

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Industrial Relations)

# **Workers Compensation (Default Insurance Fund) Amendment Bill 2009**

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## **A Bill for**

An Act to amend the *Workers Compensation Act 1951*

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

- 1 **1 Name of Act**
- 2 This Act is the *Workers Compensation (Default Insurance Fund)*  
3 *Amendment Act 2009*.
- 4 **2 Commencement**
- 5 This Act commences on the day after its notification day.
- 6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see Legislation Act, s 75 (1)).
- 8 **3 Legislation amended**
- 9 This Act amends the *Workers Compensation Act 1951*.
- 10 **4 DI fund manager not to consent to judgment etc unless**  
11 **defendant agrees**  
12 **Section 1700**
- 13 *omit*
- 14 **5 New section 172A**
- 15 *insert*
- 16 **172A DI fund manager may consent to judgment etc**
- 17 (1) This section applies if the DI fund manager conducts the defence of  
18 a proceeding against an employer for—
- 19 (a) a claim for compensation under this Act; or
- 20 (b) liability independent of this Act in relation to an injury to, or  
21 the death of, a territory worker of the employer.
- 22 (2) The DI fund manager may, without the employer’s agreement—
- 23 (a) make a decision affecting the interests of the employer in the  
24 proceeding; or

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

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## Endnotes

### 1       **Presentation speech**

Presentation speech made in the Legislative Assembly on       2009.

### 2       **Notification**

Notified under the Legislation Act on                               2009.

### 3       **Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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