

NSW Workers Compensation Bill

The NSW Law Society reports that the Workcover Legislation Amendment Bill 1996 (No. 2) has passed through the Legislative Council of the NSW Parliament with amendments.

It is important for solicitors who practice in this area to study Clause 18 of the Bill. Clause 18(1) of the Bill places an onus on injured workers to give notice of a claim before the commencement of the new provisions.

If no claim for compensation has been duly made before commencement, the amount of compensation will be calculated by reference to the reduced benefits provided for in the Bill, even though the worker was injured prior to the proclamation.

Clause 18 (2) says that a claim for compensation will not be taken to have been made before the commencement of the amendments if:

- (a) no claim for that compensation was duly made before the commencement of those amendments, or
- (b) the worker did not, before the commencement of those amendments, give the employer particulars (including, in the case of a claim for compensation under Section 66, a supporting medical report) sufficient to enable the employer to ascertain the nature and amount of the compensation claimed.

Solicitors who practice in this area should review their current matters and take all reasonable steps to preserve their clients' entitlement to compensation under Section 66 and 67 at the higher rates.

Solicitors should ensure that workers give employers particulars of claims sufficient to enable the employers to ascertain the nature and amount of the compensation claimed. In the case of a Section 66 claim, this should be supported by a medical report, which presumably could be obtained from a general practitioner but which must specify the percentage disability in the correct terminology under the Table of Disabilities in section 66. Your attention is drawn to Clauses 38 to 42 of the Workers Compensation (General) Regulation 1995 which set out the requirements for making a claim under the Act.

The NSW Law Society has received advice from the NSW Attorney General that it is expected that the new provisions will commence on 1 January 1997 and, for this reason, NSW members are being given notice of the change now.



The 1996 National Office Bearers: Sean Millard, National Treasurer; Peter Semmler QC, National President; Roland Everingham, National Secretary. Pictured with the National Executive is John Peacock, APLA Executive Officer.

Peter, Roland & Sean were all re-elected for 1997 at the AGM and Peter Carter was appointed National Vice President by National Council.



*APLA Civil Justice Award recipients
Dr Peter Cashman and John Gordon.*