



AUSTRALIAN CAPITAL TERRITORY

## **Workers' Compensation (Consequential Amendments) Act 1991**

**No. 106 of 1991**

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### **An Act to amend certain Acts consequent on the making of the *Workers' Compensation (Amendment) Act 1991***

*[Notified in ACT Gazette S3: 15 January 1992]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Workers' Compensation (Consequential Amendments) Act 1991*.

#### **Commencement**

**2. (1)** Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence on the day on which section 5 of the *Workers' Compensation (Amendment) Act 1991* commences.

**Amendment of Acts**

3. The Acts specified in the Schedule are amended as set out in the Schedule.

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**SCHEDULE**

Section 3

**AMENDMENT OF ACTS**

***Ambulance Service Levy Act 1990***

**Paragraph 12 (2) (a)—**

Omit “*Workmen’s*”, substitute “*Workers’*”.

***Annual Holidays Act 1973***

**Subsection 2 (1) (definitions of “agreement” and “award” and paragraph (b) of the definition of “shift-worker”)—**

Omit “*Conciliation and Arbitration Act 1904-1972*”, substitute “*Industrial Relations Act 1988*”.

**Paragraph 4 (2) (a)—**

Omit “*Workmen’s Compensation Act 1951-1973*”, substitute “*Workers’ Compensation Act 1951*”.

***Blood Donation (Acquired Immune Deficiency Syndrome) Act 1985***

**Section 2 (definition of “prescribed action”)—**

Omit “*Compensation (Commonwealth Government Employees) Act 1971* of the Commonwealth or the *Workmen’s*”, substitute “*Commonwealth Employees Rehabilitation and Compensation Act 1988* of the Commonwealth or the *Workers’*”.

***Children’s Services Act 1986***

**Subsection 59 (1) (definition of “Compensation Act”)—**

Omit “*Workmen’s*”, substitute “*Workers’*”.

**Paragraph 59 (2) (b)—**

- (a) Omit “paragraph (d)”, substitute “paragraphs (b) and (c)”.
- (b) Omit “workman”, substitute “worker”.

**SCHEDULE**—continued

**Paragraph 59 (2) (c)**—

- (a) Omit “the First Schedule”, substitute “Schedule 1”.
- (b) Omit “an amount equal to the sum first mentioned in subparagraph (b)”, substitute “the amount referred to in subparagraph (b) (i)”.

**Paragraph 59 (2) (d)**—

Omit “the First Schedule”, substitute “Schedule 1”.

**Subsection 59 (3)**—

- (a) Omit “the provisions of paragraph 1A in the First Schedule”, substitute “clause 1A of Schedule 1”.
- (b) Omit “sub-paragraph”, substitute “paragraph”.

*Credit Act 1985*

**Section 9**—

Omit “workman within the meaning of the *Workmen's*”, substitute “worker within the meaning of the *Workers*”.

*Law Reform (Miscellaneous Provisions) Act 1955*

**Section 28**—

Omit “any of the provisions of the *Workmen's Compensation Act 1951-1952*”, substitute “the *Workers' Compensation Act 1951*”.

*Long Service Leave (Building and Construction Industry) Act 1981*

**Subsection 3 (1) (definitions of “agreement” and “award”)**—

Omit “*Conciliation and Arbitration Act 1904*”, substitute “*Industrial Relations Act 1988*”.

**Paragraph 42 (2) (b)**—

Omit “*Workmen's*”, substitute “*Workers*”.

**Subparagraphs 57 (1) (b) (i) and (ii)**—

Omit “*Workmen's*”, substitute “*Workers*”.

**SCHEDULE**—continued

***Magistrates Court Act 1930***

**Paragraph 54A (5A) (v)**—

Omit “*Workmen’s*”, substitute “*Workers’*”.

***Magistrates Court (Civil Jurisdiction) Act 1982***

**Paragraphs 4 (c) and 83 (1) (c)**—

Omit “*Workmen’s*”, substitute “*Workers’*”.

**Subsections 307A (1) and (2)**—

Omit “*Workmen’s*”, substitute “*Workers’*”.

***Motor Traffic Act 1936***

**Paragraph 54 (2) (a)**—

Omit “*Workmen’s Compensation Act 1946*”, substitute “*Workers’ Compensation Act 1951*”.

***Noise Control Act 1988***

**Paragraph 38 (1) (b)**—

(a) Omit “*Compensation (Commonwealth Government Employees) Act 1971*”, substitute “*Commonwealth Employees Rehabilitation and Compensation Act 1988*”.

(b) Omit “*Workmen’s*”, substitute “*Workers’*”.

***Public Trustee Act 1985***

**Paragraph 25 (3) (a)**—

Omit “*Workmen’s*”, substitute “*Workers’*”.

**Subparagraph 25 (8) (b) (i)**—

(a) Omit “*Workmen’s*”, substitute “*Workers’*”.

(b) Omit “paragraph 9A of the First Schedule”, substitute “clause 9A of Schedule 1”.

***Remand Centres Act 1976***

**Subsection 21A (1) (definition of “Compensation Act”)**—

Omit “*Workmen’s*”, substitute “*Workers’*”.

