



Quiz

Section 151Z of the Workers Compensation Act 1987 (NSW)

1. What is the intent behind s 151Z of the *Workers Compensation Act 1987* (NSW)?
 - a. To entitle a worker to both workers compensation, and damages payable by a non-employer
 - b. To ensure that workers are not overcompensated, and that employers are only liable for their portion of damages as assessed under Pt 5 of the *Workers Compensation Act 1987* (NSW)
 - c. To restrict the liability of non-employers
 - d. None of the above
2. When does an employer's cause of action against a worker accrue under s 151Z(1)(b)?
 - a. When the worker receives into his or her possession the damages from the non-employer liable to pay the damages
 - b. When the worker receives a judgment or award in his or her favour against the non-employer
 - c. When each payment of compensation is made to the worker
 - d. Both C and D
3. Which is an element of a claim under s 151Z(1)(d)?
 - a. The worker was injured

- b. The injury was caused in circumstances creating a liability in some other person
 - c. The worker has recovered compensation under the *Workers Compensation Act 1987* (NSW)
 - d. All of the above

- 4. What is the effect of the decisions of *South West Helicopters Pty Ltd v Stephenson* [2017] NSWCA 312 and *Coles Supermarkets Australia Pty Ltd v Ready Workforce (A Division of Chandler Macleod) Pty Ltd* [2018] NSWCA 140?
 - a. If a worker brings proceedings against their employer, the employer still has a full right of indemnity under s 151Z(1)(d)
 - b. If a worker brings proceedings against their employer, the employer loses the right to an indemnity under s 151Z(1)(d)
 - c. If a worker does not bring proceedings against their employer, the employer still has a right of indemnity, albeit modified by s 151Z(2)(e)
 - d. Both B and C

- 5. Which of the following is *not* something practitioners are advised to take away from the discussion of s 151Z of the *Workers Compensation Act 1987* (NSW)?
 - a. To properly run a s 151Z action on behalf of an employer, full knowledge of the *Workers Compensation Act 1987* (NSW) is necessary, as well as full knowledge of the relevant law governing the liability of a non-employer to pay damages
 - b. To properly run a claim for indemnity under s 151Z(1)(d) against a non-employer, a practitioner must be able to run a full worker's claim against the non-employer from beginning to end
 - c. Practitioners must have a sound knowledge of the case of *Donoghue v Stevenson* [1932] AC 562
 - d. Practitioners are advised to keep in mind that there could be a cross-claim for indemnity under the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW)

Answers:

1. B 2. A 3. D 4. D 5. C