



AUSTRALIAN CAPITAL TERRITORY

Workers' Compensation (Amendment) Act 1991

No. 105 of 1991

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AUSTRALIAN CAPITAL TERRITORY

Workers' Compensation (Amendment) Act 1991

No. 105 of 1991

An Act to amend the *Workmen's Compensation Act 1951*

[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 (Amendment) Act 1991*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) Subject to subsection (3), the remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If the provisions referred to in subsection (2) have not commenced before the expiration of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, those provisions shall, by force of this subsection, commence on the expiration of that period.

Principal Act

3. In this Act, “Principal Act” means the *Workmen’s Compensation Act 1951*.¹

Long title

4. The title of the Principal Act is amended by omitting “Workmen” and substituting “Workers”.

Substitution

5. Section 1 of the Principal Act is repealed and the following heading and section are substituted:

“PART I—PRELIMINARY**Short title**

“1. This Act may be cited as the *Workers’ Compensation Act 1951*.”.

Interpretation

6. Section 6 of the Principal Act is amended—

(a) by omitting from subsection (1) the definitions of “medical treatment” and “member of the family” and substituting respectively the following definitions:

“ ‘medical treatment’ means—

- (a) an examination, test or analysis, conducted by or under the direction, or at the request, of a medical practitioner for the purpose of diagnosing an injury;
- (b) medical or surgical treatment by a medical practitioner;
- (c) dental treatment by a dentist or a dental prosthetist;
- (d) chiropractic treatment by a chiropractor;
- (e) treatment by a psychologist;
- (f) therapeutic treatment by a masseur, osteopath, physiotherapist, remedial medical gymnast or speech therapist;

- (g) therapeutic treatment (including treatment by a psychologist) given on referral by a medical practitioner or dentist;
- (h) the provision of skiagrams;
- (i) the provision, repair or replacement of contact lenses, crutches, prostheses, spectacles or other artificial aids;
- (j) any consultation, examination, therapeutic treatment or other service reasonably rendered in connection with any treatment referred to in paragraph (c), (d), (f), (g), (h) or (i);
- (k) treatment and maintenance as a patient at a hospital; or
- (l) the provision of nursing attendance, medicines, medical and surgical supplies and curative apparatus in a hospital or otherwise;

‘member of the family’, in relation to a worker or an employer, means the grandchild, child, step-child, adopted child, sister, brother, half-sister, half-brother, spouse, parent, step-parent, mother-in-law, father-in-law or grandparent of the worker or employer;”;

(b) by omitting from subsection (1) the definition of “workman”; and

(c) by inserting in subsection (1) the following definitions:

“ ‘chiropractor’ means a person entitled to practise as a chiropractor under the *Chiropractors Registration Act 1983* or a corresponding law of a State or another Territory;

‘defined offence’ means an offence against this Act or the regulations, or referred to in Part VIII of the Crimes Act, 1900 of the State of New South Wales in its application in the Territory in relation to an offence against this Act or the regulations;

‘dental prosthetist’ means a person entitled to practise as a dental prosthetist under the *Dental Technicians and Dental Prosthetists Registration Act 1988* or a corresponding law of a State or another Territory;

- 'dentist' means a person entitled to practise as a dentist under the *Dentists Registration Act 1931* or a corresponding law of a State or another Territory;
- 'determined fee' means the fee determined under section 27C for the purposes of the provision in which the expression occurs;
- 'medical practitioner' means a person entitled to practise as a medical practitioner under the *Medical Practitioners Registration Act 1930* or a corresponding law of a State or another Territory;
- 'osteopath' means a person entitled to practise osteopathy under the *Chiropractors Registration Act 1983* or a corresponding law of a State or another Territory;
- 'physiotherapist' means a person entitled to practise as a physiotherapist under the *Physiotherapists Registration Act 1977* or a corresponding law of a State or another Territory;
- 'speech therapist' means—
- (a) a person entitled to practise as a speech therapist under a law of the Territory, a State or another Territory; or
 - (b) a person who is a member of the Australian Association for Speech and Hearing;
- 'spouse', in relation to an injured or deceased worker, includes a person of the opposite sex to the worker who lives, or, in relation to a deceased worker, lived immediately before the worker's death, with the worker as the worker's spouse on a *bona fide* domestic basis although not legally married to the worker;
- 'therapeutic treatment' includes an examination, test or analysis done for the purpose of diagnosing, or treatment given for the purpose of alleviating, an injury;
- 'Tribunal' means the Australian Capital Territory Administrative Appeals Tribunal;
- 'worker' means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether the contract is express or implied, oral or in writing, but does not include—

- (a) a person whose employment is of a casual nature and who is employed otherwise than for the employer's trade or business;
- (b) a public servant; or
- (c) an employee within the meaning of the *Commonwealth Employees Rehabilitation and Compensation Act 1988* of the Commonwealth."

Insertion

7. After section 6 of the Principal Act the following sections and heading are inserted:

Religious workers

"6A. (1) The Minister may, by notice published in the *Gazette*, in accordance with a request by—

- (a) a religious organisation; or
- (b) a person acting on behalf of a religious organisation;

declare that each person included in a specified class of persons is a worker whose employer is a specified person in that organisation, and whose employment is of a specified nature.

"(2) Where the Minister makes a declaration under subsection (1), then, for the purposes of this Act—

- (a) a person included in a class of persons specified in the declaration is to be taken to be a worker;
- (b) the person specified in the declaration as the employer of persons in that class is to be taken to be their employer; and
- (c) employment of the nature specified in the declaration is to be taken to be employment undertaken by persons in that class.

Determined categories of workers

"6B. The Minister may, by notice in the *Gazette*, determine categories of workers for the purposes of subparagraphs 18 (1) (b) (i) and 23F (1) (b) (i) and Schedule 3.

"PART II—ENTITLEMENT TO COMPENSATION"

Compensation for loss of body parts, hearing and sight

8. Section 10 of the Principal Act is amended—

- (a) by omitting subsection (2); and
- (b) by omitting subsection (7) and substituting the following subsections:

“(7) For the purposes of subsection (5) or (6), the relevant loss is to be calculated when—

- (a) the worker’s employer became liable to pay compensation; or
- (b) it is unlikely that there will be any improvement or further improvement in the sight from the relevant eye or the efficient use of the relevant part of the body;

whichever occurs last.

“(8) Where a payment referred to in subsection (5) or (6) has been made in relation to an injury, nothing in the relevant subsection prevents a further such payment being made in relation to the same injury where there is an increase—

- (a) in the loss of sight from the relevant eye; or
- (b) in the loss of the efficient use of the relevant part of the body.

“(9) For the purposes of this section and Schedule 2, the loss of a specified part of the body includes the permanent loss of the use of that part.”.

Limitations on entitlement

9. Section 10F of the Principal Act is amended by omitting subsection (2).

Compensation for medical treatment

10. Section 11 of the Principal Act is amended—

- (a) by omitting subsections (1), (3) and (4) and substituting the following subsections:

“(1) Where—

- (a) compensation in respect of an injury is payable by an employer to, or in respect of, a worker; or
- (b) but for the fact that a worker is not incapacitated for work, or but for the operation of subparagraph 2 (b) (ii) of Schedule 1, compensation would be so payable;

the following provisions have effect.

“(2) The employer is liable to pay—

- (a) in respect of the cost of medical treatment reasonably obtained in relation to the injury—compensation of such amount as is appropriate for the provision of the medical treatment, having regard to the charges customarily made for similar medical treatment in the place where that treatment is obtained; and
- (b) in respect of any damage to, or loss of, the worker's clothing sustained in association with the injury—compensation of such an amount as is reasonable for the repair or replacement of the damaged or lost clothing.

“(3) The aggregate of any amounts payable under subsection (2)—

- (a) for medical treatment consisting of the repair or replacement of a worker's contact lenses, crutches, prosthesis, spectacles or other artificial aid; or
- (b) for damage to or loss of a worker's clothing;

shall not exceed—

- (c) \$300 or such greater amount as is prescribed; or
- (d) if an amount in respect of such treatment, damage or loss is settled by arbitration in accordance with Schedule 4— that amount.

