

WORKCOVER LEGISLATION (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the WorkCover Administration Bill 1989.

The object of this Bill is to make amendments to the following Acts as a consequence of the proposed WorkCover Administration Act 1989:

Construction Safety Act 1912
Dangerous Goods Act 1975
Factories, Shops and Industries Act 1962
Occupational Health and Safety Act 1983
Police Regulation (Superannuation) Act 1906
Public Finance and Audit Act 1983
Public Sector Management Act 1988
Sporting Injuries Insurance Act 1978
WorkCover Administration Act 1989
Workers Compensation Act 1987
Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987
Workers' Compensation (Dust Diseases) Act 1942

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to various Acts.

Clause 4 repeals the Occupational Health and Safety (Workers' Compensation) Amendment Act 1985. That Act contains amendments relating to workplace levies that have never been commenced.

WorkCover Legislation (Amendment) 1989

SCHEDULE 1 - AMENDMENTS

Construction Safety Act 1912

Section 6A of the Act is repealed. That section requires the payment of notification fees by persons proposing to carry out certain building and construction work.

Other fees paid under the Act and regulations will be required to be paid into the proposed WorkCover Authority Fund.

Dangerous Goods Act 1975

The Act is amended to require all fees paid under the Act and regulations to be paid into the proposed WorkCover Authority Fund.

The provision requiring the Chief Inspector to report on the operation of the Act and regulations is repealed as such a report will be made by the proposed WorkCover Authority.

Factories, Shops and Industries Act 1962

The Act is amended to require fees paid under Part 3 (Health, safety and welfare matters) to be paid into the proposed WorkCover Authority Fund.

Functions currently conferred under that Part on the Under-Secretary (construed by Administrative Changes Orders as the Co-ordinator of Occupational Health, Safety and Rehabilitation Services) will be transferred to the proposed WorkCover Authority.

Occupational Health and Safety Act 1983

The Act is amended to omit provisions concerned with the constitution, functions, membership and procedure of the Occupational Health, Safety and Rehabilitation Council which is to be reconstituted under the proposed WorkCover Administration Act 1989 as an advisory body. Functions conferred under the Act on the Council will be transferred to the proposed WorkCover Authority.

Police Regulation (Superannuation) Act 1906

The Act is amended to replace a reference to the Workers Compensation and Rehabilitation Authority with a reference to its successor, the proposed WorkCover Authority.

Public Finance and Audit Act 1983

Schedule 2 (Statutory bodies) to the Act is amended to replace the reference to the Workers Compensation and Rehabilitation Authority with a reference to the proposed WorkCover Authority.

WorkCover Legislation (Amendment) 1989

Public Sector Management Act 1988

Schedule 2 (Administrative Offices) to the Act is amended to replace references to the Workers Compensation and Rehabilitation Authority with references to the proposed WorkCover Authority, and to make other consequential changes.

Sporting Injuries Insurance Act 1978

Schedule 2 (Constitution and procedure of Sporting Injuries Committee) is amended to replace references to the Workers Compensation and Rehabilitation Authority with references to the proposed WorkCover Authority.

WorkCover Administration Act 1989

The Act is amended to provide for the appointment of the General Manager of the WorkCover Authority to be under the Public Sector Management Act 1988 (as part of the Chief Executive Service).

Workers Compensation Act 1987

The Act is amended to omit provisions concerned with the constitution and functions of the Workers Compensation and Rehabilitation Authority which is to be replaced by the proposed WorkCover Authority. Also, provisions concerned with the Workers Compensation and Rehabilitation Authority Fund are omitted as this Fund is to be replaced by the proposed WorkCover Authority Fund. The Act is also amended to replace the Insurance Premiums Committee with the proposed WorkCover Authority. The Insurance Premiums Committee is presently constituted by the members of the Board of the Authority together with one other member.

Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987

The Act is amended to substitute the definition of "Authority" (which will mean the proposed WorkCover Authority).

Workers' Compensation (Dust Diseases) Act 1942

The Act is amended to remove the full-time position of executive member of the Workers' Compensation (Dust Diseases) Board and to provide that all the members of the board hold office for a 3 year term. The Act is also amended to provide for the establishment of the Dust Diseases Reserve Fund to replace 2 existing separate accounts. References to the Insurance Premiums Committee are replaced with references to the proposed WorkCover Authority as are references to the Workers Compensation and Rehabilitation Authority. The Act is also amended to enable the appointment of more than one deputy for each member of the medical authority under the Act and to provide that the members of the medical authority hold office for a 3 year term.