



New South Wales

Workers' Compensation (Dust Diseases) Regulation 2023

under the

Workers' Compensation (Dust Diseases) Act 1942

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

SOPHIE COTSIS, MP
Minister for Work Health and Safety

Explanatory note

The object of this regulation is to repeal and remake, with no significant amendments, the *Workers' Compensation (Dust Diseases) Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

- (a) making applications for compensation,
- (b) requiring employers to provide certain information to the Workers Compensation (Dust Diseases) Authority,
- (c) authorising the appointed directors of the board of directors 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 machinery and savings matters.

This regulation is made under the *Workers' Compensation (Dust Diseases) Act 1942*, including sections 5AB(2), definition of **authorised person**, paragraph (b) and 10, the general regulation-making power.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely, matters of a machinery nature.

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Workers' Compensation (Dust Diseases) Regulation 2023

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Workers' Compensation (Dust Diseases) Act 1942

1 Name of regulation

This regulation is the *Workers' Compensation (Dust Diseases) Regulation 2023*.

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regulation repeals and replaces the *Workers' Compensation (Dust Diseases) Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

compensation means compensation under the Act, section 8.

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.

4 Applications for compensation—the Act, s 10(2)

- (1) An application for compensation must 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 give 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 give the Authority full and correct information concerning the extent of the dependency.

Note— The *Crimes Act 1900*, Part 5A contains offences relating to the making of false or misleading applications or providing false or misleading information or documents. The offences have a maximum penalty of imprisonment for 2 years or a fine of \$22,000, or both.

5 Employers to supply certain information—the Act, s 10(2)(b1)

- (1) This section applies to a person (a **relevant employer**) who employs or has employed—
 - (a) an applicant for compensation, or
 - (b) a person receiving compensation under an award of compensation, or
 - (c) a person who has been claimed by an applicant for compensation to be dependent on—

- (i) the applicant, or
 - (ii) a person receiving compensation, or
- (d) a person for whose death an application has been made for an award of compensation.
- (2) The Authority may, by written notice given to a relevant employer, require the employer to give the Authority information about the employment and remuneration of a person mentioned in subsection (1)(a)–(d).
- (3) The notice must specify—
 - (a) the information required to be given, and
 - (b) the time within which the information must be given.
- (4) A relevant employer who is given a notice must comply with the notice.
Maximum penalty for subsection (4)—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 Act, section 5AB(2), definition of ***authorised person***, paragraph (b).

7 Repeal and savings

- (1) The *Workers' Compensation (Dust Diseases) Regulation 2018* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Workers' Compensation (Dust Diseases) Regulation 2018*, had effect under that regulation continues to have effect under this regulation.