



AUSTRALIAN CAPITAL TERRITORY

Workers' Compensation (Amendment) Act 1993

No. 19 of 1993

An Act to amend the *Workers' Compensation Act 1951*

[Notified in ACT Gazette S26: 9 March 1993]

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 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, "Principal Act" means the *Workers' Compensation Act 1951*.¹

Insertion

4. After section 9 of the Principal Act the following section is inserted:

Hearing loss—application of section 9

“9AA. Section 9 applies in relation to a loss, or a further loss, of hearing as if—

- (a) without limiting the generality of the definition of ‘disease’ in subsection 6 (1), a loss, or a further loss, of hearing were a disease for the purposes of that section;
- (b) paragraph 9 (2) (c) were amended by inserting ‘who last employed the worker in employment of the kind referred to in paragraph 9 (1) (b)’ after ‘employer’;
- (c) subsection 9 (3) were amended by omitting ‘prior to that liability so arising,’ and substituting ‘during the relevant period,’; and
- (d) the following subsection were added at the end:

‘(6) In subsection (3), “the relevant period”, in relation to the contraction of a disease, or the aggravation, acceleration or recurrence, as the case may be, that is deemed to be a personal injury under paragraph 9 (2) (c) (in this subsection called “the relevant injury”), means—

- (a) where, at the date of the relevant injury, the worker was employed by the employer referred to in paragraph 9 (2) (c)—
 - (i) if the worker had not recovered compensation in respect of a prior injury (being a loss, or a further loss, of hearing) that occurred within the period of 5 years immediately preceding the date of the relevant injury—that period; or
 - (ii) if the worker had recovered compensation in respect of a prior injury (being a loss, or a further loss, of hearing) that occurred within the period of 5 years immediately preceding the date of the relevant injury—the period commencing on the day after the date on which the employer from whom that compensation was recovered or last recovered became liable to pay that compensation and ending on the date of the relevant injury; or

- (b) where, at the date of the relevant injury, the worker was not employed by the employer referred to in paragraph 9 (2) (c) (in this paragraph called “the recent employer”)—
- (i) if the worker had not recovered compensation in respect of a prior injury (being a loss, or a further loss, of hearing) that occurred within the period of 5 years immediately preceding the last day on which the worker was employed by the recent employer—that period; or
 - (ii) if the worker had recovered compensation in respect of a prior injury (being a loss, or a further loss, of hearing) that occurred within the period of 5 years immediately preceding the last day on which the worker was employed by the recent employer—the period commencing on the day after the date on which the employer from whom that compensation was recovered or last recovered became liable to pay that compensation and ending on the last day on which the worker was employed by the recent employer.’.’.

Schedule 1

5. (1) Schedule 1 to the Principal Act is amended by omitting from subparagraph 1 (b) (v) “subparagraphs (i), (ii) and (iii)” and substituting “subparagraphs (ii), (iii) and (iv)”.

(2) The amendment effected by subsection (1) shall be taken to have commenced on 22 January 1992.

NOTE

1. Reprinted as at 31 March 1992.

[Presentation speech made in Assembly on 17 December 1992]