

**WORKERS COMPENSATION (BENEFITS) AMENDMENT
BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to increase workers compensation benefits for the dependants of certain deceased workers, for totally and partially incapacitated workers who are suffering from work-related injuries and for workers who have sustained permanent injuries received in the course of their employment; and
- (b) to provide for the “current weekly wage rate” (used as a basis for determining weekly compensation payments to totally incapacitated workers for the first 26 weeks of incapacity) applicable to workers paid under industrial awards to apply on a similar basis to workers paid under enterprise agreements; and
- (c) to provide, in the case of workers who are not remunerated under an award, industrial agreement, enterprise agreement or determination and are not covered by regulations in force for the purpose of section 42 (1) of the Principal Act, for the “current weekly wage rate” applicable to those workers to be 80% (or other prescribed percentage) of the remuneration payable to them; and
- (d) to increase the maximum amounts that may be awarded to an injured worker for medical treatment, hospital treatment, the use of ambulance services, damage to artificial limbs, spectacles and other items belonging to the worker and damage to the worker’s clothing; and
- (e) to increase to \$204,000 the maximum amount that a worker can be awarded for non-economic loss (e.g. pain and suffering) in common law proceedings in respect of a work-related injury and to reduce to \$36,000 the threshold for bringing such proceedings; and

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- (f) to make certain modifications to the existing scheme under which an employer reimburses the employer's insurer the first \$500 of each worker's compensation claim paid by the employer's insurer, and
- (g) to exempt self-insurers from the requirement to contribute to the Insurers' Guarantee Fund to satisfy claims, judgments and other amounts in respect of workers compensation insurance policies issued by insurers who may become insolvent in the future and in respect of similar policies issued by certain insurers that are already insolvent; and
- (h) to make other changes of an ancillary, consequential or minor nature.

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