

Detailed Table of amendments – Workers Compensation Regulation 2016

The Workers Compensation Regulation 2010 (2010 Regulation) has been remade, with minor amendments, as the Workers Compensation Regulation 2016 (2016 Regulation). The 2016 Regulation commences on 1 September 2016 and replaces the 2010 Regulation.

The table below provides a detailed list of the amendments included in the 2016 Regulation and details how the amendments relate to the relevant provisions in the 2010 Regulation and consultation draft 2016 Regulation.

Two projects, being implementation of the Market Practice and Premiums Guidelines (MPPGs) and Return to Work Assistance benefits resulting from the 2015 workers compensation reforms, required amendments to the 2010 Regulation during 2016. Due to their substantive and specialised nature, these projects were progressed concurrently with, but separately to, the remake of the 2010 Regulation. The Workers Compensation Amendment (Return to Work Assistance) Regulation 2016 amended the 2010 Regulation to facilitate the return to work assistance benefits which commenced on 29 April 2016. The 2010 Regulation was amended by the Workers Compensation Amendment (Premiums) Regulation 2016 to facilitate the commencement of the MPPGs from 4pm on 30 June 2016. These amendments are highlighted in blue.

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|--|--|
| Clause 1 | Clause 1 | Clause 1 | Name of Regulation | Name of Regulation changed to <i>Workers Compensation Regulation 2016</i> |
| Clause 2 | Clause 2 | Clause 2 | Commencement | 2016 Regulation commences 1 September 2016 |
| Clause 3 | Clause 3 | Clause 3 | Definitions | Clause 3 (1) - Definition of “category 1 employer” amended by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clauses 6 – 10 | N/A | N/A | | These clauses are not remade in the 2016 Regulation. However, new clause 39 of Part 6 of Schedule 8 to the 2016 Regulation makes clear that these clauses continue to have effect for certain workers. |
| Part 3 | Part 3 | Part 3 | Pre-injury average weekly earnings | Part 3 title amended: ‘Current weekly wage rate’ changed to ‘Pre-injury average weekly earnings’ |
| Clause 10B | Clause 6 | Clause 6 | Minimum amount of pre-injury average weekly earnings | Title amended: ‘Minimum amount of PIAWE’ changed to ‘Minimum amount of pre-injury average weekly earnings’. |

¹ Please note the clause numbers in this column align with the version of the 2010 Regulation in force as at 1 April 2016.

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|--------------------------|---|---|
| Clause 10A | Clause 7 | Clause 7 | Prescribed number of hours each week | <ul style="list-style-type: none"> Title amended: 'Prescribed number of hours - calculation of PIAWE' changed to 'Prescribed number of hours each week'. The Consultation draft Regulation had amended the title to this clause to "Minimum number of hours each week". As a result of feedback noting that the amount of hours is a "prescribed" amount and is not always a "minimum" the name has been changed as specified in the dot point above. |
| Clause 11 | Clause 8 | Clause 8 | Meaning of "latest index number" | Simplified wording. |
| Part 5 Clauses 12 & 13 | N/A | N/A | | These clauses are not remade in the 2016 Regulation. However, new clause 39 of Part 6 of Schedule 8 to the 2016 Regulation makes clear that these clauses continue to have effect for certain workers. |
| N/A | N/A | Part 5 Clauses 9 & 10 | Return to work assistance | New clauses inserted by the Workers Compensation Amendment (Return to Work Assistance) Regulation 2016. |
| Part 6 | Part 5 | Part 6 | Return-to-work programs under the 1998 Act | Title amended: 'Return-to-work programs' changed to 'Return-to-work programs under the 1998 Act' |
| Clause 17 | Clause 11 | Clause 13 | Standard return-to-work programs for category 2 employers | Clause 13(2) wording simplified. |
| Clause 25 | N/A | N/A | Shared return-to-work programs | Clause repealed. Policy amendment - removal of option for employers to establish shared return to work programs. |
| Clause 42 | Clause 35 | Clause 37 | Notice of injury involving loss of hearing | Amended sub-clause (1)(a)(ii) to replace the second reference to 'employer' with 'worker'. |
