

## LEGISLATIVE DEVELOPMENTS

2015 Reforms – a summary of the changes and commencement dates

### Commenced

			from
Restructure	WorkCover split into 3 discrete agencies	1. Insurance & Care NSW (icare) – insurance and care service provider 2. State Insurance Regulatory Authority (SIRA) – insurance regulator 3. SafeWork NSW – workplace safety regulator	1.09.15
Death benefit	Lump sum death benefit increased to \$750,000	for deaths that occur on or after 5.08.15	16.10.15
Funeral expenses	Maximum payable increased to \$15,000	for deaths that occur on or after 5.08.15	16.10.15
Permanent Impairment	Lump sum payable under s66 increased	for injuries received on or after 5.08.15	16.10.15
Weekly benefits	Continued eligibility for weekly payments after retirement age	for injured workers who reached retirement age during the transition period from 1.10.12 to 15.10.15	16.10.15
Medical and related expenses	Period of entitlement may be extended under s59A	for injured workers who reached retirement age during the transition period	16.10.15
Second claim for lump sum compensation	Ability to make one further claim for lump sum compensation if worker's condition significantly deteriorates	For injured workers who previously made a claim for lump sum compensation before 19.06.12 overturning the decision in <i>Cram Fluid v Green</i>	13.11.2015

### Awaiting commencement

Limitation period will no longer apply to compensation in respect of crutches, artificial aids, home or vehicle modifications or secondary surgery	
Limitation period for medical and treatment expenses will no longer apply to injured workers with 21-30% WPI	
12 month eligibility period for medical and treatment expenses will extend to 2 years for 10% WPI or less or 5 years for 11-20% WPI after the claim was made or weekly benefits cease to be payable	
An injured worker with more than 20% WPI will no longer be required to work a minimum number of hours or earn a minimum amount to receive weekly benefits after 130 weeks	
An injured worker with more than 30% WPI will be eligible to receive a minimum of \$788.32 (combined compensation and earnings) to be indexed twice a year	
The method of calculating a worker's pre-injury average weekly earnings in order to determine the weekly compensation payable to a worker will be able to be varied by Regulation	
A review of a work capacity decision will stay the decision if the application for review is made within 30 days after the worker is notified of the decision or of the outcome of any earlier review	
An injured worker unable to return to work with the pre-injury employer will be eligible to receive services and assistance (up to \$1,000) to return to work with a new employer	
An injured worker with more than 20% WPI will be eligible to receive education or training (up to \$8,000) to return to work	
Legal costs for review of work capacity decisions	Currently subject to consultation with stakeholders