**SCHEDULE**—continued

**Paragraph 21A (2) (b)**—

- (a) Omit “paragraph (d)”, substitute “paragraphs (b) and (c)”.
- (b) Omit “workman”, substitute “worker”.

**Paragraph 21A (2) (c)**—

- (a) Omit “clause” (wherever occurring), substitute “subparagraph”.
- (b) Omit “the First Schedule”, substitute “Schedule 1”.
- (c) Omit “an amount equal to the sum first mentioned in sub-paragraph (b)”, substitute “the amount referred to in subparagraph (b) (i)”.

**Paragraph 21A (2) (d)**—

Omit “clauses 2 (b) (i) and (ii) of the First Schedule”, substitute “subparagraphs 2 (b) (i) and (ii) of Schedule 1”.

**Subsection 21A (3)**—

- (a) Omit “the provisions of paragraph 1A in the First Schedule”, substitute “clause 1A of Schedule 1”.
- (b) Omit “sub-paragraph”, substitute “paragraph”.

*Supervision of Offenders (Community Service Orders) Act 1985*

**Subsection 10 (1) (definition of “Compensation Act”)**—

Omit “*Workmen's*”, substitute “*Workers'*”.

**Paragraph 10 (2) (b)**—

- (a) Omit “paragraph (d)”, substitute “paragraphs (b) and (c)”.
- (b) Omit “workman”, substitute “worker”.

**Paragraph 10 (2) (c)**—

- (a) Omit “the First Schedule”, substitute “Schedule 1”.
- (b) Omit “an amount equal to the sum first mentioned in sub-paragraph (b)”, substitute “the amount referred to in subparagraph (b) (i)”.

**Paragraph 10 (2) (d)**—

Omit “the First Schedule”, substitute “Schedule 1”.

**SCHEDULE**—continued

**Subsection 10 (3)**—

- (a) Omit “the provisions of paragraph 1A in the First Schedule”, substitute “clause 1A of Schedule 1”.
- (b) Omit “sub-paragraph”, substitute “paragraph”.

*Workmen's Compensation Supplementation Fund Act 1980*

**Long title**—

- (a) Omit “Workmen's”, substitute “Workers' ”.
- (b) Omit “workmen's”, substitute “workers' ”.

**Section 1**—

Omit “*Workmen's*”, substitute “*Workers'* ”.

**Section 2**—

- (a) From the definition of “employer” omit “Workmen's”.
- (b) From the definition of “employer's policy”—
  - (i) omit “18 of the Workmen's”, substitute “17B of the”; and
  - (ii) omit “workman employed by him”, substitute “worker employed by the employer”.
- (c) From the definition of “Fund” omit “Workmen's”, substitute “Workers' ”.
- (d) Omit the definition of “insurer”, substitute the following definition:
  - “ ‘insurer’ means an approved insurer within the meaning of the Compensation Act;”.
- (e) Omit the definitions of “Commonwealth Companies Act”, “workman” and “Workmen's Compensation Act”.
- (f) Insert the following definitions:
  - “ ‘Compensation Act’ means the *Workers' Compensation Act 1951*;
  - ‘worker’ has the same meaning as in the Compensation Act.”.

**Heading to Part II**—

Omit “**WORKMEN'S**”, substitute “**WORKERS'** ”.

**SCHEDULE—continued**

**Subsections 3 (1) and (4)—**

Omit “Workmen’s”, substitute “Workers’ ”.

**Subsections 23 (1) and (2)—**

(a) Omit “subsection 18 (2)”, substitute “section 17C”.

(b) Omit “Workmen’s”.

**Paragraph 26 (1) (a)—**

(a) Omit “his” (wherever occurring), substitute “the employer’s”.

(b) Omit “Workmen’s”.

(c) Omit “workman employed by him”, substitute “worker employed by the employer”.

**Paragraph 26 (2) (a)—**

(a) Omit “Workmen’s”.

(b) Omit “workman employed by him”, substitute “worker employed by the employer”.

**Subsection 26 (5)—**

Omit the subsection, substitute the following subsection:

“(5) For the purpose of this section—

‘compensation’ includes an amount in settlement of a claim for compensation.”.

**Paragraph 30 (2) (a)—**

Omit “to which his appointment relates”.

**Paragraph 30 (2) (b)—**

Omit “Workmen’s”.

**Paragraphs 30 (2) (d) and 31 (1) (b)—**

After “his”, insert “or her”.

**Subsection 31 (2)—**

After “his”, insert “or her”.

**Sections 32 and 34—**

After “he”, insert “or she”.

**SCHEDULE**—continued

**Section 39—**

- (a) After “his”, insert “or her”.
- (b) Omit “377 of the Commonwealth Companies Act, substitute “477 of the Corporations Law”.

**Paragraph 39 (a)—**

- (a) Omit “377 of that Act”, substitute “477 of that Law”.
- (b) Omit “authority” (wherever occurring), substitute “approval”.

**Paragraph 39 (b)—**

- (a) Omit “441”, substitute “556”.
- (b) Omit “377 (1) (b) of that Act”, substitute “477 (1) (b) of that Law”.

**Subsections 40 (1) and (2)—**

Omit “441 of the Commonwealth Companies Act”, substitute “556 of the Corporations Law”.

*[Presentation speech made in Assembly on 28 November 1991]*