| Clause 43 | Clause 36 | Clause 38 | Notice of dispute about liability | <ul style="list-style-type: none"> Amended subclause (1)(g): 'Workers Compensation Claims Assistance Service' changed to 'any relevant service established by the Authority'. Removed subclause 43(3) of the 2010 Regulation - redundant. |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|---|---|
| Clause 46 | Clause 39 | Clause 41 | Access to certain medical reports and other reports obtained by the insurer | <ul style="list-style-type: none"> Title amended - removed '...secs 73 and 126 of the 1998 Act'. Sub clauses (1) (g) and (i) have been removed. However, new clause 39 of Part 6 of Schedule 8 of the 2016 Regulation makes clear that these subclauses continue to have effect for certain workers. Sub clauses (1)(b) and (5)(a) - removed references to 'medical certificate' and replaced with 'certificate of capacity'. Sub clause (3) - inserted references to sections 73(1) and 126(2) of the 1998 Act Sub clause (5)(b) - removed reference to 'legal practitioner' and replaced with 'law practice'. The consultation draft 2016 Regulation also inserted a maximum penalty provision into clause 39(3). This draft penalty provision has been removed from the 2016 Regulation. |
| Clause 47 | Clause 40 | Clause 42 | Interim payment direction not presumed to be warranted | Title amended - removed '...sec297 of 1998 Act'. |
| Clause 48 | Clause 41 | Clause 43 | Definitions | Inserted definition of 'approved medical specialist'. |
| Clause 51 | Clause 44 | Clause 46 | Restriction on disclosure of forensic medical reports to approved medical specialists | Subclause (4) - removed definition of 'approved medical specialist' and placed in clause 43 of the 2016 Regulation |
| Clause 52 | Clause 45 | Clause 47 | Restrictions on recovery of cost of medical reports | Subclause (4) - removed definition of 'approved medical specialist' and placed in clause 43 of the 2016 Regulation |
| Clause 56 | Clause 49 | Clause 51 | Provisions of policies of insurance | Removed subclause 56(2) of the 2010 Regulation which referred to policies issued or renewed so as to take effect before 31 Dec 1995 - redundant. |
| Clause 57 | Clause 50 | Clause 52 | Excess recoverable from employer | Title amended - removed '...section 160'. |
| Clause 59 | Clause 52 | Clause 54 | Certificate of currency - | Removed subclause 59(2) of the 2010 Regulation - redundant. |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|--|--|
| | | | period of insurance | |
| Clause 61 | Clause 54 | Clause 56 | Employers excluded from grouping provisions | Title amended - removed ‘...section 175D of the 1987 Act’. |
| Clause 63 | Clause 56 | Clause 58 | References to “insurer” | Amended subclause (1) - removed reference to section 57 of the 1998 Act. Section 57 of the 1998 Act was repealed as part of the 2012 legislative reforms. |
| Part 12 | Part 11 | Part 12 | Workers Compensation Operational Fund | Title amended: removed ‘WorkCover Authority Fund’ and replaced with ‘Workers Compensation Operational Fund’. The amendment was made by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 67 | Clause 60 | Clause 62 | Definitions | Definition of ‘basic tariff premium and dust diseases contribution’ amended by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 68 | Clause 61 | Clause 63 | Definition of “premium income” for purposes of insurers’ contributions | Clause amended to omit “an excess surcharge factor or” by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 69 | Clause 62 | Clause 64 | Definition of “deemed premium income” for purposes of self-insurers’ contributions | <ul style="list-style-type: none"> Removed subclause (3) of the 2010 Regulation - redundant. Subclause (1) amended by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 70 | Clause 63 | N/A | Alternative contribution by self-insurers | Clause repealed by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 71 | Clause 64 | Clause 65 | Ministers of religion | Simplified wording. |
| Clause 77 | Clause 70 | Clause 71 | Penalty notice offences | Amended subclause (c): <ul style="list-style-type: none"> Removed (i) - which referred to officers authorised by the Authority under section 246 of the 1998 Act. Removed as section 246 does not allow officers to be |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|---------------------------------|-----------------------------------|--------------------------------|---|--|
