



Victor Dominello
Minister for Innovation and Better Regulation

MEDIA RELEASE

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CERTAINTY AND FAIRNESS FOR INJURED WORKERS

The NSW Government will make a new regulation to enable injured workers in NSW, who made a claim for lump sum compensation before 19 June 2012, to make one further claim if their condition significantly deteriorates.

Minister for Innovation and Better Regulation Victor Dominello said the new regulation responded to a recent court decision, *Cram Fluid Power v Green* [2015] NSWCA 250.

The court found that a 'one claim only' limit applies to all injured workers, including the cohort who made a lump sum claim prior to 19 June 2012, under s66 of the *Workers Compensation Act 1987* (NSW).

"The Government has acted to clarify the law, providing certainty for injured workers whose claims are affected by the Cram Fluid decision," Mr Dominello said.

The new regulation, which commences in November, will address a potential disadvantage for injured workers who made a claim prior to 19 June 2012, on advice that they could make a further claim if their condition deteriorated.

"Injured workers within this cohort will be able to make one further claim. There is no time limitation for making the claim or restriction on minimum increase in a claimant's level of permanent impairment," Mr Dominello said.

"Our approach is consistent with the 2015 benefit reforms to make the NSW workers compensation system fairer, more equitable, and sustainable."

There are approximately 6000 pre-19 June 2012 claimants who may be eligible to make a claim as a result of the new regulation.

The 2015 benefit reforms, which became law in August, will see \$1 billion in enhanced benefits passed onto injured workers and employers.

The NSW Government has met its commitment to return every dollar above the minimum needed to keep the scheme sustainable, to injured workers and business in a two-third, one-third split.

Further information is available at www.finance.nsw.gov.au