



New South Wales

# **Workers Compensation Amendment (Protection of Injured Workers) Bill 2017**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

## **Overview of Bill**

The objects of this Bill are as follows:

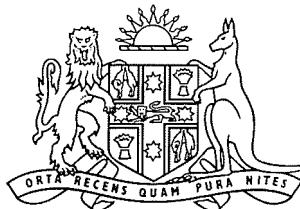
- (a) to remove restrictions on the entitlement of a worker to make a “journey claim” (that is, a claim to receive compensation for a personal injury received on a journey between the worker’s home or other place of abode and his or her place of employment),
- (b) to remove restrictions on what constitutes suitable employment for the purposes of a worker’s entitlement to weekly compensation by way of income support,
- (c) to remove the 5-year cut-off period for weekly payments of compensation to injured workers,
- (d) to remove a provision that limits the payment of an injured worker’s expenses for medical, hospital and rehabilitation treatment and services to treatment and services provided within 12 months after a claim for compensation is made or within 12 months after weekly payments cease,
- (e) to make it an offence for an employer to dismiss, at any time, an injured worker because the worker is not fit for employment as a result of the injury.

## **Outline of provisions**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Schedule 1** amends the *Workers Compensation Act 1987* to give effect to the objects set out in the Overview.



New South Wales

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New South Wales

# **Workers Compensation Amendment (Protection of Injured Workers) Bill 2017**

No , 2017

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## **A Bill for**

An Act to amend the *Workers Compensation Act 1987* to restore journey claims, to remove certain restrictions on workers' entitlements to weekly payments and compensation for expenses and to make further provision with respect to the protection of injured workers.

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

**1 Name of Act**

This Act is the *Workers Compensation Amendment (Protection of Injured Workers) Act 2017*.  
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**2 Commencement**

This Act commences on the date of assent to this Act.  
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## Schedule 1    Amendment of Workers Compensation Act 1987 No 70

[1] <b>Section 10 Journey claims</b>	1
Omit section 10 (3A).	2
[2] <b>Section 32A Definitions</b>	3
Omit the definition of <i>suitable employment</i> . Insert instead:	4
<i>suitable employment</i> , in relation to a worker, means employment in work for which the worker is currently suited having regard to the following:	5
(a) the nature of the worker's incapacity and the details provided in medical information including, but not limited to, any certificate of capacity supplied by the worker under section 44B,	6
(b) the worker's age, education, skills and work experience,	7
(c) any plan or document prepared as part of the return to work planning process, including an injury management plan under Chapter 3 of the 1998 Act,	8
(d) any occupational rehabilitation services that are being, or have been, provided to or for the worker,	9
(e) whether the work or the employment is available,	10
(f) whether the work or the employment is of a type or nature that is generally available in the employment market,	11
(g) the nature of the worker's pre-injury employment,	12
(h) the worker's place of residence,	13
(i) such other matters as the Workers Compensation Guidelines may specify.	14
[3] <b>Section 39 Cessation of weekly payments after 5 years</b>	15
Omit the section.	16
[4] <b>Section 59A Limit on payment of compensation</b>	17
Omit the section.	18
[5] <b>Section 248 Dismissal after injury an offence</b>	19
Omit section 248 (1) and (2). Insert instead:	20
(1) An employer of an injured worker who dismisses the worker is guilty of an offence if the worker is dismissed because the worker is not fit for employment as a result of the injury.	21
Maximum penalty: 100 penalty units.	22