| | | | | <p>authorised, rather it refers to authorised officers pursuant to the Regulation.</p> <ul style="list-style-type: none"> (ii)- updated the persons declared to be authorised officers. |
| Part 16, Division 1 Preliminary | Part 15 Division 1 Preliminary | Part 16 Division 1 Preliminary | Marketing of work injury agent services | <p>Amended Note. - Removed definition of 'agent' and placed amended definition in clause 72 of the 2016 Regulation.</p> <p>Refer to discussion on the amendment to clause 78 of the 2016 Regulation for the rationale for this amendment. This amendment was not included in the Consultation draft 2016 Regulation.</p> |
| Clause 78 | Clause 71 | Clause 72 | Definitions | <p>Inserted definitions of:</p> <ul style="list-style-type: none"> agent lawyer practitioner directory. <p>The new definitions of 'agent' and 'lawyer' correct a drafting error made by the Uniform Legal Profession reforms which amended the 2010 Regulation on 1 July 2015. These new definitions were not included in the Consultation draft 2016 Regulation. Refer to discussion on the amendment to clause 78 of the 2016 Regulation for further information.</p> |
| Clause 81 | Clause 73 | Clause 74 | Exception for advertising specialty | <ul style="list-style-type: none"> Subclause (2) of the 2010 Regulation - moved definition of 'practitioner directory' to Clause 72 of the 2016 Regulation. Amended (c) - removed 'internet'. |
| Part 16, Division 3 | Part 15, Division 3 | Part 16, Division 3 | Advertising by persons other than agents or lawyers | <p>Title amended - "or lawyers' inserted after 'agents'.</p> <p>Refer to discussion on the amendment to clause 78 of the 2016 Regulation.</p> <p>This amendment was not included in the Consultation draft 2016 Regulation.</p> |
| Clause 86 | Clause 77 | Clause 78 | Application of Division | <p>Inserted 'or a lawyer' after 'agent'.</p> <p>The Uniform Legal Profession legislation reforms amended the 2010 Regulation on 1 July 2015.</p> <p>Prior to those amendments, clause 86 of the 2010 Regulation explicitly provided that offences in Division 3 of Part 16 (including clause 88 of the 2010 Regulation) did not apply to lawyers. The amendment to clause 78 of the 2016 Regulation (being the equivalent to cl 86 in the 2010 Regulation) reinserts the exemption for lawyers, excluding them from the application of Division 3.</p> <p>This amendment was not included in the Consultation draft 2016 Regulation.</p> |
| Clause 90 | Clause 80 | Clause 81 | Exception for advertising | <ul style="list-style-type: none"> Subclause (2) of the 2010 Regulation - moved definition of 'practitioner directory' to Clause 72 of the 2016 Regulation. |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|--|--|--|--|--|
| | | | specialty | <ul style="list-style-type: none"> Amended (c) - removed 'internet'. |
| Clause 94 | Clause 83 | Clause 84 | Definitions | <p>Amended Note:</p> <ul style="list-style-type: none"> Removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law Application Act 2014</i>. Amended wording to clarify that expressions used in Division 1 of Part 8 of Chapter 7 of the 1998 Act have the same meanings as terms used in the legal costs legislation. |
| Clause 95 | Clause 84 | Clause 85 | Definition of "costs" | Title amended - removed '...section 332 of the 1998 Act'. |
| Clause 96 | Clause 85 | Clause 86 | Costs not regulated by this Part | <p>Amended Note:</p> <ul style="list-style-type: none"> Removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. removed reference to 'WorkCover Authority' and replaced with 'Authority'. |
| Subdivision 2 of Division 2 of Part 17 (Costs) | Subdivision 2 of Division 2 of Part 16 (Costs) | Subdivision 2 of Division 2 of Part 17 (Costs) | Maximum costs recoverable by law practices and agents in compensation matters. | Title amended - removed reference to 'legal practitioners' and replaced with 'law practices'. |
