

2006

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**MAGISTRATES COURT (WORKERS COMPENSATION INFRINGEMENT
NOTICES) REGULATION 2006**

SUBORDINATE LAW SL2006-20

EXPLANATORY STATEMENT

Circulated by authority of the
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Outline

Part 3.8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Workers Compensation Infringement Notices) Regulation 2006 (the regulation) provides a framework for issuing infringement notices for offences in the *Workers Compensation Act 1951* (the Workers Compensation Act).

The Workers Compensation Act creates a scheme for ACT private sector workers' compensation. The scheme provides compensation to injured workers for injuries arising out of, or in the course of, their employment. The scheme uses early intervention, injury management and sustainable return to work to reduce the cost of workplace injuries for workers and employers.

The ability to issue infringement notices for offences against the Workers Compensation Act allows for immediate action to be taken against people who are breaching the legislation. This will encourage compliance with the legislation, protect workers' rights and ensure that the objectives of the Act are met.

Clause Notes

1. Name of regulation

This clause establishes the name of the regulation as the Magistrates Court (Workers Compensation Infringement Notices) Regulation 2006.

2. Commencement

This is a formal provision specifying when the regulation will commence. The Regulation will commence with the commencement of the *Workers Compensation Amendment Act 2006*. That Act will commence on a day fixed by the Minister in writing. If the Act has not commenced by 1 July 2006, it will automatically commence on that day.

3. Purpose of regulation

This clause provides that the purpose of the regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Workers Compensation Act.

4. Dictionary

This clause provides that the dictionary at the end of the regulation forms part of the regulation.

5. Notes

This clause provides that the notes included in the regulation are explanatory and do not form part of the regulation.

6. Administering Authority

This clause provides that the administering authority for infringement notices under the Workers Compensation Act is the Commissioner. The Dictionary defines the Commissioner as the OH&S Commissioner who is appointed under section 26 of the *Occupational Health and Safety Act 1989*.

7. Infringement notice offences

This clause provides that infringement notices under the *Magistrates Court Act 1930*, part 3.8 can be issued for the offences listed in Schedule 1.

8. Infringement notices penalties

This clause provides that the penalties payable by an individual under an infringement notice for offences listed in schedule 1 are as stated in column 4 of the schedule. The penalty payable by a corporation is 5 times the amount mentioned in column 4. The cost of serving a reminder notice for an infringement notice is \$34.

9. Contents of infringement notices – other information

This clause provides that an infringement notice served on a company must include the company's ACN. The clause defines company for this section as a company registered under the Corporations Act.

10. Contents of infringement notices – identifying authorised person

This clause provides that the infringement notice must specify the full name, or surname and initials, or identity number of the authorised person who serves the notice. Section 13 provides that an inspector may serve an infringement notice. Inspectors are defined in the Dictionary of the regulation by reference to the definition in the Dictionary of the Workers Compensation Act. Inspectors are appointed under section 188(1) of that Act.

11. Contents of reminder notices – identifying authorised person

This clause provides that a reminder notice must specify the full name, or surname and initials, or identification number of the authorised person who serves the notice.

12. Costs if liability is disputed

This clause provides that the cost of beginning a proceeding is \$200.

13. Authorised person for infringement notice offences

This clause provides that an inspector may serve an infringement notice for an infringement notice offence against the Workers Compensation Act and reminder notices for an infringement notice offence against the Workers Compensation Act. Inspectors are defined in the Dictionary of the regulation by reference to the definition in the Dictionary of the Workers Compensation Act. Inspectors are appointed under section 188(1) of that Act.

Schedule 1 – Workers Compensation Act infringement notice offences and penalties

This Schedule lists the infringement notice offences and penalties under sections 7 and 8.

Dictionary

The dictionary provides definitions for *commissioner*, *inspector* and *Workers Compensation Act*.