



New South Wales

# Workers Compensation Amendment Regulation 2022

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

Minister for Customer Service and Digital Government

## Explanatory note

The objects of this Regulation are as follows—

- (a) to prescribe additional compensation fees payable by employers in relation to lump sum death benefits managed by the NSW Trustee,
- (b) to specify the details relating to contract cleaning industry employers the Authority may disclose to the Long Service Corporation,
- (c) to prescribe the manner in which a notice required or authorised to be given to, or served on, a person by or under the *Workplace Injury Management and Workers Compensation Act 1998* or the *Workers Compensation Act 1987* Act may be served,
- (d) make other minor amendments of a statute law nature.

## **Workers Compensation Amendment Regulation 2022**

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Workers Compensation Act 1987

### **1 Name of Regulation**

This Regulation is the *Workers Compensation Amendment Regulation 2022*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1 Amendment of Workers Compensation Regulation 2016

**[1] Clause 165, heading**

Insert “—the 1998 Act, s 243(2)” after “Corporation”.

**[2] Clause 165(2)**

Omit the subclause. Insert instead—

- (2) Disclosure under this clause is allowed only in relation to the following information—
- (a) the name and contact details of a contract cleaning industry employer,
  - (b) the number of employees of a contract cleaning industry employer,
  - (c) the location of business operations of a contract cleaning employer.

**[3] Clause 174 Medical practitioner may be required to attend Commission**

Omit “section 359 of the 1998 Act” from clause 174(b).

Insert instead “the *Personal Injury Commission Act 2020*, section 51(1)”.

**[4] Clauses 176 and 177**

Insert after clause 175—

**176 Service of notices—the 1998 Act, s 236**

For the 1998 Act, s 236(b), the following manner of giving or serving notices is prescribed—

- (a) by email to an email address specified by the person for the service of notices,
- (b) by electronic transmission to an address or location specified by the person for the service of notices.

**177 Lump sum death benefit—additional compensation fees**

The fee calculated in accordance with the following formula is prescribed as a fee of a kind for the purposes of the 1987 Act, section 25(1A)—

$$A + ((F \times B) + C) + (D \times E) + (F \times G) = \text{Fee}$$

Where—

*A* is \$1,309.

*B* is the amount specified in Table 1, Column 2 that corresponds to the lump sum death benefit specified in Table 1, Column 1.

*C* is the amount specified in Table 1, Column 3 that corresponds to the lump sum death benefit specified in Table 1, Column 1.

*D* is \$917.82.

*E* is the amount specified in Table 2, Column 2 that corresponds to the age of the dependant specified in Table 2, Column 1.

*F* is the lump sum death benefit, plus interest, awarded by the Commission under the 1987 Act, section 25.

*G* is the amount specified in Table 2, Column 3 that corresponds to the age of the dependant specified in Table 2, Column 1.

**Table 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
less than or equal to \$100,000	0.0385	0
\$100,000.01 to \$200,000	0.0275	1100
\$200,000.01 to \$300,000	0.0165	3300
more than \$300,000	0.0055	6600

**Table 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
0	11.69	0.2529
1	11.27	0.2358
2	10.84	0.2191
3	10.38	0.2028
4	9.90	0.1869
5	9.39	0.1714
6	8.86	0.1562
7	8.31	0.1414
8	7.72	0.1270
9	7.11	0.1129
10	6.46	0.0991
11	5.79	0.0857
12	5.08	0.0725
13	4.33	0.0455
14	3.55	0.0370
15	2.72	0.0282
16	1.86	0.0191
17	0.95	0.0097

**[5] Schedule 5 Penalty notice offences**

Omit the matters relating to sections 357(3), 358(3) and 359(2) from the table to Part 2.