| Clause 98 | Clause 87 | Clause 88 | Maximum costs recoverable | <ul style="list-style-type: none"> Removed references to 'legal practitioner' and replaced with 'law practice'. <p>Amended Note:</p> <ul style="list-style-type: none"> Removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. Amended wording to align with the wording used in Division 3 of Part 4.3 of the <i>Legal Profession Uniform Law (NSW)</i>. |
| Clause 100 | Clause 89 | Clause 90 | Costs not recoverable in certain circumstances (workers compensation matters) | Amended Subclause (2) - removed '...that are referred to in neither clause 96 nor...' and replaced with '...other than those referred to in clause 86 or...'. Amendment was made to remove ambiguity and clarify interpretation. |
| Subdivision 1 of Division 3 of Part 17 (Costs) | Subdivision 1 of Division 3 of Part 16 (Costs) | Subdivision 1 of Division 3 of Part 17 | Maximum costs recoverable by law practices in work injury | Title amended - removed reference to 'legal practitioners' and replaced with 'law practices'. |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|---|---|
| | | (Costs) | damages matters | |
| Clause 101 | Clause 90 | Clause 91 | Application of Division | Amended Note - removed reference to 'solicitor' and replaced with 'law practice'. |
| Clause 102 | Clause 91 | Clause 92 | Fixing of maximum costs recoverable by law practices | <ul style="list-style-type: none"> Removed references to 'legal practitioner' and replaced with 'law practice'. Amended Note : <ul style="list-style-type: none"> Removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. Amended wording to align with the wording used in Division 3 of Part 4.3 of the <i>Legal Profession Uniform Law (NSW)</i>. |
| Clause 103 | Clause 92 | Clause 93 | Contracting out - law practice/client costs | <ul style="list-style-type: none"> Title amended - removed reference to 'practitioner' and replaced with 'law practice' (this amendment was not included in the Consultation Draft Regulation). Amended subclause (1) - removed reference to 'legal practitioner' and replaced with 'law practice'. Amended sub-clause (1)(a) - removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. |
| Clause 110 | Clause 99 | Clause 100 | Definitions | <ul style="list-style-type: none"> Amended definition of 'agent bill of costs' - removed '...services within the meaning of section 337 of the 1998 Act' and replaced with 'services'. Amended definition of 'client' - removed references to 'legal practitioner' and 'practitioner' replaced with 'law practice'. Amended definition of <i>legal bill of costs</i> - removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. |
| Clause 111 | Clause 100 | Clause 101 | Application by client for assessment of law practice/client or agent/client costs | <ul style="list-style-type: none"> Title amended - removed reference to 'practitioner' and replaced with 'practice'. Removed reference to 'legal practitioner' and replaced with 'law practice'. Removed Note as it referred to section 343 of the 1998 Act which has been repealed. |
| Clauses 112 and 113 | Clauses 101 and 102 | Clauses 102 and 103 | | <ul style="list-style-type: none"> Titles amended - removed references to 'practitioner' and replaced with 'practice'. Removed references to 'legal practitioner' and replaced with 'law practice'. |
| Clause 116 | Clause 105 | Clause 106 | Making an application for | <ul style="list-style-type: none"> Title amended - removed 'How is an application to be made?' and replaced with 'Making an application for assessment' |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|--|--|--|---|---|
| | | | assessment | <ul style="list-style-type: none"> Removed references to 'legal practitioner' and replaced with 'law practice'. |
| Clause 117 | Clause 106 | Clause 107 | Persons to be notified of application | Removed references to 'legal practitioner' and replaced with 'law practice'. |
| Clause 118 | Clause 107 | Clause 108 | Registrar may require documents or further particulars | Removed references to 'legal practitioner' and replaced with 'law practice'. |
| Clause 119 | Clause 108 | Clause 109 | Consideration of applications | <ul style="list-style-type: none"> Removed references to 'legal practitioner' and replaced with 'law practice'. Amended subclause (3)(a) - removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. |