“(3A) For the purposes of this section, the cost of medical treatment shall be taken to include—

- (a) the amount of wages lost by the worker by reason of the worker's attendance at any place for the purpose of undergoing such treatment;
- (b) the reasonable cost of conveyance of the worker (whether by himself or herself or by another person) to and from such a place; and
- (c) the reasonable cost of any accommodation required by the worker by reason of the worker's attendance at such a place.

“(4) Subject to subsection (5), a worker shall not institute proceedings for the recovery of compensation for the cost of medical treatment or in respect of damage to or loss of the

worker's clothing unless the worker has given the employer notice in writing specifying—

- (a) the amount of compensation sought; and
 - (b) reasonable particulars of the expenses for which compensation is sought.”; and
- (b) by omitting subsection (6) and substituting the following subsection:

“(6) Where a worker receives medical treatment the cost of which the worker claims from an employer under this section, the employer may, in consultation with the medical practitioner or other person providing the treatment, before making a payment under this section, require the worker to be examined by a medical practitioner, or other person, selected by the employer.”.

Insertion

11. After section 15 of the Principal Act the following heading is inserted:

“PART III—INSURANCE”.

Substitution

12. Sections 16 and 18 of the Principal Act are repealed and the following sections substituted:

Prescribed insurance policies

“16. (1) For the purposes of this Part, a prescribed insurance policy is an insurance policy in the form—

- (a) set out in Schedule 3; or
- (b) approved by the Minister under subsection (2);

for an unlimited amount in respect of any liability of an employer arising under this Act, or independently of this Act, in respect of any injury to, or the death of, each worker employed by the employer.

“(2) The Minister may approve a form of insurance policy for the purposes of paragraph (1) (b)—

- (a) in relation to a worker required to travel in the course of employment;
- (b) in relation to a worker engaged in domestic duties; or

- (c) in relation to any other worker of a type determined in writing by the Minister.

“(3) A prescribed insurance policy may include a provision relating to a liability of the employer other than a liability referred to in subsection (1).

Approved insurers

“17. (1) On application by an insurer, accompanied by the determined fee, the Minister shall, by notice in writing to the insurer—

- (a) approve the insurer for the purposes of this Act; or
- (b) refuse to do so.

“(2) The Minister may, by notice in writing to an approved insurer, revoke the approval from a specified date at least 28 days after the date of the notice.

Effect of revocation of approval

“17A. (1) Where the approval of an insurer under subsection 17 (1) is revoked, subsections 17B (1) and (2) apply in relation to an insurance policy issued by that insurer at a time when the insurer was so approved as if the insurer was still so approved.

“(2) The revocation of an approval of an insurer under section 17 does not—

- (a) annul a policy issued by the insurer before that revocation;
- (b) affect the liability of the insurer under such a policy; or
- (c) affect the liability of the insurer under section 18H.

Compulsory insurance—employers

“17B. (1) An employer shall at all times maintain a prescribed insurance policy in force with an approved insurer.

Penalty: \$5,000.

“(2) Where—

- (a) an employer complies with subsection (1); and
- (b) while the relevant policy is in force, a Court order is made for the winding up of the insurer under a law of the Territory, a State or another Territory;

the employer shall—

- (c) within 30 days after the date of the order, obtain a prescribed insurance policy from another approved insurer; and

(d) maintain that policy in force.

Penalty: \$5,000.

“(3) Where 2 or more employers could become liable to pay compensation in respect of the same worker, any of those employers may comply with subsection (1) or (2) in relation to that worker by means of a joint insurance policy in respect of their joint liability.

“(4) In the prosecution of an employer for the contravention of subsection (1) or (2), an averment in the information that there was not in force, on a specified date, a prescribed insurance policy issued by an approved insurer in favour of that employer is evidence of the matter averred.

“(5) Where an employer contravenes subsection (1) or paragraph (2) (c) or (d), the nominal insurer may recover as a debt from the employer the amount of the premiums which would have been payable to an approved insurer if the employer had complied with the relevant provision.

“(6) Where—

- (a) an employer contravenes subsection (1) or paragraph (2) (c) or (d); and
- (b) the employer maintains an insurance policy in respect of any liability arising under this Act;

that contravention does not—

- (c) annul that policy;
- (d) affect the liability of the insurer under such a policy; or
- (e) affect the liability of the insurer under section 18H.

“(7) This section does not apply in relation to an exempt employer.

Exempt employers

“17C. (1) On application in writing by an employer, accompanied by the determined fee, the Minister shall, by notice in writing to the employer—

- (a) exempt the employer from compliance with subsections 17B (1) and (2) for a specified period; or
- (b) refuse to do so.

“(2) The Minister shall grant an exemption under subsection (1) to an employer if he or she is satisfied, on reasonable grounds, that the employer

is able to meet, from the employer's own resources, any liability under this Act.

“(3) The Minister may, by notice in writing to an employer who has been granted an exemption under subsection (1), require the employer, within 28 days after the date of the notice, to show cause why the exemption should not be—

- (a) suspended for a period specified in the notice; or
- (b) revoked.

“(4) After the expiration of 28 days after the date of a notice under subsection (3), in consideration of any representation made by the relevant employer, the Minister shall, by notice in writing to the employer—

- (a) suspend the relevant exemption for the period specified in the notice; or
- (b) revoke the exemption;

(as the case requires) from the date specified in the notice, if the Minister is satisfied, on reasonable grounds, that subsection (2) no longer applies in relation to the employer.

“(5) The date of effect of the suspension or revocation of an exemption specified in a notice under subsection (4) is to be at least 14 days after the date of the notice.

Compulsory insurance—insurers

“17D. (1) An approved insurer shall not refuse to issue a prescribed insurance policy required by an employer for the purposes of subsection 17B (1) or (2) unless the Minister consents in writing.

Penalty: \$10,000.

“(2) An approved insurer shall not issue an insurance policy required by an employer for the purposes of subsection 17B (1) or (2) which is not a prescribed insurance policy.

Penalty: \$10,000.

Provision of information to insurers

“18. (1) An employer applying to an insurer for the renewal of a prescribed insurance policy shall give the insurer, in relation to the period relevant to the determination of the premium payable for the renewal of the policy—

- (a) a certificate from a registered auditor stating the total amount of wages paid to the employer's employees; and

- (b) a statutory declaration setting out—
 - (i) the determined categories of workers employed by the employer; and
 - (ii) the total amount of wages paid in respect of each of those categories.

Penalty: \$5,000.

“(2) Where an employer is a party to an insurance policy in the form set out in Schedule 3, the employer shall give the insurer—

- (a) a certificate from a registered auditor; and
- (b) a statutory declaration;

of the type, and in the circumstances, provided for under the term of the policy corresponding to paragraph 11 or 13, as the case requires, of the conditions in that form.

Penalty: \$5,000.

“(3) A registered auditor who knowingly supplies false, misleading or incomplete information in a certificate provided for the purposes of subsection (1) or (2) is guilty of an offence punishable, on conviction, by a fine not exceeding \$5,000 or a term of imprisonment not exceeding 6 months.”.

Provision of information to the Minister

13. Section 18A of the Principal Act is amended—

- (a) by omitting from subsection (1) all the words from and including “require” to and including “in force,” and substituting “require—
 - (a) an approved insurer;
 - (b) an exempt employer; or
 - (c) where an approved insurer or employer is a body corporate—a specified officer of the body corporate, on behalf of that body;”;
- (b) by omitting from subsection (1) “(a)” and “(b)” and substituting “(d)” and “(e)” respectively;
- (c) by inserting after subsection (1) the following subsections:
 - “(1A) A notice under subsection (1) shall set out the requirements of subsection (2) in relation to the notice, and the penalty for contravention of subsection (2).

“(1B) A person is not excused from furnishing particulars in accordance with a requirement under subsection (1) on the ground that furnishing those particulars would incriminate, or would tend to incriminate, the person or the person’s spouse or would tend to expose that person to proceedings for an offence against a law in force in Australia or elsewhere.

“(1C) Where a person is required to furnish particulars under subsection (1), the particulars furnished, or any information, document or thing obtained as a direct or indirect consequence of furnishing those particulars, shall not be admissible in evidence against the person in any civil or criminal proceedings in any court other than proceedings for perjury or for an offence against subsection (2).”; and

- (d) by omitting the penalty at the foot of subsection (2) and substituting the following penalty:

“Penalty for contravention of subsection (2): \$5,000.”.

