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THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

WORKERS' COMPENSATION REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by Authority of the Deputy Chief Minister

Wayne Berry MLA

WORKERS' COMPENSATION REGULATIONS (AMENDMENT)

The Workers' Compensation Regulations (Amendment) (the Amending Regulations) amend the Workmen's Compensation Regulations (the Principal Regulations). These amendments are made as a consequence of the *Workers' Compensation (Amendment) Act 1991*.

The Amending Regulations amend the Principal Regulations to change the references to the "*Workmen's Compensation Act 1951*" to "*Workers' Compensation Act 1951*" in line with the amendments to that Act. The Amending Regulations also amend the Principal Regulations in accordance with current drafting practice and change the sexist language used to gender neutral language.

Details of the Amending Regulations are below.

Regulations 1 and 2 deal with formal matters. The commencement of the Amending Regulations is to be on commencement of the operative provisions of the *Workers' Compensation (Amendment) Act 1991*.

Regulation 3 amends the Principal Regulations in line with the amendments to the *Workers' Compensation Act 1951* by changing the citation of the Principal Regulations from "Workmen's Compensation Regulations" to "Workers' Compensation Regulations".

Regulation 4 changes a reference to the "*Workmen's Compensation Act 1951*" to the new title of the Act - "*Workers' Compensation Act 1951*".

Regulations 5, 6 and 7 amend the Principal Regulations in accordance with current drafting practice and change sexist language to gender neutral language.

Regulation 8 repeals regulations 8, 9 and 10 of the Principal Regulations.

Regulation 8 of the Principal Regulations provides that an employer is not to give an insurer false particulars for the purposes of obtaining or renewing a policy of insurance. Regulation 8 also provides that it is an offence for an employer to wilfully fail to observe any of the terms of the policy. Regulation 8 is no longer necessary as the provision of information to insurers is covered by new section 18 of the *Workers' Compensation Act* and the requirement to maintain a prescribed insurance policy at all times is provided by new section 17B of the Act.

Regulation 9 of the Principal Regulations provides that an insurer must include in an insurance policy all of the provisions determined by the Minister under the Act. This regulation is no longer required because new section 17D of the *Workers' Compensation Act* requires insurers to issue insurance policies in the prescribed form.

Regulation 10 of the Principal Regulations provides that strict compliance with the forms in Schedule 1 of the Regulations is not required and that substantial compliance is sufficient. This regulation is repealed because section 13 of the *Interpretation Act 1967* provides that substantial compliance with forms is sufficient.

Regulation 9 of the Amending Regulations amends regulation 12 to omit the words "legally qualified" from "medical practitioner". The words "legally qualified" are not required because "medical practitioner" is defined in the Act.

Regulation 10 of the Amending Regulations provides that Schedule 1 of the Principal Regulations is amended as set out in the Schedule. Schedule 1 of the Principal Regulations sets out forms that are to be used for the purposes of the Act. The forms are amended in accordance with current drafting practices and the language is made gender neutral. Form 1 is also amended to delete the reference to

children under the age of sixteen years and substitute a reference to children who are under 16 or are dependent children between the ages of 16 and 25 who are full-time students. Previously, the definition of a student was restricted to students who were up to 16 years of age only. This amendment is consistent with the amendments to the *Workers' Compensation Act*.