



New South Wales

# Workers Compensation Amendment (Medical Reports) Regulation 2004

under the

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 *Workplace Injury Management and Workers Compensation Act 1998*.

JOHN DELLA BOSCA, M.L.C.,

Minister for Commerce

## Explanatory note

The object of this Regulation is to amend the *Workers Compensation Regulation 2003* to limit the number of medical reports that may be disclosed to approved medical specialists in connection with a claim.

This Regulation is made under the *Workplace Injury Management and Workers Compensation Act 1998*, including sections 294A (Rules and regulations concerning medical evidence) and 248 (the general regulation-making power).

## **2004 No 623**

Clause 1            Workers Compensation Amendment (Medical Reports) Regulation 2004

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# **Workers Compensation Amendment (Medical Reports) Regulation 2004**

under the

Workplace Injury Management and Workers Compensation Act 1998

### **1 Name of Regulation**

This Regulation is the *Workers Compensation Amendment (Medical Reports) Regulation 2004*.

### **2 Amendment of Workers Compensation Regulation 2003**

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

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## Schedule 1 Amendment

(Clause 2)

### Clause 43A

Insert after clause 43:

#### **43A Restriction on disclosure of medical reports to approved medical specialists**

A medical report is not to be disclosed to an approved medical specialist in connection with a claim unless:

- (a) the report was admitted in proceedings on the claim, or
- (b) the report was nominated by the claimant or respondent as the report that the claimant or respondent concerned would introduce in evidence in proceedings on the claim, or
- (c) the report was the sole report in the particular specialty concerned that was lodged in relation to the claim by the claimant or respondent (as the case may be), or
- (d) the approved medical specialist calls under section 324 (1) (b) of the 1998 Act for the production of the report.