

## LEGISLATIVE DEVELOPMENTS

18.12.2015 - Workers Compensation Amendment (Death Benefits) Regulation 2015 - to increase the amount of the lump sum benefit payable in respect of the death of certain volunteer fire, emergency and rescue services workers from \$524,000 to \$750,000 in respect of deaths occurring on or after 5.08.2015 – taken to have commenced on 21.08.2015.

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 for 12 months beyond 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 <i>overturning the decision in Cram Fluid v Green</i>	13.11.15
Medical benefit cap	Extended for all claims		4.12.15
Artificial aids, home and vehicle modifications	Lifetime compensation for approved claims	Limitation removed	4.12.15
Medical expenses	Lifetime compensation for injured workers with high needs	Workers with 21%-30% WPI	4.12.15
Weekly benefits	Minimum payments for workers with highest needs	Workers with more than 30% WPI	4.12.15
Work hours	Minimum hours removed for injured workers with high needs	Workers with 21%-30% WPI	4.12.15
Secondary surgery	Available for all eligible workers		4.12.15
Work capacity decision	Suspension of WCD pending result of review		4.12.15

### Awaiting commencement

Injured workers unable to return to work with their pre-injury employer will be eligible to receive services and assistance (up to \$1,000) to return to work with a new employer
Injured workers 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 subject to Regulation following consultation with stakeholders