

**THE LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

EXPLANATORY MEMORANDUM**

Amendments to the Workers Compensation Act 1951

**Circulated by authority of the
Minister for Industrial Relations**

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1. Name of Act

This is a formal provision setting out the name of the Act.

2. Commencement

This is a formal provision specifying when the Act commences operation. The Act will commence on the day after it is notified in accordance with the *Legislation Act 2001*.

3. Act amended

This is a formal provision specifying the name of the principle Act that is amended.

4. Application of ch 15 to insurers section 224 (1) (b)

Temporary provisions in Chapter 15 of the *Workers Compensation Act 1951* apply where acts of terrorism happen before 1 April 2004. Item 4 of the Bill will substitute a new date into paragraph 224(1)(b) to extend the application of the temporary provisions in Chapter 15 to acts of terrorism that happen before 1 April 2006.

5. Entitlement of insurers to reimbursement from temporary fund Section 228 (2) (a)

Item 5 will substitute a new date into paragraph 228(2)(a) of the *Workers Compensation Act 1951*, to ensure that insurers are able to make a claim from the temporary fund established under Chapter 15 of the Act if an act of terrorism occurs before 1 April 2006.

6. Section 232

This item deletes the existing section 232 and substitutes a new section. The new section provides that the temporary provisions for acts of terrorism contained in Chapter 15 will expire on 1 April 2006, rather than 1 April 2004.

7. New sections 245A and 245B

New section 245A clarifies that the Criminal Code does not apply to the existing provisions of the Act or any of provisions altered by or impacted on by the amendments in the Workers Compensation Amendment Bill 2003.

New section 245B makes it clear that the changes in relation to the requirement for an auditors' certificate are to have effect from 1 July 2003, irrespective of the day on which they actually commence.

8. Dictionary, new definition of *recognised auditor*

This provision inserts a new definition of the term ‘recognised auditor’ into the Dictionary for the Act.

The new definition of recognised auditor means:

- an auditor registered under the Corporations Act;
- a member of the Institute of Chartered Accountants in Australia;
- a member of the Australian Society of Certified Practising Accountants;
- a member of the national Institute of Accountants.

9. Further amendments, mentions of *registered auditor*

This section replaces references to a ‘registered auditor’ in the Act to a ‘recognised auditor’. These amendments are necessary as there are insufficient numbers of ‘registered auditors’ (those who are registered under the federal Corporations Act) operating in the Territory to allow businesses to meet their obligations under the *Workers Compensation Act 1951* regarding audited wage and salary declarations.