| Subdivision 2 Of Division 4 of Part 17 (Costs) | Subdivision 2 Of Division 4 of Part 16 (Costs) | Subdivision 2 Of Division 4 of Part 17 (Costs) | Assessment of bills of costs between law practice or agent and client | <ul style="list-style-type: none"> Title amended - removed reference to 'practitioner' and replaced with 'law practice'. |
| Clause 121 | Clause 110 | Clause 111 | Assessment of bills generally | <ul style="list-style-type: none"> Removed references to 'legal practitioner' and replaced with 'law practice'. Amended subclause (4) - removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. Amended Note - Removed paragraph relating to section 343 of the 1998 Act. Section 343 has been repealed in the 1998 Act. |
| Clause 122 | Clause 111 | Clause 112 | Additional matters to be considered in assessing bills of costs | <ul style="list-style-type: none"> Removed references to 'legal practitioner' and replaced with 'law practice'. Amended subclause (b) - removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. |
| Clause 123 | Clause 112 | Clause 113 | Costs agreements not subject to assessment | <ul style="list-style-type: none"> Removed reference to 'legal practitioner' and replaced with 'law practice'. Amended subclauses (1)(a) and (4) - removed references to <i>Legal Profession Act 2004</i> and replaced with references to <i>Legal Profession Uniform Law (NSW)</i>. |
| Clause 124 | Clause 113 | Clause 114 | Unjust costs agreements | <ul style="list-style-type: none"> Removed reference to 'legal practitioner' and replaced with 'law practice'. Amended subclause (2) - removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i>. |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|--|---|
| Clause 125 | Clause 114 | Clause 115 | Interest on amount outstanding | Amended subclauses (1) and (2) - removed references to <i>Legal Profession Act 2004</i> and replaced with references to <i>Legal Profession Uniform Law (NSW)</i> . |
| Clause 127 | Clause 116 | Clause 117 | Additional matters to be considered by Registrar in assessing costs ordered by court or Commission | (a) - removed reference to 'legal practitioner' and replaced with 'law practice'. |
| Clause 130 | Clause 119 | Clause 120 | Certificate as to determination | Clause 120 (6) - Removed reference to 'practitioner' and replaced with 'law practice'. This amendment was not incorporated in the Consultation draft 2016 Regulation. |
| Clause 132 | Clause 121 | Clause 122 | Recovery of costs of costs assessment | Amended sub-clause (1) - removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law (NSW)</i> . |
| Clause 137 | Clause 126 | Clause 127 | Liability of law practice or agent for costs in certain cases | <ul style="list-style-type: none"> Title amended - removed reference to 'legal practitioner' and replaced with 'law practice'. Removed references to 'legal practitioner' and 'practitioner' and replaced with 'law practice'. |
| Clause 138 | Clause 127 | Clause 128 | Referral of misconduct to designated local regulatory authority | <ul style="list-style-type: none"> Removed references to 'legal practitioner' and replaced with 'law practice or lawyer'. Amended subclauses (1) and (2) - removed references to <i>Legal Profession Act 2004</i> and replaced with references to <i>Legal Profession Uniform Law (NSW)</i>. Amended title and subclauses (1) and (3) - removed reference to 'Legal Services Commissioner' and replaced with 'designated local regulatory authority'. This amendment aligns with the meaning in the <i>Legal Profession Uniform Law (NSW)</i>. |
| Clause 139 | Clause 128 | Clause 129 | GST may be added to costs | <ul style="list-style-type: none"> Removed subclause 139 (2) of the 2010 Regulation- redundant. Subclause 139(3) of the 2010 Regulation - removed references to the <i>New Tax System Price Exploitation Law</i>, the <i>Price Exploration Code (NSW) Act 1999</i> and <i>Part VB of the Trade Practices Act 1974 (Cth)</i> - redundant. |
| Clause 140 | Clause 129 | Clause 130 | Modifications to Legal Profession Uniform Law (NSW) relating to assessment | <ul style="list-style-type: none"> Title amended: 'Modifications to <i>Legal Profession Act 2004</i> relating to assessment of costs' changed to 'Modifications to <i>Legal Profession Uniform Law (NSW)</i> relating to assessment of costs'. Removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal</i> |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|--|---|
