

Act 1994 No. 6

**WORKERS COMPENSATION LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Occupational Health and Safety Legislation (Amendment) Bill 1993.

The objects of this Bill are:

- (a) to improve work-related damages entitlements by:
 - removing the so-called “verbal threshold” for damages for non-economic loss; and
 - clarifying and extending the entitlement to damages for the cost of certain home care services; and
 - specifying that the cost of respite care for seriously injured workers can be included in a claim for damages; and
- (b) to provide that the indexation of workers compensation benefits cannot result in an amount of a benefit being less than the previously adjusted amount; and
- (c) to limit the potential for the under-declaration of wages, and to ensure that correct insurance premiums are paid, by:
 - providing that wage records kept by employers (which are used to calculate insurance premiums) are, in certain circumstances, also to include shift and similar work records relevant to the calculation of premiums; and
 - not allowing wage records to be combined with other records in a manner that would prevent them being disclosed because of another law; and
 - requiring employers in certain circumstances to supply, or make available for inspection, records of any contracts under which employers have paid contractors who perform work; and
- (d) to clarify certain anomalies relating to lump sum compensation entitlements; and

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- (e) to clarify the application of certain transitional provisions; and
- (f) to make other miscellaneous changes to the Workers Compensation Act 1987 of an ancillary, consequential or minor nature (including changes by way of statute law revision); and
- (g) to amend the Workers' Compensation (Dust Diseases) Act 1942:
 - to extend the scheme of compensation under that Act to workers at or about Broken Hill mines who contract dust-related cancer (i.e. mesothelioma); and
 - to enable the Workers' Compensation (Dust Diseases) Board to delegate its functions under the Act; and
 - to enable workers who are required to submit themselves for medical examination under that Act to be reimbursed for travelling and other expenses; and
 - to make other miscellaneous changes to that Act of an ancillary, consequential or minor nature.

A detailed explanation of each amendment is set out in the Bill after the amendment concerned.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on assent (except certain amendments relating to employers' wage records, and to reimbursing workers' travelling expenses under the Workers' Compensation (Dust Diseases) Act 1942, which are to commence on a day or days to be appointed by proclamation).

Clause 3 gives effect to the Schedules of amendments to the Workers Compensation Act 1987.

Clause 4 gives effect to the Schedule of amendments to the Workers' Compensation (Dust Diseases) Act 1942.

Clause 5 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Schedules 1 and **2** contain amendments to the Workers Compensation Act 1987 to give effect to the objects described in paragraphs (a)–(f) above.

Schedule 3 contains amendments to the Workers' Compensation (Dust Diseases) Act 1942 to give effect to the objects described in paragraph (g) above.
