



New South Wales

# Workers Compensation Amendment (Minimum Pre-injury Average Weekly Earnings) Regulation 2019

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*.

VICTOR DOMINELLO, MP  
Minister for Customer Service

## Explanatory note

The object of this Regulation is to prescribe a minimum amount of pre-injury average weekly earnings in relation to injuries received on or after 21 October 2019 in line with the existing minimum amount prescribed in relation to injuries received before that date and consequent on the enactment of the *Workers Compensation Legislation Amendment Act 2018*. Pre-injury average weekly earnings are used to determine the amount of an injured worker's entitlement to weekly payments of compensation.

This Regulation is made under the *Workers Compensation Act 1987*, including section 280 (the general regulation-making power), clauses 2 and 3 of Schedule 3 and clause 1 of Part 20 of Schedule 6.

## Workers Compensation Amendment (Minimum Pre-injury Average Weekly Earnings) Regulation 2019

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### 1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Minimum Pre-injury Average Weekly Earnings) Regulation 2019*.

### 2 Commencement

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

### 3 Amendment of Workers Compensation Regulation 2016

#### (1) Clause 8

Omit the clause. Insert instead—

#### 8 Application and operation of Part

- (1) This Part takes effect on and from 21 October 2019.
- (2) This Part applies only to injuries received on or after 21 October 2019.

#### 8AA Definitions

In this Part—

*pre-injury average weekly earnings agreement*—see clause 8H.

*the relevant earning period* has the same meaning as in clause 2(2) of Schedule 3 to the 1987 Act.

*unadjusted earning period*—see clause 8A(3).

#### 8AB Minimum amount of pre-injury average weekly earnings—Schedule 3, clause 2(4)

For the purposes of clause 2(4) of Schedule 3 to the 1987 Act, the amount of \$155 is prescribed as the minimum amount applicable to a worker.

#### (2) Clause 8I Agreements to be approved by insurer—Schedule 3, clause 3(2)

Insert at the end of the clause—

- (2) The amount specified in a pre-injury average weekly earnings agreement under subclause (1) is subject to the minimum amount prescribed under clause 8AC.