

LEGISLATIVE DEVELOPMENTS

The **Workers Compensation Regulation 2016** commenced on 1 September 2016 replacing the Workers Compensation Regulation 2010.

The changes mainly take account of the legislative reforms to workers compensation that have occurred since 2010 and include revising references to legislation, clarifying wording and removing unnecessary clauses.

The much anticipated changes relating to pre-injury average weekly earnings (PIAWE) and legal costs for work capacity decisions have not been enacted but are expected to be the subject of further 'enhancements' in the future.

The 2016 Regulation contains a number of minor amendments, including:

- removing the option for employers to establish shared return to work programs
- a new clause that an application for an insurer or self-insurer licence is to be in the 'approved' form
- a new clause prescribing the process for notifying a medical practitioner who is required to attend the Workers Compensation Commission for cross-examination on the contents of a medical report
- updating prescribed medical tests and results relating to brucellosis, Q fever, and leptospirosis (Schedule 2) to reflect the latest case definitions from the NSW Control Guidelines for Public Health Units
- aligning it with recent reforms to the workers compensation and legal profession legislation
- updating references to other legislative instruments
- removing certain penalty notice offences (Schedule 5)
- removing unnecessary and redundant clauses
- improving and clarifying wording in certain clauses

[Click here for the link to the SIRA Fact Sheet](#)