



New South Wales

Workers Compensation Amendment (Lump Sum Compensation Claims) 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 make further transitional arrangements consequent on the enactment of the *Workers Compensation Legislation Amendment Act 2012* with respect to claims for permanent impairment compensation. The Regulation will enable a worker who made a claim before 19 June 2012 for permanent impairment compensation in respect of an injury to make one further claim for compensation in respect of the permanent impairment that results from the injury.

This Regulation is made under the *Workers Compensation Act 1987*, including section 280 (the general regulation-making power) and Parts 19H and 20 of Schedule 6.

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1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Lump Sum Compensation Claims) 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

Schedule 8 Savings and transitional provisions

Insert after clause 11:

11A Lump sum compensation: further claims

- (1) A further lump sum compensation claim may be made in respect of an existing impairment.
- (2) Only one further lump sum compensation claim can be made in respect of the existing impairment.
- (3) Despite section 66 (1) of the 1987 Act, the degree of permanent impairment in respect of which the further lump sum compensation claim is made is not required to be greater than 10%.
- (4) For the purposes of subclauses (1) and (2):
 - (a) a further lump sum compensation claim made, and not withdrawn or otherwise finally dealt with, before the commencement of subclause (1) is to continue and be dealt with as if section 66 (1A) of the 1987 Act had never been enacted, and
 - (b) no regard is to be had to any further lump sum compensation claim made in respect of the existing impairment:
 - (i) that was withdrawn or otherwise finally dealt with before the commencement of subclause (1), and
 - (ii) in respect of which no compensation has been paid, and
 - (c) section 322A of the 1998 Act does not operate to prevent an assessment being made under section 322 of that Act for the purposes of a further lump sum compensation claim.
- (5) The following provisions are to be read subject to this clause:
 - (a) section 66 of, and clause 15 of Part 19H of Schedule 6 to, the 1987 Act,
 - (b) section 322A of the 1998 Act,
 - (c) clauses 11 and 19 of this Schedule.
- (6) In this clause:

existing impairment means a permanent impairment resulting from an injury in respect of which a lump sum compensation claim was made before 19 June 2012.

further lump sum compensation claim means a lump sum compensation claim made on or after 19 June 2012 in respect of an existing impairment.

lump sum compensation claim means a claim specifically seeking compensation under section 66 of the 1987 Act.