

AUSTRALIAN CAPITAL TERRITORY

Workmen's Compensation (Amendment) Ordinance (No. 2) 1987

No. 24 of 1987

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 5 June 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to amend the *Workmen's Compensation Ordinance 1951*

Short title

1. This Ordinance may be cited as the *Workmen's Compensation (Amendment) Ordinance (No. 2) 1987*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Workmen's Compensation Ordinance 1951*.²

Interpretation

3. Section 6 of the Principal Ordinance is amended by inserting in subsection (1), after the definition of "overtime", the following definition:

(Ord.24/87)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

“ ‘registered auditor’ means an auditor registered under Division 2 of Part II of the *Companies Act 1981*;”.

Inspectors

4. Section 16 of the Principal Ordinance is amended:

(a) by inserting after subsection (2) the following subsections:

“(2A) An inspector may, by notice in writing served upon an employer, require the employer to provide to the inspector, within 28 days after service of the notice:

- (a) a certificate from a registered auditor stating the total amount of wages paid to workmen employed by the employer; and
- (b) a statutory declaration setting out:
 - (i) the categories (being any of those determined under subsection 18 (8B)) of workmen employed by the employer; and
 - (ii) the total amount of wages paid in respect of each of those categories of workmen;

during the period or periods specified in the notice.

“(2B) A registered auditor shall not knowingly supply false, misleading or incomplete information in a certificate provided for the purposes of subsection (2A).”;

- (b) by omitting from paragraph (3) (b) “the last preceding sub-section; or” and substituting “subsection (2).”;
- (c) by omitting from paragraph (3) (c) “the last preceding sub-section, any book or document” and substituting “subsection (2), any book or document; or”; and
- (d) by adding at the end of subsection (3) the following paragraph:

“(d) fail, without reasonable excuse, to comply with a notice served upon the person in accordance with subsection (2A).”.

Compulsory insurance

5. Section 18 of the Principal Ordinance is amended:

(a) by omitting from subsection (8) the words “issue or”;

- (b) by omitting from subsection (8) all the words after “supply” and substituting:

“the insurer with:

- (a) a certificate from a registered auditor stating the total amount of wages paid to workmen employed by the employer; and
- (b) a statutory declaration setting out:
 - (i) the categories (being any of those determined under subsection (8B)) of workmen employed by the employer; and
 - (ii) the total amount of wages paid in respect of each of those categories of workmen;

during the period relevant to the determination of the premium payable under the policy.”; and

- (c) by inserting after subsection (8) the following subsections:

“(8A) An employer shall supply an insurer with whom the employer has taken out a policy of insurance or indemnity against liability under this Ordinance with:

- (a) a certificate from a registered auditor; and
- (b) a statutory declaration;

of the type, and in the circumstances, provided for under the term of that policy corresponding to paragraph 11 or 13, as the case requires, of the conditions in the form of employer’s indemnity policy set out in the Third Schedule.

“(8B) The Minister may, by notice in the *Gazette*, determine categories of workmen for the purposes of paragraphs (8) (b) and 16 (2A) (b) and the Third Schedule.

“(8C) A registered auditor shall not knowingly supply false, misleading or incomplete information in a certificate provided for the purposes of subsection (8) or (8A).”.

Third Schedule

6. The Third Schedule of the Principal Ordinance is amended:

- (a) by omitting from paragraph 11 of the conditions in the form of employer's indemnity policy all the words from and including "supply" to and including "during any period of indemnity", and substituting:

"supply the insurer with:

- (a) a certificate from a registered auditor stating the total amount of wages paid to workmen employed by the employer; and
- (b) a statutory declaration setting out:
- (i) the categories (being any of those determined under subsection 18 (8B) of the Ordinance) of workmen employed by the employer; and
- (ii) the total amount of wages paid in respect of each of those categories of workmen;

during any period of indemnity"; and

- (b) by omitting from paragraph 13 all the words from and including "the Employer shall furnish" to and including "time of cancellation", and substituting:

"the employer shall supply the insurer with:

- (a) a certificate from a registered auditor stating the total amount of wages paid to workmen employed by the employer; and
- (b) a statutory declaration setting out:
- (i) the categories (being any of those determined under subsection 18 (8B) of the Ordinance) of workmen employed by the employer; and
- (ii) the total amount of wages paid in respect of each of those categories of workmen;

during the period of indemnity prior to the time of the cancellation,".

Application

7. Sections 5 and 6 apply only in relation to policies of insurance and indemnity issued or renewed after the date of commencement of this Ordinance.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 15 June 1987.
2. No. 2, 1951 as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; Nos. 12, 20 and 21, 1959; No. 8, 1961; No. 10, 1962; No. 6, 1965; No. 44, 1967; No. 19, 1968; Nos. 7, 13 and 18, 1969; No. 26, 1970; No. 15, 1971; Nos. 35 and 38, 1972; No. 11, 1973; No. 34, 1974; No. 11, 1975; Nos. 15, 46 and 47, 1978; No. 15, 1979; No. 29, 1980; No. 4, 1981; Nos. 103 and 104, 1982; No. 69, 1983; Nos. 5 and 76, 1984; Nos. 9 and 67, 1985; No. 10, 1987.