Payments by nominal insurer

14. Section 18D of the Principal Act is amended by omitting subsection (2).

Intervention by nominal insurer

15. Section 18F of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

“(1) This section applies to an employer—

- (a) against whom a claim for compensation has been made;
- (b) who is not an exempt employer; and
- (c) who is not a party to a prescribed insurance policy which applies to that claim.

“(1A) An employer to whom this section applies shall, not later than 14 days after the claim is made, give the nominal insurer full written particulars of the claim.

Penalty: \$200.

“(1B) An employer to whom this section applies shall not make any agreement or admission in relation to the claim, or in relation to arbitration in respect of the claim, except with the consent of the nominal insurer.

Penalty: \$2,000.”.

Information and assistance by employer to nominal insurer

16. Section 18J of the Principal Act is amended by omitting subsection (2) and the penalty at the foot of the subsection, and substituting the following subsection and penalty:

“(2) An employer shall comply with a requirement of the nominal insurer under subsection (1).

Penalty for contravention of subsection (2): \$2,000 or imprisonment for 12 months, or both.”.

Substitution

17. Sections 20 and 21 of the Principal Act are repealed and the following sections and heading are substituted:

Premiums—offence

“20. An insurer shall not charge or accept in respect of a prescribed insurance policy a premium greater than that calculated in accordance with the prescribed maximum rate of premium.

Penalty: \$5,000.

Variation of insurance policies

“20A. (1) A prescribed insurance policy that is in force immediately before the date of a variation under section 12A has effect in the period during which the policy remains in force after the variation as if it applied to that liability as so varied.

“(2) Where, by virtue of subsection (1)—

- (a) a variation under section 12A increases the potential liability of an authorised insurer under a prescribed insurance policy; and
- (b) the policy has effect in a period after the variation;

the employer who is a party to the policy shall pay the insurer an additional premium of the amount calculated in accordance with the formula—

$$P_1 - P_2$$

where:

- P_1 is the amount of the premium for the period after the variation at the rate that would have been payable if the policy had been issued after the date of the variation;
- P_2 is the amount of the premium for the period after the variation at the rate payable under the policy.

“(3) Where, by virtue of subsection (1)—

- (a) a variation under section 12A reduces the potential liability of an authorised insurer under a prescribed insurance policy; and
- (b) the policy has effect in a period after the variation;

the insurer shall pay the employer who is a party to the policy a refund of the amount calculated in accordance with the formula—

$$P_2 - P_1$$

where P_1 and P_2 have the values assigned to those terms in subsection (2).

Workers' rights to information

“21. (1) An employer shall, on request by a person who is or has been employed by the employer, in relation to a date specified by that person—

- (a) inform that person of the name and address of the insurer, or of each insurer, who issued to the employer an insurance policy for the purposes of this Act which was current on that date; or
- (b) if, on that date, the employer was exempt from the requirement to obtain insurance under this Act—inform that person of that fact.

Penalty: \$2,000.

“(2) An employer shall keep displayed, in accordance with subsection (3), a notice containing a summary of the requirements of this Act for making compensation claims, in the form determined by the Minister under subsection (4), and stating—

- (a) that claim forms for compensation are available from the employer on request and free of charge;
- (b) if the employer is a party to a prescribed insurance policy—the name and address of the insurer; and
- (c) if the employer is an exempt employer—that the employer is exempt from the requirement to obtain insurance under this Act.

Penalty: \$1,000.

“(3) An employer shall display the notice in a conspicuous place so that it may be conveniently read by each worker employed by the employer.

“(4) The Minister shall, by notice published in the *Gazette*, determine the form of the summary referred to in subsection (2).

“(5) An employer shall ensure that claim forms in accordance with Forms 1 and 2 in Schedule 1 to the regulations are available during business hours to each worker who is or has been employed by the employer upon request and free of charge.

Penalty for contravention of subsection (5): \$1,000.

“PART IV—COMPENSATION AND COMMON LAW REMEDIES

Interpretation

“21A. (1) In this Part—

‘compensation’ includes a payment under section 11;

‘damages’ includes an amount paid under a compromise or settlement of a claim for damages, whether legal proceedings had been instituted or not, but does not include an amount paid for costs incurred in connection with proceedings in a court;

‘injury’, in relation to a worker, includes damage to the worker’s contact lenses, crutches, prosthesis, spectacles or other artificial aid.

“(2) Where damages are recovered by a person on another person’s behalf, a reference in this Part to a person who recovers damages shall be read as a reference to the person on whose behalf damages are recovered.

“(3) Where compensation is paid or payable to a person for the benefit of another person, a reference in this Part to a person to whom compensation is paid or payable, as the case may be, shall be read as a reference to the person for whose benefit the compensation is paid or payable.

Payments by nominal insurer

“21B. (1) Where the nominal insurer pays compensation in respect of an injury to a worker, this Part applies as if a reference to the worker’s employer were a reference to the nominal insurer.

“(2) Where the nominal insurer and an employer both pay compensation in respect of an injury suffered by a worker, the rights of the nominal insurer under this Part in relation to that payment have priority over the rights of the employer.”.

Insertion

18. After section 23 of the Principal Act the following sections, Part and heading are inserted:

Dependants recovering damages and not claiming compensation

“23A. (1) This section applies where—

- (a) an employer pays compensation to a dependant of a deceased worker in respect of an injury that resulted in the death of a worker;
- (b) damages in respect of the injury have been recovered from the employer or any other person by another dependant of the deceased worker (in this section called a ‘non-claiming dependant’); and
- (c) no claim for compensation in respect of the injury has been made by or on behalf of the non-claiming dependant.

“(2) Where there is only 1 non-claiming dependant, he or she is liable to pay to the employer—

- (a) if the amount of the damages recovered by the non-claiming dependant is less than the total amount of compensation paid to the dependants of the worker in respect of the worker’s injury—the amount of the damages; or
- (b) in any other case—the amount of the compensation.

“(3) Where there is more than 1 non-claiming dependant, each such dependant is liable to pay to the employer—

- (a) an amount calculated in accordance with the formula—

$$C \times \frac{D}{TD}$$

where—

- C** is the total amount of the compensation paid in respect of the worker’s injury to dependants of the worker;
 - D** is the amount of damages recovered by the non-claiming dependant in respect of the injury to the worker; and
 - TD** is the total of the amounts of damages recovered by all the non-claiming dependants; or
- (b) if the amount of the damages recovered by the non-claiming dependant is less than the amount calculated in accordance with the formula in paragraph (a)— the amount of the damages.

“(4) For the purposes of subsections (2) and (3), the amount of the compensation paid by the employer in respect of the worker’s injury does not include—

- (a) any amount paid to a dependant of the worker who is not entitled to recover damages in respect of the worker's injury; or
- (b) any amount paid for the benefit of a dependent child of the worker under subparagraph 1 (a) (i) of Schedule 1.

Discharge of liability out of payments into Court

“23B. (1) Where a worker or a dependant of a deceased worker is liable under section 22 or 23A to pay an amount to the worker's employer and the Court or any person appointed by the Court for the purpose holds on behalf of the worker or the dependant—

- (a) an amount of money, being compensation payable for the benefit of, or damages awarded to, the worker or the dependant; or
- (b) investments acquired out of such an amount;

the Court or that person shall—

- (c) deduct from that amount; or
- (d) realise any or all of the investments and deduct from the proceeds of the realisation;

an amount not exceeding the amount that the worker or dependant is so liable to pay the employer, and shall pay the amount deducted to the employer.

“(2) The payment of an amount to an employer under subsection (1) shall be a discharge of the liability—

- (a) of the worker or dependant to the employer; and
- (b) of the Court or other person to the worker or dependant;

to the extent of the amount paid.

“PART V—INSPECTION

Interpretation

“23C. (1) In this Part—

‘premises’ includes—

- (a) a structure, building, aircraft, vehicle or vessel;
- (b) a place (whether enclosed or built on or not); and
- (c) a part of premises (including premises of a kind referred to in paragraph (a) or (b)).

“(2) For the purposes of this Part, a thing is connected with a particular offence if—

- (a) the offence has been committed with respect to it;
- (b) it will afford evidence of the commission of the offence; or
- (c) it was used, or it is intended to be used, for the purpose of committing the offence.

