

# 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**

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### **A Bill for**

An Act to amend the *Public Sector Workers Compensation Fund Act 2018*

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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](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Public Sector Workers Compensation Fund Act 2018*.

**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](#), dictionary.

*member*, of an emergency service—

- (a) see the [Emergencies Act 2004](#), dictionary; and
- (b) includes—
  - (i) a person operating in the ACT in accordance with a cooperative arrangement under the [Emergencies Act 2004](#), section 176; and
  - (ii) a person employed by the ACT Emergency Services Agency; and
  - (iii) a volunteer assisting the ACT Emergency Services Agency.

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**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.

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- (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;

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- (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.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2022.

**2 Notification**

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

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