 2002, Divisions 3 and 4 of Part 2 of Chapter 4 of the 1998 Act apply to coal miners subject to the following modifications:

- (a) read a reference in those provisions to a conciliator as a reference to a Compensation Court conciliator,
- (b) read a reference in those provisions to the Principal Conciliator as a reference to the Chief Judge of the Compensation Court,
- (c) omit sections 77 and 78 (1),

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- (d) read section 78 (2) as requiring the Compensation Court to refer a dispute in respect of which proceedings have been commenced in the Court to a Compensation Court conciliator for conciliation,
- (e) omit sections 79A and 81A,
- (f) read section 84 (2) as requiring a Compensation Court conciliator to issue a conciliation certificate at the conclusion of the conciliation (including conclusion by way of cessation pursuant to section 90 (as modified by paragraph (j))),
- (g) read section 84 (5) as if the words “A conciliation certificate is a certificate as to such of the following matters as the Principal Conciliator directs” were omitted and the following words were inserted instead: “A conciliation certificate is a certificate as to the following matters”,
- (h) omit section 87 (1) and (5) and read section 87 (4) as providing that Compensation Court conciliators are subject to Rules of the Compensation Court as well as to guidelines issued by the Chief Judge,
- (i) omit section 88,
- (j) read section 90 as providing (in addition to the matters provided for in that section) that:
 - (i) conciliation must cease 35 days after the Compensation Court conciliator notifies the parties that the dispute has been referred to conciliation if, before the expiry of that period, the conciliator has not issued a certificate certifying that the conciliation was successful, unless the parties to the conciliation agree to continue the conciliation for a specified period of time (which period may be extended by further agreement), and
 - (ii) the Compensation Court may not proceed to hear or determine a dispute that has been referred to conciliation until conciliation of the dispute has concluded (whether or not by way of cessation pursuant to section 90 (as modified by this paragraph)).

101 Modification of section 101 of 1998 Act (Restrictions on commencing court proceedings about weekly payments)

- (1) Section 101 of the 1998 Act is modified in its application to coal miners by replacing subsections (1)–(3) with the following subsection:
- (1) On and from 1 January 2002, a worker cannot commence court proceedings in respect of weekly payments of compensation within 28 days after the worker made the claim for that compensation.
- (2) This clause applies whether the claim was made before or after the commencement of this clause.

102 Modification of section 102 of 1998 Act (Restrictions on commencing court proceedings for lump sum compensation)

- (1) Section 102 of the 1998 Act is modified in its application to coal miners by replacing subsections (1)–(3) with the following subsection:
- (1) On and from 1 January 2002, a worker cannot commence court proceedings in respect of compensation under section 66 of the 1987 Act (as in force immediately before its amendment by the amending Acts) within 2 months after the worker made the claim for that compensation.
- (2) This clause applies whether the claim was made before or after the commencement of this clause.

103 Modification of section 103 of 1998 Act (Restrictions on commencing court proceedings about medical, hospital and other expenses)

- (1) Section 103 of the 1998 Act is modified in its application to coal miners by replacing subsections (1)–(3) with the following subsection:
- (1) On and from 1 January 2002, a worker cannot commence court proceedings in respect of compensation under Division 3 (Compensation for medical, hospital and rehabilitation expenses

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etc) or Division 5 (Compensation for property damage) of Part 3 of the 1987 Act within 28 days after the worker made the claim for that compensation.

- (2) This clause applies whether the claim was made before or after the commencement of this clause.

104 Application of amendments made by Workers Compensation (General) Amendment (Savings, Transitional and Other Matters) Regulation 2001

- (1) Subject to subclause (2), the amendments made by the *Workers Compensation (General) Amendment (Savings, Transitional and Other Matters) Regulation 2001* do not apply to or in respect of coal miners.
- (2) The following amendments made by that Regulation apply to and in respect of coal miners:
- (a) the amendment that inserts this Part, and
 - (b) the amendment that repeals Part 13 (Conciliation of disputes).

[24] Schedule 1 Forms

Omit Form 2.

[25] Schedule 5 Penalty notice offences

Insert in appropriate order by section number in Part 1 (Provisions of 1987 Act) of Schedule 5:

Section 192A (4A)	Not comply sec 192A (4) direction (administration of claims)	500
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[26] Schedule 5 Part 1

Omit the matter relating to sections 63 (5), 69 (1) (a), 69 (1) (b), 69 (1) (c), 126 (2), 231 (3), 232 (2) (a) and 232 (2) (b).

[27] Schedule 5 Part 2

Insert in appropriate order by section number in Part 2 (Provisions of 1998 Act):

Section 63 (5)	Manager mine/quarry contravene sec 63 (1) (register of injuries)	500
Section 63 (5)	Occupier factory/workshop/office/shop contravene sec 63 (1) (register of injuries)	500
Section 69 (1) (a)	Not forward claim/documents to insurer within 7 days	500
Section 69 (1) (b)	Not provide further information to insurer within 7 days	500
Section 69 (1) (c)	Not pay compensation money as soon as practicable	500
Section 74A (3)	Fail to comply with direction under sec 74A (insurer to pay compensation promptly)	500
Section 126 (2)	Employer/insurer not supply medical report within 10 days	200
Section 231 (3)	Manager mine/quarry contravene sec 231 (post summary of Act)	200
Section 231 (3)	Occupier factory/workshop/office/shop contravene sec 231 (post summary of Act)	200
Section 232 (2) (a)	Employer/employer's agent fail to supply information to worker	200
Section 232 (2) (b)	Employer/employer's agent supply false/misleading information to worker	200
Section 256 (5)	Manager mine/ quarry contravene sec 256 (1) (register of injuries)	500

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Section 256 (5)	Occupier site/factory/ workshop/office/shop contravene sec 256 (1) (register of injuries)	500
Section 264 (1)	Not forward claim/documents to insurer within 7 days	500
Section 264 (2)	Not furnish insurer with information/documentation in possession/reasonably obtainable within 7 days after request	500
Section 264 (3)	Not pay compensation money as soon as practicable	500
Section 267 (5)	Fail to commence weekly payments	500
Section 268	Fail to give notice of reasonable excuse within 7 days	500
Section 268	Fail to include in notice details of reasonable excuse/statement of entitlement/details of making claim	500
Section 283 (1)	Fail to determine a claim as and when required	500
Section 285	Referring non-genuine dispute	500
Section 290 (2)	Not comply sec 290 (information exchange between parties)	500
Section 343 (4) (a)	Claim lien without entitlement	500
Section 343 (4) (b)	Deducts costs from sum awarded/ordered/agreed without entitlement	500
Section 357 (3)	Fail to comply with direction under sec 357 (power to require information)	500
Section 358 (3)	Contravene direction under sec 358 (power to provide documents and information)	500
Section 359 (2)	Fail to comply with summons	500

BY AUTHORITY