



New South Wales

Workers Compensation Amendment (COVID-19) Regulation 2020

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 require a second or subsequent certificate of capacity provided by an injured worker to the insurer to be—

- (a) in a form approved by the State Insurance Regulatory Authority, and
- (b) given by a medical practitioner or an appropriately qualified physiotherapist or psychologist who is treating the worker for the injury.

This Regulation is made under the *Workers Compensation Act 1987*, including sections 44B(3)(a1) and 280 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (COVID-19) Regulation 2020*.

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 2016

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

Omit “clause 8AC” from clause 8I(2). Insert instead “clause 8AB”.

[2] Clause 175

Insert after clause 174—

175 Evidence as to work capacity for second or subsequent certificates

- (1) For the purposes of section 44B(3)(a1) of the 1987 Act, a second or subsequent certificate of capacity must be—
 - (a) in a form approved by the Authority, and
 - (b) given by—
 - (i) a medical practitioner, or
 - (ii) if the injured worker is receiving medical or related treatment (as defined in Division 3 of Part 3) for the injury by a physiotherapist or psychologist who is appropriately qualified within the meaning of section 60—the physiotherapist or psychologist.

Note. Section 60(2C)(e) provides that the Workers Compensation Guidelines may specify the qualifications or experience a person requires to be appropriately qualified, including by providing that a person is not appropriately qualified unless approved or accredited by the Authority.
- (2) If a subsequent certificate covers a period that overlaps wholly or in part with a period covered by an earlier certificate, the later certificate prevails for the whole of the period covered by the later certificate except to the extent that the later certificate relates to a period before the later certificate was provided.
- (3) This clause is repealed at the end of the day that is 12 months after the commencement of this clause.