



New South Wales

Workers Compensation Amendment (Miscellaneous) Regulation 2012

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*.

GREG PEARCE, MLC
Minister for Finance and Services

Explanatory note

The objects of this Regulation are:

- (a) to provide transitional arrangements for the operation of the weekly payments amendments made by the *Workers Compensation Legislation Amendment Act 2012* in relation to seriously injured workers, and
- (b) to update an index number that is used for the purpose of the indexation of benefits under the *Workers Compensation Act 1987*.

This Regulation is made under the *Workers Compensation Act 1987*, including sections 79 (which defines, among other things, *latest index number*) and 280 (the general regulation-making power) and Schedule 6.

2012 No 468

Clause 1 Workers Compensation Amendment (Miscellaneous) Regulation 2012

Workers Compensation Amendment (Miscellaneous) Regulation 2012

under the

Workers Compensation Act 1987

1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Miscellaneous) Regulation 2012*.

2 Commencement

This Regulation commences on 17 September 2012 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Workers Compensation Regulation 2010

[1] Clause 11 Meaning of “latest index number”

Insert at the end of the Table to the clause in Columns 1 and 2, respectively:

1 October 2012	244.4
----------------	-------

[2] Clause 186 Saving

Insert at the end of the clause:

Note. Schedule 8 also contains savings and transitional provisions.

[3] Schedule 8

Insert after Schedule 7:

Schedule 8 Savings and transitional provisions

Part 1 Workers Compensation Legislation Amendment Act 2012

1 Interpretation

- (1) Words and expressions used in this Part have the same meaning as in Part 19H of Schedule 6 to the 1987 Act.
- (2) The provisions of Part 19H of Schedule 6 to the 1987 Act are deemed to be amended to the extent necessary to give effect to this Part.

2 Weekly payments amendments—seriously injured workers

- (1) If a worker is a seriously injured worker and a claim for compensation in respect of the worker’s injury was made before 17 September 2012, the following provisions apply:
 - (a) the weekly payments amendments apply to the compensation payable to the worker in respect of the injury (while the worker is a seriously injured worker) on and from 17 September 2012,
 - (b) the amount of the weekly payments of compensation payable to the worker pursuant to the weekly payments amendments is not to be less than the amount of the weekly payments of compensation that would have been payable to the worker had the weekly payments amendments not

2012 No 468

Workers Compensation Amendment (Miscellaneous) Regulation 2012

Schedule 1 Amendment of Workers Compensation Regulation 2010

applied to the worker (having regard to the period for which the worker has been entitled to weekly payments and the effect this has on entitlement to weekly payments or the amount of weekly payments),

- (c) the adjustment of the transitional amount (which the worker's pre-injury average weekly earnings are deemed to equal) under section 80 of the 1987 Act that occurs on 1 October 2012 is backdated to have effect on and from 17 September 2012 in respect of the compensation payable to the seriously injured worker on and from 17 September 2012,
 - (d) the amount of the weekly payments of compensation that would have been payable to the seriously injured worker had the weekly payments amendments not applied to the worker is to be determined as if the adjustment of any relevant amount under Division 6 of Part 3 of the 1987 Act that occurs on 1 October 2012 were backdated to have effect on and from 17 September 2012 in respect of the compensation payable to the worker on and from 17 September 2012.
- (2) For the purposes of the application of the weekly payments amendments to a seriously injured worker whose claim for compensation was made before 1 October 2012, the worker's pre-injury average weekly earnings are deemed to be equal to the transitional amount whether or not the worker is an existing recipient of weekly payments.