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## Workers Compensation Legislation Amendment Bill 2010

Amendments made by Legislative Assembly on 27 October 2010.

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No. 1 Page 5, Schedule 1 [17] and [18], lines 14–24. Omit all words on those lines. Insert instead:

**[17] Section 79 Definitions**

Insert at the end of the definition of *adjustable amount*:

, and

- (c) the amount of \$7,500 specified in section 297 (2) of the 1998 Act.

**[18] Section 79, definition of “base index number”**

Renumber paragraph (c) as paragraph (d) and insert as paragraph (c):

- (c) in respect of the adjustable amount of \$7,500 specified in section 297 (2) of the 1998 Act—the latest index number for the adjustment date of 1 October 2010, and

No. 2 Page 8, Schedule 1 [25], lines 18–26. Omit all words on those lines. Insert instead:

**9 Adjustment of maximum interim medical expenses payment**

For the purposes of the operation of Division 6 (Indexation of certain amounts) of Part 3 of the 1987 Act in relation to the adjustable amount in section 297 (2) of the 1998 Act, 1 October 2010 is not an adjustment date and the first adjustment date is 1 April 2011. Accordingly, the first adjustment under that Division of that adjustable amount is to be the adjustment provided for under that Division on and from 1 April 2011.

No. 3 Page 11, Schedule 2 [14], lines 17–22. Omit all words on those lines. Insert instead:

- (3) Evidence that is fresh evidence or evidence in addition to or in substitution for the evidence received in relation to the medical assessment appealed against may not be given on an appeal by a party to the appeal unless the evidence was not available to the party before that medical assessment and could not reasonably have been obtained by the party before that medical assessment.

No. 4 Pages 11 and 12, Schedule 2 [15], line 36 on page 11 to line 2 on page 12. Omit all words on those lines. Insert instead:

- (3) There is no appeal under this section unless the amount of compensation at issue on the appeal is both:
- (a) at least \$5,000 (or such other amount as may be prescribed by the regulations), and

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(b) at least 20% of the amount awarded in the decision appealed against.

No. 5 Page 12, Schedule 2 [17], lines 20–25. Omit all words on those lines. Insert instead:

**[17] Section 352 (6)**

Insert “The Commission is not to grant leave unless satisfied that the evidence concerned was not available to the party, and could not reasonably have been obtained by the party, before the proceedings concerned or that failure to grant leave would cause substantial injustice in the case.” at the end of the subsection.