

Australian Capital Territory

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2008 (No 3)

Disallowable instrument DI 2008-227

made under the

Workers Compensation Act 1951, Schedule 3

Legislation Act 2001, s.209

EXPLANATORY STATEMENT

The *Workers Compensation Act 1951* establishes a Default Insurance Fund to provide a safety net to meet the costs of workers' compensation claims made by workers where either an employer has not taken out a workers' compensation insurance policy, or, where they have, their insurer becomes insolvent or otherwise cannot provide the indemnity required to meet the cost of the claim.

Schedule 3 of the *Workers Compensation Act* establishes a Committee to provide advice to the Minister and Fund Manager on operating the Fund. The responsible Minister must appoint six members to the Default Insurance Fund Advisory Committee. Two members nominated by an appropriate peak body are appointed to represent the interests of approved insurers on the Committee, two members nominated by an appropriate peak body are appointed represent the interests of employers on the Committee, and two members nominated by an appropriate peak body are appointed to represent the interests of employees on the Committee.

Wherever the power to appoint persons to a position exists, Section 209 of the *Legislation Act 2001* provides for the appointment of acting members.

Appointees to the Committee are not remunerated for their time nor are they public servants. Accordingly, Division 19.3.3 of the *Legislation Act* applies to this appointment and makes it disallowable.

In accordance with s 228 of the *Legislation Act*, the Standing Committee on Legal affairs has been consulted in making this appointment.

Provisions of the Instrument

Clause 1 provides that the name of the instrument is the Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2008 (No 3).

Clause 2 provides that the instrument commences on the day after notification.

Clause 3 repeals the Disallowable Instrument from 2006 which appointed Mr Mark Holman to an acting position on the Default Insurance Fund Advisory Committee.

Clause 4 appoints Mr Anthony Urquhart to the Default Insurance Fund Advisory Committee as an acting insurer representative, invoking s.209 of the Legislation Act in addition to Schedule 3 of the Workers Compensation Act.

Clause 5 covers the term of Mr Urquhart's appointment. The appointment commences the day after notification and expires on the same day that all existing members' appointments expire – 24 October 2009.