| | | | of costs | <i>Profession Uniform Law (NSW).</i> |
| Clause 141 | Clause 130 | Clause 131 | Special provision for matters involving coal miners | Removed reference to <i>Legal Profession Act 2004</i> and replaced with reference to <i>Legal Profession Uniform Law Application Act 2014</i> . |
| N/A | N/A | Clause 134 | Application of Part | New clause inserted by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 144 | Clause 133 | Clause 135 | Definitions | Amendment made to definition of 'retro-paid loss premium policy' by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 147 | Clause 136 | Clause 138 | Employer to supply insurer with return relating to wages – standard policies | Amendment made to clause 138 (4) by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 151 | Clause 140 | Clause 142 | Employer to give insurer notice of input tax credit entitlement | Clause amended by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 152 | Clause 141 | Clause 143 | Definitions | Clause amended by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 154 | Clause 143 | Clause 145 | Cost of an individual claim | <ul style="list-style-type: none"> Clause 145 (1) amended to refer to paragraphs (a) and (d) in clause 143(1). Amendments to table made by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 155 | Clause 144 | Clause 146 | Cost of provisional payments of compensation | <ul style="list-style-type: none"> Clause 146 (1) amended to refer to paragraphs (a) and (d) in clause 143(1). |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-------------------------------------|-------------------------------------|----------------------|--|---|
| Clause 157 | Clause 146 | Clause 148 | Effect of certificate | Amendments to clause made by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 160 | Clause 149 | Clause 151 | Notice of premium calculation | Amendment to clause made by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Divisions 6 & 7 (clauses 161 - 165) | Divisions 6 & 7 (clauses 150 - 154) | N/A | | Divisions 6 and 7 of Part 18 (Insurance Premiums) of the 2010 Regulation repealed by the Workers Compensation Amendment (Premiums) Regulation 2016. |
| Clause 168 | Clause 157 | Clause 154 | Policies under which premiums may be paid in four instalments | Amendment to clause 154 (1)(b) made by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 169 | Clause 158 | Clause 155 | Number, size and times for payment of instalments | Amendment to clause 155 (4) made by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 170 | Clause 159 | Clause 156 | Policies under which premiums may be paid in twelve instalments | Amendment to clause 156 (1)(b) made by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 171 | Clause 160 | Clause 157 | Number, size and times for payment of instalments | Amendment to clause 157(4) made by the Workers Compensation Amendment (Premiums) Regulation 2016 |
| Clause 177 | Clause 166 | Clause 163 | Rebate of premium where fraud or mistake involved in claims | Amended subclause (1)(b)(iii) (B) - moved to new subclause (iv). |
| Clause 178 | Clause 167 | Clause 164 | Disclosure of information for complaint about health practitioners | Title amended - removed '...: sec 243 (2) (d) of the 1998 Act'. |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|--|--|
| Clause 178A | Clause 168 | Clause 165 | Disclosure of information to Long Service Corporation | Title amended - removed '...: sec 243 (2) (d) of the 1998 Act'. |
| Clause 179 | Clause 169 | Clause 166 | Additional records to be kept by employers | Simplified wording. |
| Clause 180 | Clause 170 | Clause 167 | Uninsured liabilities - modification of provisions of the 1987 Act | Amended: <ul style="list-style-type: none"> • Subclause (a) - removed reference to section 40A of the 1987 Act which was repealed as part of the 2012 legislative reforms, and section 83 of the 1987 Act which was amended as part of the 2015 legislative reforms. • Subclause (b) - removed reference to s38A of the 1987 Act which was repealed as part of the 2012 legislative reforms. A new s. 38A was added to the 1987 Act in 2015 dealing with an unrelated matter. • Subclause (c) - replaced references to 'section 142B(2) of the 1987 Act' with 'section 142B(1) of the 1987 Act'. • New clause 39 of Part 6 of Schedule 8 of the 2016 Regulation makes clear that clause 180 of the 2010 Regulation continues to have effect for certain workers. |
