



New South Wales

Workers' Compensation (Dust Diseases) Amendment Act 2010 No 134

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Workers' Compensation (Dust Diseases) Amendment Act 2010 No 134

Act No 134, 2010

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. [Assented to 7 December 2010]

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.

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.

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

[Agreement in principle speech made in Legislative Assembly on 30 November 2010
Second reading speech made in Legislative Council on 1 December 2010]

BY AUTHORITY