“(3) A reference in this Part to an offence shall be read as including a reference to an offence that there are reasonable grounds for believing has been, or will be, committed.

“(4) Where an inspector is authorised under this Part to enter premises, and enters those premises, a reference to the occupier of the premises shall include a reference to a person believed by the inspector on reasonable grounds to be the occupier, or to be in charge, of those premises.

Inspectors

“23D. (1) The Minister may, by instrument, appoint such persons as he or she considers necessary to be inspectors for the purposes of this Act.

“(2) An inspector shall perform such duties for the purposes of this Act as the Minister directs.

Identity cards

“23E. (1) The Minister shall cause to be issued to each inspector an identity card that specifies the name and appointment of the inspector and on which appears a recent photograph of the inspector.

“(2) A person appointed to be an inspector shall not, without reasonable excuse, upon ceasing to be an inspector, fail to return his or her identity card to the Minister.

Penalty for contravention of subsection (2): \$100.

Provision of information to inspectors

“23F. (1) An inspector may, by notice in writing given to an employer, require the employer to provide to the inspector, within 28 days after the notice is given—

- (a) a certificate from a registered auditor stating the total amount of wages paid during the period specified in the notice to workers employed by the employer; and
- (b) a statutory declaration setting out—

- (i) the determined categories of workers employed by the employer; and
- (ii) the total amount of wages paid in respect of each of those categories of workers;

during the period specified in the notice.

“(2) An inspector may, by notice in writing given to an employer, require the employer—

- (a) to produce for inspection any prescribed insurance policy to which the employer is a party; and
- (b) to furnish such related information as the inspector specifies in the notice;

within the time and in the manner stated in the notice.

“(3) A registered auditor shall not knowingly supply false, misleading or incomplete information in a certificate provided for the purposes of subsection (1).

Penalty: \$5,000 or imprisonment for 6 months.

“(4) An employer shall not, without reasonable excuse, fail to comply with a notice served on the employer in accordance with subsection (1) or (2).

Penalty for contravention of subsection (4): \$5,000 or imprisonment for 6 months.

Entry and inspection of premises

“23G. (1) If an inspector believes on reasonable grounds that commercial premises are used by an employer in connection with the employment of a worker by the employer, the inspector may, while the premises are being so used, enter those premises for the purpose of ensuring that this Act is complied with.

“(2) An inspector may enter any premises, and may exercise the powers of an inspector under subsection (3), if the entry is made, and the powers are exercised—

- (a) pursuant to a warrant issued under section 23I;
- (b) with the consent of the occupier of the land or premises; or
- (c) pursuant to an order of a court.

“(3) An inspector who enters premises in accordance with this section may—

- (a) require any person on the premises to produce for inspection any documents or things relating to the employment of workers by the employer using the premises;
- (b) make copies of, or take extracts from, any such documents; and
- (c) require any person on the premises to produce information relating to such documents or things, or information relating generally to the employment of workers by the employer using the premises.

“(4) An inspector who enters premises in accordance with this section is not authorised to remain on the premises if, at the request of the occupier of the premises, the inspector does not show the occupier the identity card issued to the inspector under section 23E.

“(5) A person shall not, without reasonable excuse, contravene a requirement made of him or her under this section.

Penalty: \$5,000 or imprisonment for 6 months.

“(6) In this section—

‘commercial premises’ means premises in which a business, trade, profession or calling is carried on, excluding any part of the premises that is used for residential purposes.

Consent to entry and inspection

“23H. (1) Before seeking the consent of the occupier of premises or a place for the purposes of paragraph 23G (2) (b), an inspector shall inform the occupier that he or she may refuse to give that consent.

“(2) If an inspector obtains the occupier’s consent for the purposes of paragraph 23G (2) (b), he or she shall ask the occupier to sign a written acknowledgment—

- (a) that the occupier has given the inspector consent, for those purposes, to enter the occupier’s premises and to exercise the powers of an inspector under subsection 23G (3);
- (b) that the occupier has been informed that he or she may refuse to give that consent; and
- (c) of the day on which, and the time at which, that consent was given.

“(3) Where it is material, in any proceedings, for a court to be satisfied that an occupier has consented for the purposes of paragraph 23G (2) (b), and an acknowledgment in accordance with subsection (2) signed by the

occupier is not produced in evidence, it is to be presumed that the occupier did not consent unless the contrary is established.

Search warrants

“23I. (1) Where an information on oath is laid before a magistrate alleging that there are reasonable grounds for suspecting that there may be, in or on any premises any thing of a particular kind connected with a particular defined offence, and the information sets out those grounds, the magistrate may issue a search warrant authorising an inspector named in the warrant, with such assistance and by such force as is necessary and reasonable—

- (a) to enter the premises;
- (b) to search the premises for things of that kind; and
- (c) to exercise the powers of an inspector under subsection 23G (3) in relation to the premises or place.

“(2) A magistrate shall not issue a warrant unless—

- (a) the informant or another person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

“(3) A warrant shall—

- (a) state the purpose for which it is issued;
- (b) specify the nature of the offence, if any, in relation to which the entry and search are authorised;
- (c) specify particular hours during which the entry is authorised, or state that the entry is authorised at any time of the day or night;
- (d) include a description of the kinds of things in relation to which the powers under subsection 23G (3) may be exercised; and
- (e) specify the date, being a date not later than 1 month after the date of issue of the warrant, on which the warrant ceases to have effect.

“PART VI—PROCEDURE FOR PAYMENT OF COMPENSATION”.

Insertion

19. After section 25 of the Principal Act the following section is inserted:

Admissibility of statements by injured workers

“25A. (1) A written statement in relation to a worker’s injury which is given by the worker to his or her employer or to the employer’s insurer is not to be admitted in evidence on behalf of such an employer or insurer in any proceedings under this Act unless the employer or insurer, as the case may be, has, not later than 14 days before the proceedings are heard, given to the worker, or his or her solicitor or agent, a copy of the statement.

“(2) In this section—

‘insurer’ means—

- (a) an approved insurer; or
- (b) the nominal insurer.”.

Insertion

20. After section 26 of the Principal Act the following heading and sections are inserted:

“PART VII—MISCELLANEOUS

Conduct of directors, servants and agents

“27. (1) Where, for the purposes of a prosecution for a defined offence, it is necessary to establish the state of mind of a body corporate or a natural person in relation to particular conduct, it is sufficient to show—

- (a) that a director, servant or agent of the body, or a servant or agent of the person, had that state of mind; and
- (b) that the conduct was engaged in by that director, servant or agent within the scope of his or her actual or apparent authority.

“(2) A reference in subsection (1) to the state of mind of a body or person is to be read as including a reference to—

- (a) the knowledge, intention, opinion, belief or purpose of the body or person; and
- (b) the body’s or person’s reasons for the intention, opinion, belief or purpose.

“(3) Any conduct engaged in on behalf of a body corporate or a natural person by a director, servant or agent of the body, or a servant or agent of the person, within the scope of his or her actual or apparent authority is to be taken, for the purposes of a prosecution for a defined offence, to have been engaged in also by the body or person unless the body or person

establishes that reasonable precautions were taken and due diligence was exercised to avoid the conduct.

“(4) Where—

- (a) a natural person is convicted of a defined offence; and
- (b) the person would not have been convicted of the offence if subsections (1) and (3) had not been enacted;

the person is not liable to be punished by imprisonment for that offence.

“(5) A reference in this section to a director of a body corporate is to be read as including a reference to a member of a body corporate incorporated for a public purpose by a law of the Territory, the Commonwealth, a State or another Territory.

“(6) A reference in this section to engaging in conduct is to be read as including a reference to failing or refusing to engage in conduct.

Corporations—penalties

“27A. Where a body corporate is convicted of a defined offence, the penalty that the Court may impose is a fine not exceeding 5 times the maximum amount that, but for this section, the Court could impose as a pecuniary penalty for that offence.

Administrative review

“27B. (1) Application may be made to the Tribunal for the review of the decision of the Minister—

- (a) under paragraph 17 (1) (b) to refuse to approve an insurer;
- (b) under subsection 17 (2) to revoke the approval of an insurer;
- (c) under paragraph 17C (1) (b) to refuse to exempt an employer;
- (d) under paragraph 17C (4) (a) to suspend the exemption of an employer; or
- (e) under paragraph 17C (4) (b) to revoke the exemption of an employer.