| Clause 182 | Clause 171 | Clause 168 | Costs of medical assessment | <ul style="list-style-type: none"> • Title amended - removed '...: sec 330 of the 1998 Act'. • Amended sub clause (1) - removed 'An employer or insurer is not required to pay any costs of medical assessment in connection with:' and replaced with 'For the purposes of section 330 of the 1998 Act, the following are prescribed as matters that an employer or insurer is not required to pay any costs of medical assessment in connection with:' |
| Clause 183 | Clause 172 | Clause 169 | Arrangement of business before Commission | Title amended - removed '...: sec 349 of the 1998 Act'. |
| Clause 184 | Clause 173 | Clause 170 | Proceedings to enter up award on agreement for compensation | Title amended - removed '...: sec 66B of the 1987 Act'. |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|--|---|
| N/A | N/A | Clause 173 | Applications for licenses | Inserted new clause - 'For the purposes of sections 177 (2) and 210 (2) of the 1987 Act, an application for a licence is to be in the approved form.' |
| N/A | N/A | Clause 174 | Medical practitioner may be required to attend Commission | Inserted new clause - 'For the purposes of section 127 (4) of the 1998 Act, a medical practitioner may be required to attend the Commission and be cross-examined on the contents of a medical report by: (a) notice served on the medical practitioner, or (b) summons to appear under section 359 of the 1998 Act.' |
| Clause 185 | N/A | N/A | Repeal of Workers Compensation Regulation 2003 | Not remade - This is a redundant provision that prescribes the repeal of the 2003 Regulation. |
| Clause 186 | N/A | N/A | Saving | A new saving and transitional provision has been inserted at clause 39 of Part 6 of Schedule 8 to the 2016 Regulation. |
| Schedule 2 | Schedule 2 | Schedule 2 | Medical tests and results - brucellosis, Q fever and leptospirosis | Amended Schedule 2 concerning medical tests and results of brucellosis, Q fever and leptospirosis to reflect the latest case definitions from the <i>NSW Control Guidelines for Public Health Units</i> for those conditions. |
| Schedule 3 | Schedule 3 | Schedule 3 | Mandatory provisions in employer's insurance policy | <ul style="list-style-type: none"> • Amended Part 3 clause 20(b) - removed reference to 'medical certificate' and replaced with 'certificate of capacity' • Amendments made by the Workers Compensation Amendment (Premiums) Regulation 2016: <ul style="list-style-type: none"> ○ Clause 7 of Part 2 and Note 1 - removed references to 'relevant Insurance Premiums Order' and replaced with Workers Compensation Market Practice and Premiums Guidelines' ○ Repealed note 2. |
| Schedule 5 | Schedule 5 | Schedule 5 | Penalty notice offences | <p>Amended Schedule 5 - penalty notice offences:</p> <ul style="list-style-type: none"> • Part 1 - removed reference to section 163A(6) of the 1987 Act • Part 2 <ul style="list-style-type: none"> ○ removed references to sections 79A(4); 80 (5); 81A (2); 82 (3); 90(7); 126(2); 343(4)(a) and 343(4)(b) of the 1998 Act - redundant. ○ Removed reference to section 232 (2) (b) of the 1998 Act ○ removed reference to section 238AA of the 1998 Act • Part 3 -Title amended - removed 'Provisions of the Workers Compensation Regulation |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|--|-----------------------------------|----------------------|--------------------------------------|---|
| 2010' and replaced with 'Provisions of the Workers Compensation Regulation 2016' | | | | |
