



New South Wales

Workers Compensation (Insurance Premiums) Amendment (Miscellaneous) Regulation 2001

under the

Workers Compensation Act 1987 and 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 *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*.

JOHN DELLA BOSCA, M.P.,

Special Minister of State

Explanatory note

The object of this Regulation is to amend the *Workers Compensation (Insurance Premiums) Regulation 1995* so as:

- (a) to remove offences concerning the provision of false information and false declarations by insurers (those offences having been transferred to the *Workers Compensation Act 1987* (***the 1987 Act***) and the *Workplace Injury Management and Workers Compensation Act 1998* (***the 1998 Act***)), and
- (b) to make amendments as a consequence of amendments made to the 1987 Act and the 1998 Act to standardise procedures for the determination of disputes about the calculation of insurance premiums.

This Regulation is made under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*, including sections 173 and 280 (the general regulation-making power) of the 1987 Act and sections 169 and 248 (the general regulation-making power) of the 1998 Act.

2001 No 135

Clause 1 Workers Compensation (Insurance Premiums) Amendment
(Miscellaneous) Regulation 2001

Workers Compensation (Insurance Premiums) Amendment (Miscellaneous) Regulation 2001

1 Name of Regulation

This Regulation is the *Workers Compensation (Insurance Premiums) Amendment (Miscellaneous) Regulation 2001*.

2 Commencement

This Regulation commences on 4 March 2001.

3 Amendment of Workers Compensation (Insurance Premiums) Regulation 1995

The *Workers Compensation (Insurance Premiums) 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 9 Offence by employer

Omit clause 9 (2).

[2] Clause 10 Definition

Omit “except as provided by paragraph (b), the total, calculated by an insurer,” from paragraph (a) of the definition of *cost of claims*.

Insert instead “the total”.

[3] Clause 10

Omit paragraph (b) of the definition of *cost of claims*.

[4] Clause 11 Cost of an individual claim

Omit “by the insurer” from clause 11 (1) (e).

[5] Clause 11 (3)

Omit the subclause.

[6] Clause 11 (4)

Omit “by the insurer or the Authority (as appropriate)”.

[7] Clause 11 (6)

Omit “calculated or determined in accordance with this clause”.

[8] Clause 13 Effect of certificate

Omit “unless subclause (2) applies”. Insert instead “except as provided by subclauses (2) and (3)”.

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Schedule 1 Amendments

[9] Clause 13 Effect of certificate

Omit clause 13 (2). Insert instead:

- (2) Those particulars are not binding on the employer to the extent of any inconsistency with a determination of the Authority under section 170 (Action by employer where premium not in accordance with insurance premiums order) of the 1987 Act.
- (3) If an insurer (other than the insurer who furnished the certificate) does not agree with any of those particulars and applies to the Authority for a variation of those particulars (and the application is not withdrawn or, in the opinion of the Authority, abandoned), the particulars relating to costs of claims specified in the certificate as confirmed or varied by the Authority are binding on any insurer for the purpose of calculation at any time of those costs of claims as at the commencement of that period of insurance.

[10] Clause 16

Omit clause 16. Insert instead:

16 Applications

An application to the Authority under section 170 of the 1987 Act or clause 13 of this Regulation must, unless the Authority otherwise directs, be made in a form approved by the Authority and lodged at the office of the Authority.

[11] Clauses 20 and 21

Omit the clauses.

BY AUTHORITY
