

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Workplace Safety and Industrial Relations)

Workers Compensation Amendment Bill 2013

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Workers Compensation Amendment Bill 2013

A Bill for

An Act to amend the *Workers Compensation Act 1951*

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

1 **1 Name of Act**

2 This Act is the *Workers Compensation Amendment Act 2013*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see [Legislation Act](#), s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Workers Compensation Act 1951*.

9 **4 Contributions to DI fund by approved insurers and
10 self-insurers
11 Section 168A (2)**

12 *substitute*

13 (2) The DI fund manager may—

14 (a) apportion liability for the annual insurer contribution among
15 approved insurers and self-insurers; and

16 (b) determine whether an insurer or self-insurer's apportioned
17 liability must be paid—

18 (i) quarterly; or

19 (ii) if the DI fund manager considers it necessary for the
20 sustainable functioning of the DI fund—within a time
21 stated by the DI fund manager.

1 (2A) The DI fund manager must state the apportioned liability of the
2 annual insurer contribution as a percentage of—

3 (a) for an approved insurer—the gross written premiums for the
4 insurer; or

5 (b) for a self-insurer—the notional gross written premium for the
6 self-insurer.

7 **5 Section 168A (6), new note**

8 *insert*

9 *Note* An amount owing under a law may be recovered as a debt in a court of
10 competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

11 **6 Section 168A (8), definitions of gross written premiums
12 and notional gross written premium**

13 *omit*

14 **7 Supplementary contributions to DI fund by approved
15 insurers and self-insurers
16 Section 168AA (3)**

17 *substitute*

18 (3) Section 168A (2), (2A) and (3) apply to the apportionment of a
19 supplementary annual insurer contribution under this section as if
20 the contribution were an annual insurer contribution.

21 **8 Effect of payment of claims
22 Section 171I (1) (c), new note**

23 *insert*

24 *Note* An amount owing under a law may be recovered as a debt in a court of
25 competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

1 **9 Application of pt 8.3 to insurers**
2 **Section 179A (3), definition of *insurer's market share***

3 *omit*

4 section 210 (1) (Apportionment of costs of administration of Act)

5 *substitute*

6 section 210 (1) (Apportioning cost of administering workers
7 compensation and safety legislation)

8 **10 Section 210**

9 *substitute*

10 **210 Apportioning cost of administering workers**
11 **compensation and safety legislation**

- 12 (1) The Minister may apportion liability for the cost of administering
13 the workers compensation and safety legislation for a financial year
14 among the entities that are approved insurers or self-insurers during
15 the year.
- 16 (2) To apportion liability for a financial year, the Minister must—
- 17 (a) determine the overall cost of administering the workers
18 compensation and safety legislation for the year, based on
19 either—
- 20 (i) the actual cost of administering the legislation; or
21 (ii) an estimate of the cost of administering the legislation;
22 and
- 23 (b) as far as practicable, determine an amount of the cost of
24 administering the workers compensation and safety legislation
25 that is attributable, or estimated to be attributable, to each
26 insurer and self-insurer for the year.

- 1 (3) If the Minister apportions liability based on an estimate of costs for
2 a financial year (an *estimate year*), the Minister must ensure each
3 insurer and self-insurer's apportioned liability for a later financial
4 year is adjusted to take into account—
- 5 (a) the actual overall cost of administering the workers
6 compensation and safety legislation for the estimate year; and
- 7 (b) the actual cost of administering the workers compensation and
8 safety legislation that is attributable, or estimated to be
9 attributable, to the insurer and self-insurer for the estimate
10 year.
- 11 (4) The Minister may apportion liability in relation to an estimate year,
12 and give notice under section 210A for the year, before any actual
13 cost of administering the workers compensation and safety
14 legislation for the year has been incurred.
- 15 (5) If an amount apportioned to an insurer or self-insurer is not paid
16 within the time stated for payment in a notice under section 210A,
17 the amount is a debt owing to the Territory by the insurer or
18 self-insurer.
- 19 *Note* An amount owing under a law may be recovered as a debt in a court of
20 competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).
- 21 (6) An amount received because of an apportionment under this section
22 must be paid into a directorate banking account maintained by the
23 director-general in accordance with the [Financial Management](#)
24 [Act 1996](#), section 34 (2).
- 25 (7) For this section, the *cost of administering the workers*
26 *compensation and safety legislation* includes a cost incurred by the
27 Magistrates Court in relation to the workers compensation and
28 safety legislation.

1 **210A Notice of apportioned liability**

2 (1) If the Minister apportions liability under section 210, the Minister
3 must give each approved insurer and self-insurer a written notice
4 that—

5 (a) sets out details of the apportionment; and

6 (b) requires the insurer or self-insurer to pay to the Territory the
7 amount apportioned to the insurer or self-insurer within the
8 time for payment stated in the notice.

9 (2) The time stated for payment in the notice must not be shorter than
10 30 days after the day the approved insurer or self-insurer receives
11 the notice.

12 (3) The Minister may amend or revoke a notice given under this
13 section.

14 (4) In subsection (1) (b):

15 *the amount* means either—

16 (a) an amount in dollars; or

17 (b) a percentage—

18 (i) for an approved insurer—of the gross written premiums
19 for the insurer; or

20 (ii) for a self-insurer—of the notional gross written premium
21 for the self-insurer.

1 **11 Section 211 heading**

2 *substitute*

3 **211 Amounts for administering workers compensation and**
4 **safety legislation**

5 **12 Section 211**

6 *omit*

7 this Act

8 *substitute*

9 the workers compensation and safety legislation

10 **13 Dictionary, new definitions**

11 *insert*

12 ***gross written premiums***, in relation to an approved insurer, means
13 the total amount of premiums, less GST, for all insurance policies
14 written by the insurer for a policy period.

15 ***notional gross written premium***, in relation to a self-insurer, means
16 the total amount of premium that would have been payable, less
17 GST, if the self-insurer had obtained a compulsory insurance policy
18 for a policy period.

19 ***workers compensation and safety legislation*** means this Act and
20 the [Work Health and Safety Act 2011](#).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 August 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

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

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