



Australian Capital Territory

Workers Compensation Amendment Regulation 2020 (No 1)

Subordinate Law SL2020-40

The Australian Capital Territory Executive makes the following regulation under the *Workers Compensation Act 1951*.

Dated 9 September 2020.

SUZANNE ORR
Minister

RACHEL STEPHEN-SMITH
Minister



Australian Capital Territory

Workers Compensation Amendment Regulation 2020 (No 1)

Subordinate Law SL2020-40

made under the

[Workers Compensation Act 1951](#)

1 Name of regulation

This regulation is the *Workers Compensation Amendment Regulation 2020 (No 1)*.

2 Commencement

This regulation 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 regulation amends the *Workers Compensation Regulation 2002*.

4 New part 13

insert

Part 13 Transitional—Employment and Workplace Safety Legislation Amendment Act 2020

104 Extension of exemption for self-insurers

- (1) This section applies if a self-insurer's exemption ends on 31 December 2020.
- (2) The work health and safety commissioner may, by written notice, extend the exemption for a further 12 months if the self-insurer provides the following documents to support the extension:
 - (a) a written statement by the self-insurer that the self-insurer will be able to meet present and future claims under the Act for which the self-insurer is, or is expected to be, liable;
 - (b) a guarantee from an authorised deposit-taking institution in favour of the DI fund for the greater of the following amounts:
 - (i) \$750 000;
 - (ii) an amount calculated by an actuary to be the estimate of outstanding claims liability at the balance date, plus a prudential margin of 30%;
 - (c) a written statement by the self-insurer that the self-insurer will comply with—
 - (i) the Act and this regulation; and

- (ii) the conditions of exemption imposed under division 10.3;
and
- (iii) any protocol approved under section 101;
- (d) a written statement by the self-insurer of the estimated total wages to be paid during the extension period by the self-insurer to territory workers employed by the self-insurer.

105 Extension of approval for approved insurers

- (1) This section applies if an approved insurer's approval ends on 31 December 2020.
- (2) Despite section 70 (How long does insurer's approval last?), the work health and safety commissioner may, by written notice, extend the approval for a further 12 months if the approved insurer provides the following documents to support the extension:
 - (a) a written statement by the insurer that the insurer will be able to meet present and future claims under the Act for which the insurer is, or is expected to be, liable;
 - (b) evidence that the insurer has adequate reinsurance, or other arrangements in place, to cover the insurer's future liability under the Act;
 - (c) a written statement by the insurer that the insurer will comply with—
 - (i) the Act and this regulation; and
 - (ii) the conditions of approval imposed under division 9.2; and
 - (iii) any protocol approved under section 101.

106 Expiry—pt 13

This part expires on the day the *Employment and Workplace Safety Legislation Amendment Act 2020*, part 3 (Workers Compensation Act 1951) commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 10 September 2020.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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