



New South Wales

# Workers Compensation Amendment (Consequential Amendments) Regulation 2015

under the

Workers Compensation Act 1987

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

VICTOR DOMINELLO, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to amend the *Workers Compensation Regulation 2010* as follows:

- (a) to update references to the body to whom an employer must give notification of a workplace injury, which is now the Nominal Insurer, and in relation to the notification process generally (these amendments are consequential on the amendments to the *Workplace Injury Management and Workers' Compensation Act 1998* (**the 1998 Act**) by Schedule 6 to the *State Insurance and Care Governance Act 2015*),
- (b) to update various references to the WorkCover Claims Assistance Service, the WorkCover Authority Fund and the WorkCover Authority (these amendments are consequential on the amendment of the *Workers' Compensation Act 1987* and the 1998 Act by Schedules 5 and 6, respectively, to the *State Insurance and Care Governance Act 2015*),
- (c) to prescribe SafeWork NSW as a body that can authorise a person to be an inspector under the workers compensation legislation with powers to enter premises and obtain information, documents and evidence.

This Regulation is made under the *Workers Compensation Act 1987*, including section 280 (the general regulation-making power) and under the 1998 Act, including sections 59 (the general regulation-making power), 238 (1) (b) and 238AA (7) (b).

## **Workers Compensation Amendment (Consequential Amendments) Regulation 2015**

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### **1 Name of Regulation**

This Regulation is the *Workers Compensation Amendment (Consequential Amendments) Regulation 2015*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Workers Compensation Regulation 2010**

**[1]    Clause 40 Notification of workplace injury**

Omit “Authority” wherever occurring. Insert instead “Nominal Insurer”.

**[2]    Clause 40 (5)**

Omit “an authorised officer” from the definition of *authorised officer*.

Insert instead “an inspector”.

**[3]    Clause 43 Notice of dispute about liability**

Omit “the WorkCover Claims Assistance Service” from clause 43 (1) (g).

Insert instead “any Workers Compensation Claims Assistance Service established by the Authority”.

**[4]    Clause 76 Determination of contributions and further contributions**

Omit “WorkCover Authority Fund” from clause 76 (1).

Insert instead “Workers Compensation Operational Fund”.

**[5]    Clause 181 Delegation of Authority’s functions**

Omit the clause.

**[6]    Clauses 184A and 184B**

Insert after clause 184:

**184A    Powers of entry by inspectors**

SafeWork NSW is prescribed for the purposes of paragraph (b) of the definition of *inspector* in section 238 (1) of the 1998 Act as a body that can authorise a person for the purposes of that section.

**184B    Power to obtain information, documents and evidence**

SafeWork NSW is prescribed for the purposes of paragraph (b) of the definition of *inspector* in section 238AA (7) of the 1998 Act as a body that can authorise a person for the purposes of that section.

**[7]    Schedule 3 Mandatory provisions in employer’s insurance policy**

Omit “WorkCover” from clause 8. Insert instead “the Nominal Insurer”.

**[8]    Schedule 3, clauses 17 (b) and 18, note to clause 22 and note 2 to clause 24**

Omit “WorkCover” wherever occurring.