



Australian Capital Territory

Workers Compensation (Default Insurance Fund) Amendment Act 2009

A2009-23

An Act to amend the *Workers Compensation Act 1951*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Workers Compensation (Default Insurance Fund) Amendment Act 2009*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Workers Compensation Act 1951*.

**4 DI fund manager not to consent to judgment etc unless defendant agrees
Section 1700**

omit

5 New section 172A

insert

172A DI fund manager may consent to judgment etc

- (1) This section applies if the DI fund manager conducts the defence of a proceeding against an employer for—
 - (a) a claim for compensation under this Act; or
 - (b) liability independent of this Act in relation to an injury to, or the death of, a territory worker of the employer.
- (2) The DI fund manager may, without the employer's agreement—
 - (a) make a decision affecting the interests of the employer in the proceeding; or

- (b) consent to judgment against the employer in the proceeding.
- (3) However, the DI fund manager must—
 - (a) tell the employer about the manager's intention to act under subsection (2) (a) or (b); and
 - (b) take into account the views (if any) of the employer.
- (4) Subsection (3) does not apply if the DI fund manager—
 - (a) has taken reasonable steps to contact the employer; and
 - (b) is unable to contact the employer.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 June 2009.

2 Notification

Notified under the Legislation Act on 2 September 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Workers Compensation (Default Insurance Fund) Amendment Bill 2009, which was passed by the Legislative Assembly on 20 August 2009.

Clerk of the Legislative Assembly

© Australian Capital Territory 2009