| Schedule 6 | Schedule 6 | Schedule 6 | Maximum costs - compensation matters | <p>Amended Schedule 6 – maximum costs – compensation matters:</p> <ul style="list-style-type: none"> • Part 1, sub clauses 1(2) & 16(2) - Removed reference to 'legal practitioner' and replaced with 'law practice'. • Part 1, sub clause 1(6) – updated clause reference. Removed reference to clause 113 of 2010 Regulation (referenced as clause 102 in the Consultation draft 2016 Regulation) and replaced with reference to clause 86 of the 2016 Regulation which contains a list of unregulated disbursements. • Part 1, sub clause 1(6) - removed reference to 'Legal Profession Regulation 2005' and replaced with reference to Legal Profession Uniform Law (NSW). • Part 1, sub clause 2 (1) – removed definition of 'legal practitioner'. A definition of 'law practice' was not inserted in this clause as it is not required due to the operation of clause 84(2) of the 2016 Regulation (and section 332(2) of the 1998 Act). • Part 1, sub clause 6(1)(b)(i) - removed reference to <i>WorkCover Guidelines</i> and replaced with reference to the <i>NSW workers compensation guidelines for the evaluation of permanent impairment</i> • Part 1, sub clause 7(2) - updated clause reference. Removed reference to clause 111 of 2010 Regulation (referenced as clause 100 in the Consultation draft 2016 Regulation) and replaced with reference to clause 86 of the 2016 Regulation which contains a list of unregulated disbursements. • Part 1, clause 15 - removed reference to 'Motor Accidents Compensation Regulation 2005' and replaced with reference to the 'Motor Accidents Compensation Regulation 2015'. • Part 1, sub clause 17(a) – removed reference to 'Roads and Traffic Authority' and replaced with 'Roads and Maritime Services'. • Part 1, sub clause 17(d) - removed reference to the <i>Freedom of Information Act 1989 (NSW)</i> and replaced with reference to the <i>Government Information (Public Access) Act 2009</i>. • Part 1, removed clause 18 (Costs unreasonably incurred) as it referred to section 342 of the 1998 Act which was repealed as part of the 2012 legislative reforms. • Part 2, Table 3, D 1 – Removed reference to 'WorkCover' and replaced with 'Authority' • Part 3, Item 1, Applicable provisions column - removed reference to 'Motor Accidents Compensation Regulation 2005' and replaced with reference to 'Motor Accidents Compensation Regulation 2015'. • Part 3, Item 5 - Removed reference to <i>WorkCover Guidelines</i> and replaced with |

| 2010 Provision ¹ | Consultation draft 2016 Provision | Final 2016 provision | Name of provision | Amendment |
|-----------------------------|-----------------------------------|----------------------|--|--|
| | | | | reference to the <i>NSW workers compensation guidelines for the evaluation of permanent impairment</i> |
| Schedule 7 | Schedule 7 | Schedule 7 | Maximum costs for legal services – work injury damages matters | Removed all references to ‘legal practitioner’ and replaced with ‘law practice’. |
| Schedule 8 | Schedule 8 | Schedule 8 | Savings and transitional provisions | <p>Part 1:</p> <ul style="list-style-type: none"> • removed references to ‘seriously injured worker/s’ and replaced with references to ‘worker/s with highest needs’ • removed clauses 7, 9 and 17 of Part 1 of the Schedule 8 of the 2010 Regulation - redundant • amended wording to clause 14 to make its effect clearer. <p>Part 2:</p> <ul style="list-style-type: none"> • Amended clause 25: <ul style="list-style-type: none"> ◦ title amended - removed ‘Operation’ and replaced with ‘Application’. ◦ Inserted ‘This Part remakes Part 2 of Schedule 8 to the <i>Workers Compensation Regulation 2010</i> which...’ • removed clause 31 of Part 2 Of Schedule 8 to the 2010 Regulation - redundant. <p>Part 3:</p> <ul style="list-style-type: none"> • Inserted new clause 36 – Return to work assistance – education and training. Inserted by the <i>Workers Compensation Amendment (Return to Work Assistance) Regulation 2016</i>. <p>Inserted new Part 5 – Provisions consequent on making of <i>Workers Compensation Amendment (Premiums) Regulation 2016</i>. Inserted by <i>Workers Compensation Amendment (Premiums) Regulation 2016</i>.</p> <p>Inserted new Part 6: Provisions consequent on repeal of <i>Workers Compensation Regulation 2010</i></p> <ul style="list-style-type: none"> • new clause 39 – Saving and transitional provision • Sub-clause 39(2) makes clear that clauses 6-10, Part 5, clauses 46 (1) (g) and (i) and 180 of the 2010 Regulation (which have been removed from the 2016 Regulation) continue to have effect for certain workers. |

