

Passed by both Houses



New South Wales

# Workers' Compensation (Dust Diseases) Amendment Bill 2010

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2010*



New South Wales

## **Workers' Compensation (Dust Diseases) Amendment Bill 2010**

Act No , 2010

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*An Act to amend the *Workers' Compensation (Dust Diseases) Act 1942* and the *Workers Compensation Act 1987* to make further provision with respect to rates of compensation payable to dependents of deceased workers.*

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Workers' Compensation (Dust Diseases) Amendment Act 2010*.

**2    Commencement**

This Act commences on the date of assent to this Act.

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## **Schedule 1      Amendment of Workers' Compensation (Dust Diseases) Act 1942 No 14**

**[1] Section 8 (2B) (b) (i)**

Omit the subparagraph. Insert instead:

- (i) one of the following amounts:
  - (A) during the period of 12 months starting on the commencement of the *Workers' Compensation (Dust Diseases) Amendment Act 2010* (the **first 12 months**)—the amount of \$268,375, or
  - (B) during the period of 12 months (the **second 12 months**) that starts at the end of the first 12 months—the amount of \$291,040, or
  - (C) after the end of the second 12 months—the amount of \$311,050, and

**[2] Section 8 (2B) (d1)**

Insert after section 8 (2B) (d):

- (d1) The prescribed rate of compensation payable to a dependent person under paragraph (b) (i) is to be calculated by reference to the prescribed rate in force at the time of the worker's death.

**[3] Section 8 (3) (d)**

Omit "the amount of \$141,250".

Insert instead "the amount specified in subsection (2B) (b) (i)".

**[4] Schedule 2 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Workers' Compensation (Dust Diseases) Amendment Act 2010*

**[5] Schedule 2, Part 6**

Insert after Part 5:

**Part 6 Provisions consequent on enactment of  
Workers' Compensation (Dust Diseases)  
Amendment Act 2010**

**13 Application of amendments**

- (1) The amendments made to this Act by the *Workers' Compensation (Dust Diseases) Amendment Act 2010* extend to the death of a person occurring on or after the date that the Bill for that Act was first introduced into Parliament (the ***date of introduction***) but before the date of assent to that Act (the ***date of assent***).
- (2) For the purposes of the operation of section 8 (2B) (b) (i) in relation to the death of a person occurring on or after the date of introduction but before the date of assent, the death is deemed to have occurred on the date of assent.

**14 Indexation of amounts of benefits**

Section 8 (3) (d) does not apply to the amount specified in section 8 (2B) (b) (i) during the period commencing on the date of assent to the *Workers' Compensation (Dust Diseases) Amendment Act 2010* and ending on 31 March 2013.

**Note.** Accordingly, during that period, the amount specified in section 8 (2B) (b) (i) will not be adjusted in accordance with Division 6 of Part 3 of the *Workers Compensation Act 1987*. The next adjustment under that Division will occur on 1 April 2013.

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## **Schedule 2      Amendment of Workers Compensation Act 1987 No 70**

### **Section 79 Definitions**

Insert after paragraph (b) of the definition of *base index number*:

- (b1) in respect of an adjustable amount that is an amount specified in section 8 (2B) (b) (i) of the *Workers' Compensation (Dust Diseases) Act 1942*—the latest index number in relation to the adjustment date of 1 October 2012, and