EXPOSURE DRAFT

**Giulia Jones**

(Prepared by Parliamentary Counsel’s Office)

Public Sector Workers Compensation Fund Amendment Bill 2022

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Public Sector Workers Compensation Fund Amendment Bill 2022

A Bill for

An Act to amend the [Public Sector Workers Compensation Fund Act 2018](http://www.legislation.act.gov.au/a/2018-47%22%20%5Co%20%22A2018-47)

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

1 Name of Act

This Act is the *Public Sector Workers Compensation Fund Amendment Act 2022*.

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Public Sector Workers Compensation Fund Act 2018](http://www.legislation.act.gov.au/a/2018-47).

4 Long title

after

Territory,

insert

and fair and transparent claims management,

5 Section 6

substitute

6 Objects of Act

The objects of this Act are to—

 (a) establish financial and prudential governance in relation to the Territory’s obligations as a self-insured licensee under the SRC Act; and

 (b) ensure fairness and transparency in relation to the performance of claims management functions.

6 New section 17A

in part 3, insert

17A Definition of frontline community service provider—pt 3

 (1) In this part:

frontline community service provider means—

 (a) a corrections officer; or

 (b) a member of an emergency service; or

 (c) anyone else prescribed by regulation.

 (2) In this section:

corrections officer—see the [Corrections Management Act 2007](http://www.legislation.act.gov.au/a/2007-15), dictionary.

member, of an emergency service—

 (a) see the [Emergencies Act 2004](http://www.legislation.act.gov.au/a/2004-28), dictionary; and

 (b) includes—

 (i) a person operating in the ACT in accordance with a cooperative arrangement under the [Emergencies Act 2004](http://www.legislation.act.gov.au/a/2004-28), section 176; and

 (ii) a person employed by the ACT Emergency Services Agency; and

 (iii) a volunteer assisting the ACT Emergency Services Agency.

7 Arrangements for staff
New section 21 (2)

after the note, insert

 (2) The advisory committee may arrange with the head of service to use the services of a public servant or Territory facilities, including for the purpose of preparing reports under section 25A (1) (c) and (d).

8 New section 22A

insert

22A Claims code

 (1) The Minister must, within 6 months after the commencement day, make a code (a claims code) in relation to the management of claims by a claims manager including how the claims manager must deal with the following:

 (a) decision-making in relation to claims;

 (b) claims for mental injury, including claims by frontline community service providers;

 (c) the use and selection of medical practitioners to ensure their independence;

 (d) undertaking investigation and surveillance in relation to a claim;

 (e) anything prescribed by regulation.

 (2) Before making a claims code, the Minister—

 (a) must consult with entities representing the interests of workers about the code; and

 (b) may consult with anyone else about the code.

 (3) The Minister may extend the period mentioned in subsection (1) by an additional period of not more than 12 months.

 (4) A claims code is a disallowable instrument.

 (5) In this section:

commencement day means the day the Public Sector Workers Compensation Fund Amendment Act 2022, section 3 commences.

9 Claims manager’s functions
Section 23 (2)

after

any guideline

insert

or claims code

10 New section 25A

after the note, insert

25A Additional functions of advisory committee—relevant claims by frontline community service providers

 (1) The advisory committee has the following additional functions:

 (a) to keep informed about the performance of claims managers in relation to relevant claims;

 (b) to investigate the effectiveness and transparency of claims management in relation to relevant claims;

 (c) to provide a written report, about the matters mentioned in paragraphs (a) and (b), to the Minister (the first report) within 12 months after the commencement day;

 (d) to provide further written reports, about the matters mentioned in paragraphs (a) and (b), to the Minister (the further reports), once every 3 years after the day the first report is given to the Minister.

 (2) The Minister must present the first report and each further report to the Legislative Assembly within 9 sitting days after the day the report is given to the Minister.

 (3) In this section:

commencement day means the day the Public Sector Workers Compensation Fund Amendment Act 2022, section 3 commences.

relevant claim means a claim made under the SRC Act for compensation related to mental injury by a frontline community service provider.

11 Dictionary, new definition of frontline community service provider

insert

frontline community service provider, for part 3 (Administration)—see section 17A.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 2022.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2022.

3 Republications of amended laws

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