



New South Wales

Workers Compensation (General) Amendment (Transitional) Regulation 2001

under the

Workers Compensation Act 1987

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

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

Explanatory note

Section 52 (2) (b) of the *Workers Compensation Act 1987* provides that a person who receives a work-related injury on or after reaching retiring age is not entitled to weekly payments of compensation for any resulting period of incapacity for work occurring more than 1 year after the date of injury.

The *Workers Compensation Legislation Amendment Act 2001* amends section 52 (2) (b) to provide that weekly payments of compensation are not payable for any period of incapacity that occurs more than 1 year after the first occasion of incapacity for work resulting from the injury. The effect of the amendment is to extend the period for which weekly payments of compensation may be paid for workers injured after reaching retiring age.

The object of this Regulation is to make transitional arrangements that extend the benefit of the amendment to persons injured before the commencement of the amendment (but not so as to revive or create any entitlement to compensation for a person who has, before the commencement of the amendment, ceased to be entitled to any weekly payments of compensation because a period of more than 1 year had elapsed after the date of injury).

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Explanatory note

This Regulation is made under the *Workers Compensation Act 1987*, including clause 1 (1) of Part 20 of Schedule 6 to the Act (as inserted by the *Workers Compensation Legislation Amendment Act 2001*).

Workers Compensation (General) Amendment (Transitional) Regulation 2001

1 Name of Regulation

This Regulation is the *Workers Compensation (General) Amendment (Transitional) Regulation 2001*.

2 Commencement

This Regulation commences on 5 October 2001.

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.

2001 No 805

Workers Compensation (General) Amendment (Transitional)
Regulation 2001

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Clause 73Q

Insert after clause 73P:

73Q Application of amendment to section 52 of the 1987 Act

- (1) In this clause, *the 2001 amendment* means the amendment to section 52 (2) (b) of the *Workers Compensation Act 1987* made by the *Workers Compensation Legislation Amendment Act 2001*.
- (2) Section 52 (2) (b) of the 1987 Act, as amended by the 2001 amendment, applies to an injury received before or after the commencement of that amendment.
- (3) However, this clause does not revive or create any entitlement to weekly payments of compensation for a person who, before the commencement of the 2001 amendment, had ceased to receive a weekly payment of compensation by virtue of the operation of section 52 (2) (b) before its amendment by the 2001 amendment (being an entitlement that the person would not have apart from this clause).

BY AUTHORITY
