



New South Wales

Workers' Compensation (Dust Diseases) Regulation 2018

under the

Workers' Compensation (Dust Diseases) Act 1942

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

DOMINIC PERROTTET, MP
Treasurer

Explanatory note

The object of this Regulation is to repeal and remake, with no significant amendments, the provisions of the *Workers' Compensation (Dust Diseases) Regulation 2013*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) making of applications for compensation,
- (b) requiring employers to furnish information to the Workers' Compensation (Dust Diseases) Authority regarding the employment and remuneration of applicants and other persons,
- (c) authorising the appointed directors of the board of Insurance and Care NSW as a class of persons to whom the Workers Compensation (Dust Diseases) Authority may delegate any of its functions,
- (d) other matters of a machinery or savings nature.

This Regulation is made under the *Workers' Compensation (Dust Diseases) Act 1942*, including sections 5AB and 10 (the general regulation-making power).

This Regulation 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.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Applications for compensation	3
5 Employers to supply certain information	3
6 Delegation to authorised persons	4
7 Repeal	4
8 Savings	4

Workers' Compensation (Dust Diseases) Regulation 2018

under the

Workers' Compensation (Dust Diseases) Act 1942

1 Name of Regulation

This Regulation is the *Workers' Compensation (Dust Diseases) Regulation 2018*.

2 Commencement

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

Note. This Regulation repeals and replaces the *Workers' Compensation (Dust Diseases) Regulation 2013*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

- (1) In this Regulation:

compensation means compensation under section 8 of the Act.

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

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

4 Applications for compensation

- (1) An application for compensation is to be made to the Authority in a form approved by the Authority.
- (2) The Authority may require an applicant for compensation for total or partial disablement to furnish to the Authority full and correct information concerning:
- (a) the applicant's present and previous employment and engagements, whether as a worker or otherwise, in and outside New South Wales, and
 - (b) the applicant's dependants and the extent of their dependency.
- (3) The Authority may require an applicant for compensation who was a dependant of a deceased worker to furnish to the Authority full and correct information concerning the extent of that dependency.
- (4) 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.

5 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 Authority may, by notice in writing served on a person to whom this clause applies, require the person to furnish to the Authority, 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.

6 Delegation to authorised persons

The appointed directors of the ICNSW Board (within the meaning of the *State Insurance and Care Governance Act 2015*) are authorised as a class of persons for the purposes of section 5AB of the Act.

7 Repeal

The *Workers' Compensation (Dust Diseases) Regulation 2013* is repealed.

8 Savings

Any act, matter or thing that, immediately before the repeal of the *Workers' Compensation (Dust Diseases) Regulation 2013*, had effect under that Regulation continues to have effect under this Regulation.