“(2) A notice under a provision referred to in subsection (1) shall include—

- (a) a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Tribunal for a review of the relevant decision of the Minister; and

- (b) subject to subsection 26 (11) of that Act—a statement to the effect that a person whose interests are affected by such a decision may request a statement under section 26 of that Act.

“(3) The validity of a decision of a kind referred to in subsection (1) is not affected by a failure to comply with subsection (2).

Power of Minister to determine fees

“27C. The Minister may, by notice published in the *Gazette*, determine fees for the purposes of this Act.”.

Regulations

21. Section 28 of the Principal Act is amended by omitting paragraph (e) and substituting the following paragraph:

- “(e) penalties for offences against the regulations not exceeding—
- (i) if the offender is a natural person—\$1,000; or
 - (ii) if the offender is a body corporate—\$5,000.”.

First Schedule—substantive amendments

22. The First Schedule to the Principal Act is amended as set out in Schedule 1.

Fourth Schedule—costs of arbitration

23. The Fourth Schedule to the Principal Act is amended by omitting clause 7 and substituting the following clause:

“7. (1) A committee or the Court shall not award the costs of, or incidental to, an arbitration or any connected proceedings against a person claiming compensation in good faith in that arbitration or those proceedings.

“(2) The costs of, and incidental to, an arbitration or any connected proceedings—

- (a) shall not exceed the limit prescribed by Rules of Court; and
- (b) shall be taxed in the manner prescribed by those Rules.

“(3) The Court may review the taxation referred to in paragraph (2) (b).”.

Formal amendments

24. (1) The provisions of the Principal Act specified in Schedule 2 are amended—

- (a) by omitting “workman” (wherever occurring) and substituting “worker”;
- (b) by omitting “workmen” (wherever occurring) and substituting “workers”; and
- (c) by omitting “workman’s” (wherever occurring) and substituting “worker’s”.

(2) The Principal Act is amended as set out in Schedule 3.

(3) The First Schedule to the Principal Act is amended as set out in Schedule 4.

(4) The Second Schedule to the Principal Act is amended by omitting the heading and substituting the following heading:

“SCHEDULE 2”.

(5) The Third Schedule to the Principal Act is amended as set out in Schedule 5.

(6) The Fourth Schedule to the Principal Act is amended as set out in Schedule 6.

Saving—inspectors

25. A person who held office immediately before the commencement of section 12 as an inspector appointed under section 16 of the Principal Act is to be taken to have been appointed as an inspector under section 23E of the Principal Act as amended by this Act.

Saving—approved insurers

26. An insurer who was, immediately before the commencement of section 12, an approved insurer under the Principal Act, is, subject to the Principal Act as amended by this Act, to be taken to have been approved under paragraph 17 (1) (a) of that Act as so amended.

Saving—exempt employers

27. An employer who was, immediately before the commencement of section 12, exempt from compliance with subsection 18 (1) of the Principal Act, is, subject to the Principal Act as amended by this Act, to be taken to be exempted under subsection 17C (1) of that Act as so amended from compliance with section 17B of that Act as so amended.

Saving—determined categories of workers

28. A determination of the Minister under subsection 18 (8B) of the Principal Act as in force immediately before the commencement of section 12 of this Act is to have effect, subject to the Principal Act as amended by this Act, as a determination under section 6B of that Act as so amended.

Transitional—insurance policies

29. On and after the commencement of subsection 25 (5), an insurance policy in the form set out in the Third Schedule of the Principal Act in force immediately before that commencement is to have effect as if it were in the form set out in that Schedule as amended in accordance with Schedule 5 to this Act.

SCHEDULE 1

Section 22

SUBSTANTIVE AMENDMENTS—FIRST SCHEDULE

New clause 1AA—

Before clause 1, insert the following clause:

“1AA. In this Schedule—

‘child’, in relation to a worker, means an unmarried child of the worker who is—

- (a) under the age of 16 years; or
- (b) a full-time student;

‘full-time student’ means a person who—

- (a) has attained the age of 16 years but not the age of 25 years; and
- (b) is receiving full-time education at a secondary or tertiary educational institution;

‘prescribed person’, in relation to a worker, means a person who has attained the age of 16 years and is—

- (a) a member of the worker’s family; or
- (b) caring for a child of the worker, being a child who is wholly or mainly dependent on the worker’s earnings.”.

Subparagraph 1 (a) (i)—

Omit the subparagraph, substitute the following subparagraph:

“(i) if the worker leaves any dependants wholly dependent on his or her earnings—\$20,000 and, in respect of each dependent child of the worker, payment at the rate of \$7 per week from the date of death until the person ceases to be a child;”.

Paragraph 1 (b)—

Omit the paragraph, substitute the following paragraph:

“(b) where the worker is totally incapacitated for work by the injury, in respect of the period of the worker’s incapacity—

- (i) \$57 for each week, and a proportionate amount for each additional day;
- (ii) if the worker had a spouse at the date of the injury—\$15 for each week, and a proportionate amount for each additional day, during which the spouse is wholly or mainly dependent on the worker’s earnings;
- (iii) if the worker has no spouse, and there is a prescribed person in relation to the worker—\$15 for each week, and a proportionate amount for each additional day, during which the prescribed person is wholly or mainly dependent on the worker’s earnings, in respect of one prescribed person only;

SCHEDULE 1—continued

- (iv) if the worker has a child, whether born before or after the date of the injury, but not including a child of a marriage or ex-nuptial relationship formed after that date—\$7 for each week, and a proportionate amount for each additional day, during which the child is wholly or mainly dependent on the worker's earnings; and
- (v) if the prescribed amount applicable to a worker in respect of a week, being one of the first 26 weeks of the incapacity, exceeds an amount calculated by adding to \$57 the amount or amounts (if any) payable to the worker under subparagraphs (i), (ii) and (iii)—the amount of the excess for each week, and a proportionate amount for each day; and”.

Clause 9A—

Omit the clause, substitute the following clause:

“9A. Where—

- (a) a weekly payment under subparagraph 1 (a) (i) in respect of a child of a worker ceases to be payable; and
- (b) the aggregate amount of such weekly payments is less than \$700;

there is payable an additional amount of compensation equal to the difference between the aggregate amount and \$700.”.

SCHEDULE 2

Subsection 24 (1)

REFERENCES TO WORKMAN ETC.

Subsections 6 (1) (definitions of “dependant” and “employer”), (2), (3), (3C), (4), (4A), (4AA), (4B), (4C), (4D), (7) and (8), 7 (3) and (4) and 9 (1), (2), (3) and (4), section 9A, subsections 9B (1), (2), (3) and (4), 10 (1), (1A), (3), (4), (5) and (6), 10A (1) and (7), 10B (1) and 10C (1), section 10D, subsections 10F (1), 11 (7) and 12 (2), (3) and (4), paragraph 13 (2) (a), subsections 14 (1), (2), (3) and (4) and 15 (2), paragraphs 18C (1) (a), (2) (a), (3) (a) and (5) (c), subsections 20 (1) and (2); paragraphs 22 (1) (a), (b), (c), (d) and (e); subsection 25 (1); paragraph 28 (a); First Schedule (subparagraphs 1 (a) (ii) and (iii), paragraph 1 (c), clauses 1A and 1B, subparagraphs 2 (a) (i) and (ii), paragraph 2 (b), clauses 2A, 3, 4, 5, 6, 10, 11, 13 and 14); Third Schedule (clause 10, paragraph 11 (a), subparagraph 11 (b) (ii), paragraph 13 (a) and subparagraph 13 (b) (ii) of the *Conditions*); Fourth Schedule (clauses 1, 9, 12 and 15).

SCHEDULE 3—continued**SCHEDULE 3**

Subsection 24 (2)

FORMAL AMENDMENTS—PRINCIPAL ACT

Subsection 6 (1) (definition of “approved insurer”)—

Omit “for the purposes of this Act”, substitute “under section 17”.

Subsection 6 (1) (definition of “base figure”)—

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

Subsection 6 (1) (definition of “dependant”)—

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

Subsection 6 (1) (definition of “employer”)—

Omit “he”, substitute “the worker”.

