



New South Wales

Workers' Compensation (Dust Diseases) Regulation 2008

under the

Workers' Compensation (Dust Diseases) Act 1942

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers' Compensation (Dust Diseases) Act 1942*.

ERIC ROOZENDAAL, M.L.C.,
Minister Assisting the Minister for Finance

Explanatory note

The object of this Regulation is to remake, with no substantial changes, the provisions of the *Workers' Compensation (Dust Diseases) Regulation 2003*, which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the holding of meetings of the Workers' Compensation (Dust Diseases) Board (clause 4),
- (b) the service of summonses to attend meetings of the board (clause 5),
- (c) the procedure to be followed at meetings of the medical authority appointed under the Act (clause 6),
- (d) the prohibition of members of the medical authority from disclosing information as to the physical condition of applicants for compensation (clause 7),
- (e) the making of applications for compensation (clause 8),
- (f) the requiring of employers to furnish information to the board regarding the employment and remuneration of applicants and other persons (clause 9),
- (g) other matters of a minor, consequential or ancillary nature (clauses 1, 2, 3 and 10).

This Regulation is made under the *Workers' Compensation (Dust Diseases) Act 1942*, including section 10 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely, matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Workers' Compensation (Dust Diseases) Regulation 2008

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Workers' Compensation (Dust Diseases) Regulation 2008

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Workers' Compensation (Dust Diseases) Act 1942

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Workers' Compensation (Dust Diseases) Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Workers' Compensation (Dust Diseases) Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(1) In this Regulation:

chairperson means the chairperson of the board.

compensation means compensation under section 8 of the Act.

the Act means the *Workers' Compensation (Dust Diseases) Act 1942*.

(2) Notes included in this Regulation do not form part of this Regulation.

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Clause 4 Workers' Compensation (Dust Diseases) Regulation 2008

Part 2 General

Part 2 General

4 Meetings of board

- (1) Meetings of the board are to be held at such intervals as the chairperson may fix.
- (2) In the absence from a meeting of the chairperson and all alternate members (if any) appointed by the Minister to act in place of the chairperson, a member of the board chosen by the members present is to preside at the meeting.
- (3) The person presiding at a meeting of the board is to determine the procedure at the meeting.

5 Service of summons to attend meetings of board

A summons under section 5 (2A) of the Act may be served by post.

6 Meetings of medical authority

Subject to section 7 of the Act, the chairperson of the medical authority (or, in the chairperson's absence, the deputy chairperson of the medical authority) is to determine the procedure at a meeting of the authority.

7 Non-disclosure of information by members of medical authority

- (1) A member of the medical authority must not disclose any information that the member has acquired, in the course of the member's duties, as to the physical condition of an applicant for compensation.
Maximum penalty: 1 penalty unit.
- (2) This clause does not prevent a member of the medical authority from disclosing any such information:
 - (a) to the applicant, or
 - (b) to any other person with the written consent of the applicant or in the performance of the member's duties.

8 Applications for compensation

- (1) An application for compensation is to be made to the board in a form approved by the board.
- (2) The board may require an applicant for compensation for total or partial disablement to furnish to the board full and correct information concerning:
 - (a) the applicant's present and previous employments and engagements, whether as a worker or otherwise, in and outside New South Wales, and

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- (b) the applicant's dependants and the extent of their dependency.
 - (3) An applicant for compensation must not, in support of the application, make or sign a statement that the applicant knows to be false or misleading in a material particular.
Maximum penalty: 1 penalty unit.

9 Employers to supply certain information

- (1) This clause applies to a person:
 - (a) who employs or has employed an applicant for compensation, or
 - (b) who employs or has employed a person receiving compensation under an award of compensation, or
 - (c) who employs or has employed a person who has been claimed by an applicant for compensation to be dependent on that applicant or on a person receiving compensation, or
 - (d) who has employed a person in respect of whose death an application has been made for an award of compensation.
- (2) The board may, by notice in writing served on a person to whom this clause applies, require the person to furnish to the board, within such time as is specified in the notice, such information in relation to the employment and remuneration of the applicant or person as is so specified.
- (3) A person on whom such a notice is served must not fail to comply with the requirements of the notice.
Maximum penalty: 1 penalty unit.

10 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Workers' Compensation (Dust Diseases) Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.