

Workers Compensation (Fees) Determination 2004

Disallowable Instrument DI 2004-146

made under the

Workers Compensation Act 1951, Section 221 – Determination of fees

Explanatory Statement

The *Workers Compensation Act 1951* (the Act) regulates compensation to workers for injuries arising out of or in the course of their employment.

Section 221 of the Act provides the Minister for Industrial Relations with the power to determine fees for the purposes of the Act.

This instrument revokes the previous determination of fees Instruments DI2003-176 and DI2003-302, that set fees for the 2003-04 financial year and determines the new fees for the 2004-2005 financial year.

Under sections 145 and 152, insurers can apply to be approved insurers or exempt employers for the purposes of the Act. Instrument DI2003-176 set fees for this purpose. These fees have been adjusted based on the Consumer Price Index (CPI) of 2.0%. The CPI was derived by the Department of Treasury in its Economic conditions forecasts (see page 54 of 2004-2005 Budget Paper 3).

Under section 200, an inspector may serve a final infringement notice on a person:

- who fails to pay the on-the-spot-fine referred to in an infringement notice issued in relation to a prescribed offence under the Act, and fails to apply for the withdrawal of the infringement notice; or
- if an application for the withdrawal of the infringement notice is unsuccessful and the person then fails to pay the on-the-spot-fine within the allowed extended period.

Section 200 provides that if a person does not wish the offence to be prosecuted in court, the person may pay the on-the-spot-fine, in addition to the determined fee. The determined fee covers the administration costs of serving the final infringement notice. Instrument DI2003-302 set fees for this purpose. This fee has not been adjusted for CPI to maintain consistency with other regimes enacted under the generic infringement notice provisions in the *Magistrates Court Act 1930*.

The 2004-2005 fees are GST inclusive and take effect from 1 July 2004.

The determination under section 221 is a disallowable instrument.