Subsection 6 (1) (definition of “outworker”)—

Omit “his”, substitute “the person’s”.

Subsection 6 (1) (definition of “regulations”)—

Omit the definition.

Subsection 6 (1)—

Insert the following definitions:

“ ‘determined categories of workers’ means the categories determined by the Minister under section 6B;

‘exempt employer’ means an employer exempt under subsection 17C (1) from compliance with subsections 17B (1) and (2);

‘inspector’ means a person appointed as an inspector under subsection 23E (1);

‘nominal insurer’ means the nominal insurer appointed under subsection 18B (1);

‘prescribed insurance policy’ means a policy referred to in subsection 16 (1);”.

Subsection 6 (3)—

(a) Omit “Ten dollars”, substitute “\$10”.

(b) Omit “his”, substitute “the contractor’s”.

SCHEDULE 3—continued

Paragraph 6 (3A) (a)—

Omit “his”, substitute “the principal’s”.

Paragraph 6 (3A) (b)—

After “himself”, insert “or herself”.

Subsection 6 (3C)—

(a) After “his”, insert “or her”.

(b) After “him”, insert “or her”.

Subsection 6 (4)—

(a) Omit “salesman” (wherever occurring), substitute “salesperson”.

(b) After “him”, insert “or her”.

(c) After “he”, insert “or she”.

Paragraph 6 (4A) (b)—

(a) After “his”, insert “or her”.

(b) Before “training”, insert “his or her”.

(c) Omit “being undertaken by him”.

Subsection 6 (6)—

Omit the subsection.

Subsection 6 (8)—

(a) Omit “his” (first occurring), substitute “a”.

(b) Omit “him”, substitute “the worker”.

(c) Omit “his” (second and last occurring), substitute “the worker’s”.

Subsection 6 (10)—

Omit “he” (wherever occurring), substitute “the person”.

Subsections 7 (1) and (2)—

Omit the subsections, substitute the following subsections:

“(1) Where a worker suffers personal injury arising out of or in the course of the worker’s employment, the employer is liable to pay compensation in accordance with Schedule 1.

“(2) Where a worker is required by the terms of his or her employment, or is expected by his or her employer, to attend a trade, technical or other training school, that employment is, for the purposes of this Act, to be taken to include that attendance.”.

SCHEDULE 3—continued**Subsection 7 (3)—**

Omit “his”, substitute “the worker’s”.

Subsection 8 (1)—

Omit the subsection, substitute the following subsection:

“(1) Where personal injury is caused to a worker while travelling to or from—

- (a) the worker’s employment; or
- (b) any place which it is necessary for the worker to attend to obtain a medical certificate, or to receive medical treatment or compensation, in relation to a previous injury in respect of which compensation is payable;

the worker’s employer is liable to pay compensation as if the first-mentioned injury were an injury arising out of or in the course of that employment.”.

Subsection 8 (2)—

Omit “workman’s employment, attendance at school”, substitute “worker’s employment”.

Paragraph 9 (1) (b)—

After “his”, insert “or her”.

Paragraph 9 (2) (c)—

After “his”, insert “or her”.

Subsection 9 (4)—

Omit “he”, substitute “the worker”.

Subsection 9 (5)—

- (a) After “section”, insert “in respect of a worker’s disease”.
- (b) Omit “him”, substitute “the claimant”.
- (c) Omit “his”, substitute “the worker’s”.
- (d) Omit “he”, substitute “the claimant”.

Subsection 9B (1)—

Omit “his”, substitute “the worker’s”.

Subsections 10 (1) and (1A)—

- (a) Omit “the Second Schedule”, substitute “Schedule 2”.
- (b) After “his”, insert “or her”.

SCHEDULE 3—continued

Subsection 10 (3)—

Omit “his” (wherever occurring), substitute “the”.

Subsection 10 (5)—

Omit “of the diminution of sight”, substitute “loss of sight from that eye”.

Subsection 10 (6)—

(a) Omit “the Second Schedule to this Act in and for the purposes of his employment at the date of the injury”, substitute “Schedule 2”.

(b) Omit “of the diminution”, substitute “loss”.

Paragraph 10A (1) (a)—

Omit “the Second Schedule”, substitute “Schedule 2”.

Subsections 10A (1), 10B (1) and 10C (1)—

(a) After “his”, insert “or her”.

(b) Omit “the Fourth Schedule”, substitute “Schedule 4”.

Section 10D—

(a) After “his” (wherever occurring), insert “or her”.

(b) Omit “he”, substitute “the worker”.

Subsection 11 (5)—

(a) Omit “employer”, substitute “employer’s defence”.

(b) Omit “in his defence”.

Subsection 12 (3)—

(a) Omit “the First Schedule”, substitute “Schedule 1”.

(b) Omit “him”, substitute “the worker”.

Subsection 12 (4)—

(a) Omit “of this section”.

(b) Omit “eleven of this Act”, substitute “11”.

Subsection 12A (1)—

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

Section 12C—

Repeal the section.

Subsection 13 (1)—

Omit the subsection.

SCHEDULE 3—continued**Subsection 13 (2)—**

Omit “, whether executed before or after the date of commencement of this sub-section,”.

Subsection 14 (1)—

- (a) Omit “his”, substitute “the principal’s”.
- (b) Omit “under this Act which he”, substitute “which the principal”.
- (c) Omit “him”, substitute “the principal”.

Subsection 14 (2)—

After “he”, insert “or she”.

Subsection 14 (3)—

Omit “he”, substitute “the principal”.

Subsection 14 (4)—

Omit “under this Act”.

Subsection 15 (1)—

Omit “legally qualified medical practitioners residing in or out of the Territory”, substitute “medical practitioners”.

Subsection 15 (2)—

After “he”, insert “or she”.

Subsection 15 (3)—

- (a) Omit “for the purposes of this Act”.
- (b) After “his”, insert “or her”.

Paragraph 18A (2) (a)—

Omit “the last preceding sub-section”, substitute “subsection (1)”.

Paragraph 18A (2) (b)—

After “particulars” insert “under subsection (1)”.

Paragraph 18C (1) (a)—

- (a) Omit “in accordance with this Act”.
- (b) Omit “his”, substitute “the worker’s”.

Paragraph 18C (1) (b)—

Omit “in accordance with this Act”.

Paragraph 18C (1) (c)—

Omit “or indemnity”.

SCHEDULE 3—continued

Paragraph 18C (2) (a)—

- (a) Omit “his”, substitute “the employer’s”.
- (b) Omit “him”, substitute “the employer”.
- (c) Omit “the first day of September, One thousand nine hundred and sixty-nine”, substitute “1 September 1969”.

Paragraph 18C (2) (c)—

Omit “or indemnity”.

Paragraph 18C (3) (a)—

- (a) Omit “liability of the employer”, substitute “employer’s liability”.
- (b) Omit “him”, substitute “the employer”.
- (c) Omit “the first day of September, One thousand nine hundred and sixty-nine”, substitute “1 September 1969”.

Paragraph 18C (3) (b)—

Omit “or indemnity”.

Paragraph 18C (3) (c)—

Omit “him”, substitute “the employer”.

Subsection 18C (4)—

Omit “any of the last three preceding sub-sections”, substitute “this section”.

Subsection 18C (5)—

Omit “of this section”.

Paragraph 18C (5) (a)—

Add at the end “and”.

Paragraph 18C (5) (b)—

Omit the paragraph.

Subsection 18D (1)—

Omit “the last preceding section”, substitute “section 18C”.

Paragraph 18D (1) (a)—

Omit “sub-section (1) of the last preceding section”, substitute “subsection 18C (1)”.

Paragraph 18D (1) (b)—

Omit “sub-section (2) of that section”, substitute “subsection 18C (2)”.

SCHEDULE 3—continued**Paragraph 18D (1) (c)—**

Omit “sub-section (3) of that section”, substitute “subsection 18C (3)”.

Subsection 18D (2)—

Omit “sub-section (2) or sub-section (3) of the last preceding section”, substitute “subsection 18C (2) or (3)”.

Subsection 18E (1)—

- (a) Omit “sub-section (1) of section eighteen C of this Act”, substitute “subsection 18C (1)”.
- (b) Omit “he”, substitute “the nominal insurer”.
- (c) Omit “his”, substitute “the employer’s”.

Subsection 18E (2)—

- (a) Omit “the last preceding sub-section”, substitute “subsection (1)”.
- (b) Omit “the provisions of the Fourth Schedule to this Act”, substitute “Schedule 4”.

Subsection 18EA (1)—

- (a) Omit “sub-section (3) of section eighteen C of this Act”, substitute “subsection 18C (3)”.
- (b) Omit “he”, substitute “the nominal insurer”.

Subsection 18EA (2)—

- (a) Omit “the last preceding sub-section”, substitute “subsection (1)”.
- (b) Omit “his”, substitute “the employer’s”.

Subsection 18EA (4)—

Omit “(b) of the last preceding sub-section”, substitute “(3) (b)”.

Subsection 18EA (5)—

Omit “of this section”.

Subsection 18EA (6)—

Omit “the last preceding sub-section”, substitute “subsection (5)”.

Paragraph 18EA (7) (a)—

Omit “of this section”.

Paragraph 18EA (8) (a)—

Omit “of this section”.

Subsection 18EA (8)—

SCHEDULE 3—continued

Omit “Two hundred dollars”, substitute “\$200”.

Subsection 18EA (9)—

Omit “the last preceding sub-section”, substitute “subsection (8)”.

Subsection 18F (2)—

Omit “the last preceding sub-section”, substitute “subsection (1)”.

Paragraph 18F (2) (b)—

Omit “the rules in the Fourth Schedule to this Act”, substitute “Schedule 4”.

Subsection 18H (1)—

Omit “the next succeeding sub-section”, substitute “subsection (2)”.

Subsection 18H (2)—

- (a) Omit “by him” (wherever occurring).
- (b) Omit all the words from and including “employers” (first occurring) to and including “ ‘exempt employers’”, substitute “exempt employers”.

Subsection 18H (3)—

Omit “the last preceding sub-section”, substitute “subsection (2)”.

Subsection 18H (4)—

Omit “the last preceding sub-section”, substitute “subsection (3)”.

Paragraph 18H (4) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) the premium incomes received by each approved insurer in respect of prescribed insurance policies in the financial year last preceding the occurrence; and”.

Paragraph 18H (4) (b)—

- (a) Omit “he” (wherever occurring), substitute “the employer”.
- (b) Omit all the words after “employer),”, substitute “a prescribed insurance policy”.

Subsection 18H (5)—

- (a) Omit “he”, substitute “the nominal insurer”.
- (b) Omit “, by writing under his hand, notify to”, substitute “notify, in writing,”.
- (c) After “concerned”, insert “of”.

SCHEDULE 3—continued

(d) Omit “him” (first occurring), substitute “the insurer or employer”.

(e) Omit “the amount apportioned to him”, substitute “the apportioned amount”.

Subsection 18H (6)—

Omit “the last preceding sub-section”, substitute “subsection (5)”.

Subsection 18H (7)—

Omit “by him”.

Subsection 18J (1)—

After “his”, insert “or her”.

Paragraph 18K (b)—

(a) After “his” (first occurring), insert “or her”.

(b) Omit “his” (last occurring), substitute “the”.

Section 19—

Repeal the section.

Subsection 20 (1)—

Omit “or indemnity”.

Subsection 20 (3)—

Omit the subsection and the penalty at its foot.

Paragraphs 22 (1) (b) and (d)—

After “he”, insert “or she”.

Subsections 22 (1A), (2) and (3)—

Omit the subsections.

Subsections 23 (1) and (3)—

After “his” (wherever occurring), insert “or her”.

Paragraph 23 (3) (a)—

After “him”, insert “or her”.

Paragraph 23 (3) (b)—

After “he”, insert “or she”.

Subsection 23 (4)—

Omit the subsection.

Section 24—

SCHEDULE 3—continued

- (a) Omit “or under the First or Second Schedules to this Act”.
- (b) Omit “or those Schedules”.
- (c) Omit “the provisions of the Fourth Schedule to this Act”, substitute “Schedule 4”.

Subsection 25 (1)—

- (a) Omit “under this Act”.
- (b) After “he”, insert “or she”.

Subsection 25 (2)—

- (a) Omit “employer”, substitute “employer’s defence”.
- (b) Omit “in his defence”.

Subsection 25 (3)—

Omit “of this section”.

SCHEDULE 4

Subsection 24 (3)

FORMAL AMENDMENTS—FIRST SCHEDULE

Heading—

Omit “FIRST SCHEDULE”, substitute “**SCHEDULE 1**”.

Subparagraph 1 (a) (ii)—

- (a) After “his” (wherever occurring), insert “or her”.
- (b) Omit “clause (i) of this sub-paragraph”, substitute “subparagraph (i)”.

Subparagraph 1 (a) (iii)—

Omit “Four hundred and fifty dollars”, substitute “\$450”.

Paragraph 1 (c)—

After “his” (first occurring), insert “or her”.

Subparagraph 1 (c) (i)—

- (a) After “he”, insert “or she”.
- (b) After “his”, insert “or her”.
- (c) Omit “Fifty-seven dollars”, substitute “\$57”.

Subparagraph 1 (c) (ii)—

- (a) After “he” (wherever occurring), insert “or she”.
- (b) After “him”, insert “or her”.

SCHEDULE 4—continued

- (c) Omit “sub-paragraph (b) of this paragraph”, substitute “paragraph (b)”.

Clause 1A—

Omit “sub-paragraph (b) of paragraph 1”, substitute “paragraph 1 (b)”.

Paragraph 1A (a)—

- (a) Omit “he” (first occurring), substitute “the worker”.
(b) After “he” (second occurring), insert “or she”.

Clause 1B—

Omit “paragraph”, substitute “clause”.

Paragraph 1B (a)—

After “his” insert “or her”.

Paragraph 1B (b)—

Omit “his”.

Subparagraphs 1B (c) (i) and (ii)—

After “his”, insert “or her”.

Clause 2—

Omit “paragraph 1 of this Schedule”, substitute “clause 1”.

Subparagraph 2 (a) (i)—

- (a) After “his”, insert “or her”.
(b) Omit “clause (i) of sub-paragraph (a) of that paragraph”, substitute “subparagraph 1 (a) (i)”.
(c) Omit “clause (ii) of that sub-paragraph”, substitute “subparagraph 1 (a) (ii)”.

Subparagraph 2 (a) (ii)—

- (a) Omit “paragraph 13”, substitute “clause 13”.
(b) Omit “ten”, substitute “10”.
(c) Omit “sub-paragraph (b) or sub-paragraph (c) of that paragraph”, substitute “paragraph 1 (b) or (c)”.
(d) Omit “his”, substitute “the worker’s”.
(e) Omit “clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule”, substitute “subparagraph 1 (a) (i)”.
(f) Omit “clause (ii) of that sub-paragraph”, substitute “subparagraph 1 (a) (ii)”.

SCHEDULE 4—continued

- (g) Omit “Two thousand dollars”, substitute “\$2,000”.

Subparagraph 2 (b) (i)—

Omit “sub-paragraph (b) or sub-paragraph (c) of paragraph 1 of this Schedule which will be”, substitute “paragraph 1 (b) or (c) which is”.

Subparagraph 2 (b) (ii)—

- (a) Before “regard”, insert “subject to clause 2A”.
- (b) Omit “(other than a payment, allowance or benefit to which the next succeeding paragraph applies)”.
- (c) After “his” (first occurring), insert “or her”.
- (d) Omit “his” (last occurring), substitute “the worker’s”.
- (e) Omit “sub-paragraph (b) or sub-paragraph (c) of that paragraph”, substitute “paragraph 1 (b) or (c)”.

Subparagraph 2 (b) (iii)—

- (a) Omit “the words ‘Forty-two dollars seventy-five cents’ ”, substitute “ ‘\$42.75’ ”.
- (b) Omit “the words ‘Fifty-seven dollars’ ”, substitute “ ‘\$57.00’ ”.
- (c) Omit “sub-paragraph (b) or sub-paragraph (c) of that paragraph”, substitute “paragraph 1 (b) or (c)”.
- (d) After “he”, insert “or she”.

Paragraph 2 (c)—

- (a) Omit “employee”, substitute “worker”.
- (b) Omit “sub-paragraph (b) of that paragraph”, substitute “paragraph 1 (b)”.

Clause 2A—

- (a) Omit “This paragraph applies to a”, substitute “For the purposes of subparagraph 2 (b) (ii), no regard shall be had to any”.
- (b) After “his” (wherever occurring), insert “or her”.
- (c) Omit “under this Act”.

Clause 3—

Omit “child endowment paid under Part VI of the *Social Services Consolidation Act 1947-1950*”, substitute “family allowance paid under Part X of the *Social Security Act 1947*”.

Subparagraph 4 (a) (i)—

- (a) Omit “for his employer”.

SCHEDULE 4—continued

- (b) After “his” (last occurring), insert “or her”.

Subparagraph 4 (a) (ii)—

After “his”, insert “or her”.

Paragraph 4 (a)—

After “his”, insert “or her”.

Clause 5—

- (a) Omit “under this Act”.
- (b) Omit “he” (wherever occurring), substitute “the worker”.
- (c) After “himself” (wherever occurring), insert “or herself”.
- (d) Omit “duly qualified”.
- (e) Omit “his”, substitute “the worker’s”.

Clause 6—

- (a) Omit “paragraph 9A of this Schedule” (wherever occurring), substitute “clause 9A”.
- (b) After “his”, insert “or her”.
- (c) Omit “he”, substitute “the worker”.

Clause 6A—

- (a) Omit “clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule”, substitute “subparagraph 1 (a) (i)”.
- (b) Omit “by him”.

Subclause 7 (1)—

Omit “clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule”, substitute “subparagraph 1 (a) (i)”.

Subclause 7 (2)—

Omit “paragraph 9A of this Schedule”, substitute “clause 9A”.

Subclause 7 (3)—

- (a) Omit “paragraph” (wherever occurring), substitute “clause”.
- (b) Omit “of this Schedule”.

Clause 7A—

Omit “paragraph 6A or 7 of this Schedule”, substitute “clause 6A or 7”.

Clause 10—

- (a) After “himself” (wherever occurring), insert “or herself”.
- (b) Omit “legally qualified”.

SCHEDULE 4—continued

- (c) Omit “his”, substitute “the worker’s”.

Clause 11—

- (a) Before “A workman”, insert “(1)”.
- (b) After “himself” (wherever occurring), insert “or herself”.
- (c) Omit “paragraph 5 or paragraph 10 of this Schedule”, substitute “clause 5 or 10”.
- (d) Omit “or on more frequent intervals than may be prescribed by those regulations”.
- (e) Before “Where a workman”, insert “(2)”.
- (f) Omit “six”, substitute “6”.
- (g) Omit “Two dollars”, substitute “\$2.00”.
- (h) Before “The medical referee”, insert “(3)”.
- (i) After “his” (wherever occurring), insert “or her”.
- (j) Omit “he”, substitute “the worker”.
- (k) Before “Where no agreement”, insert “(4)”.
- (l) Omit “the provisions of”.
- (m) Omit “paragraph” (third and last occurring), substitute “clause”.
- (n) Before “If a workman”, insert “(5)”.
- (o) Before “Rules of Court”, insert “(6)”.

Clause 12—

Omit “clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule”, substitute “subparagraph (1) (a) (i)”.

Clause 13—

- (a) Omit “clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule”, substitute “subparagraph 1 (a) (i)”.
- (b) Omit “six”, substitute “6”.
- (c) Omit “paragraph 10 of the Fourth Schedule to this Ordinance”, substitute “clause 10 of Schedule 4”.

Clause 14—

- (a) Omit “he” (wherever occurring), substitute “the worker”.
- (b) Omit “his” (first occurring), substitute “the worker’s”.
- (c) After “his” (last occurring), insert “or her”.

SCHEDULE 5

Subsection 24 (5)

FORMAL AMENDMENTS—THIRD SCHEDULE

- (a) Omit the heading, substitute the following heading:

“SCHEDULE 3

Paragraph 16 (1) (a)

EMPLOYER'S INSURANCE POLICY”.

- (b) Omit “*Workmen's Compensation Act 1951-1952*”, substitute “*Workers' Compensation Act 1951*”.
- (c) Omit all the words from and including “a Policy of Insurance or Indemnity” to and including “such workman”, substitute “a policy of insurance for an unlimited amount in respect of any liability of the employer that may arise—
- (a) under the Act; and
 - (b) independently of the Act;
- in respect of any injury to, or death of, any of the employer's employees.”.
- (d) Omit “Indemnity” (last occurring), substitute “Policy”.
- (e) Omit “workman of such Employer”, substitute “worker of such Employer”.
- (f) Omit “not exceeding dollars in respect of his”, substitute “in respect of the Employer's”.
- (g) Omit “workman, and in the event of his death to his”, substitute “worker, and in the event of the worker's death to his or her”.
- (h) Omit “his liability independently”, substitute “the Employer's liability independently”.
- (i) Omit from subparagraphs 11 (b) (i) and 13 (b) (i) of the *Conditions* “categories (being any of those determined under subsection 18 (8B) of the Act) of workmen”, substitute “determined categories of workers”.

SCHEDULE 6

Subsection 24 (6)

FORMAL AMENDMENTS—FOURTH SCHEDULE

Heading—

Omit “FOURTH SCHEDULE”, substitute “**SCHEDULE 4**”.

Clause 1—

- (a) Omit “his”, substitute “the employer's”.

SCHEDULE 6—continued

- (b) Omit “exist”, substitute “exists”.

Clause 9—

- (a) After “his” (first occurring), insert “or her”.
- (b) Omit “under this Act” (first occurring).

Paragraph 9 (a)—

Omit “seven”, substitute “7”.

Paragraph 9 (b)—

- (a) Omit “between his employer and himself”, substitute “made with his or her employer”.
- (b) Omit “under this Act”.
- (c) After “he”, insert “or she”.

Paragraph 9 (d)—

- (a) Omit “he”, (wherever occurring), substitute “the Clerk”.
- (b) Omit “his”, substitute “the worker’s”.
- (c) After “him”, insert “or her”.

Clause 10—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “his”, substitute “the person’s”.

Clause 12—

Omit “paragraph 11 of the First Schedule to this Ordinance”, substitute “clause 11 of Schedule 1”.

Clause 13—

- (a) Omit “under this Act”.
- (b) Omit “him”, substitute “the person”.
- (c) Omit “his”, substitute “the person’s”.

Clause 15—

- (a) After “he”, insert “or she”.
- (b) Omit “his”, substitute “the employer’s”.
- (c) Omit “provisos (d) and (e) of paragraph 9 of this Schedule”, substitute “paragraphs 9 (d) and (e)”.

NOTE

1. Ordinance No. 2, 1951 as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; Nos. 12, 20 and 21, 1959; No. 8, 1961; No. 10, 1962; No. 6, 1965; No. 44, 1967; No. 19, 1968; Nos. 7, 13 and 18, 1969; No. 26, 1970; No. 15, 1971; Nos. 35 and 38, 1972; No. 11, 1973; No. 34, 1974; No. 11, 1975; Nos. 15, 46 and 47, 1978; No. 15, 1979; No. 29, 1980; No. 4, 1981; Nos. 103 and 104, 1982; No. 69, 1983 as amended by No. 5, 1984; No. 76, 1984; Nos. 9 and 67, 1985; No. 84, 1986; Nos. 10 and 24, 1987; Nos. 21 and 38, 1989; Act No. 44, 1991.

NOTE ABOUT SECTION HEADINGS

On the day on which the *Workmen's Compensation Act 1951* is amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to sections of the Principal Act are altered as set out in the following table:

Section	Alteration
7	Omit the heading, substitute the following heading: Compensation for personal injury
9	Omit the heading, substitute the following heading: Compensation for death or incapacity through disease
9A	Omit the heading, substitute the following heading: Employment-related diseases
9B	Omit the heading, substitute the following heading: Compensation for disease
18B	Omit the heading, substitute the following heading: Nominal insurer
18C	Omit from the heading " where employer defaults "
18H	Omit the heading, substitute the following heading: Funds for payments by nominal insurer
20	Omit the heading, substitute the following heading: Premiums—maximum rates
24	Omit the heading, substitute the following heading: Arbitration

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