



AUSTRALIAN CAPITAL TERRITORY

Workers Compensation Supplementation Fund Amendment Act 2002

Act 2002 No 43

An Act to amend the *Workers Compensation Supplementation Fund Act 1980*

*Notified under the Legislation Act 2001 on 2 December 2002
(see www.legislation.act.gov.au)*

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

1 Name of Act

This Act is the *Workers Compensation Supplementation Fund Amendment Act 2002*.

2 Commencement

This Act commences on the day after its notification day.

3 Act amended

This Act amends the *Workers Compensation Supplementation Fund Act 1980*.

4 Section 22 (2)

substitute

- (2) For this section, the prescribed surcharge for a compulsory insurance policy is an amount equal to 10% (or, if a lesser percentage is determined in writing by the Minister, the lesser percentage) of the billed underwritten premium (the *premium*), not including GST, for the policy.
- (2A) The prescribed surcharge applies to a premium or premium instalment at the rate in force—
- (a) if the premium or instalment is paid early or on time—at payment; or
 - (b) if the premium or instalment is paid late—when the premium or instalment was payable.

5 Section 22 (4)

substitute

- (4) An employer mentioned in subsection (1) must pay the prescribed surcharge when the employer pays the premium for the compulsory insurance policy.

- (5) If the employer pays the premium in instalments, the employer must pay the surcharge in corresponding instalments.

Examples

- 1 An employer's annual premium is \$600. If the prescribed surcharge is 10%, the surcharge of \$60 must be paid when the premium is paid, making a total payment of \$660.
- 2 An employer's annual premium is billed in monthly instalments of \$125. If the surcharge is 10%, the surcharge of \$12.50 must be paid with each monthly instalment, making a total monthly payment of \$137.50.
- 3 An employer is billed an additional premium of \$100 because of an adjustment of premium. If the prescribed surcharge is 10%, the surcharge of \$10 must be paid with the additional premium, making a total payment of \$110.
- 4 An employer pays an annual premium of \$1 000 on 1 July 2002. On 1 January 2003 a prescribed surcharge of 10% is introduced. The surcharge does not apply to the employer's already billed premium, but will apply at the prevailing rate when the next premium is paid on 1 July 2003.
- 5 An employer pays an annual premium of \$1 000 plus the 10% surcharge on 1 July 2002. On 1 January 2003 the surcharge is reduced to 5%. The decrease does not affect the surcharge already paid, but any adjustment of the premium billed after the reduction will incur the surcharge at the reduced rate.
- 6 An employer's premium for 2002-2003 is billed in monthly instalments of \$100, plus the 10% surcharge of \$10 (a total monthly payment of \$110), on the 10th of each month. On 1 January 2003, the surcharge is reduced to 5%. On 10 January 2003 the employer will have to pay the premium of \$100 plus a surcharge of \$5, making a total monthly payment of \$105.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act 2001*, s 126 and s 132).

6 Section 22

renumber subsections when Act next republished under Legislation Act 2001

7 Section 23

substitute

23 Exempt employers to pay surcharge

- (1) An employer granted an exemption under the Compensation Act, section 152 (Self-insurers) must pay to the manager an amount assessed by the manager on the advice of the committee.
- (2) The amount assessed by the manager under subsection (1) is the amount of the surcharge that would have been payable by the employer under this Act in relation to a compulsory insurance policy if no exemption had been granted to the employer under the Compensation Act, section 152.
- (3) Payment under subsection (1) for a financial year must be made within 30 days after the end of the financial year, unless otherwise allowed by the manager.
- (4) The manager may allow payments mentioned in subsection (3) to be made in instalments.

Endnote

Republications of amended laws

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

[Presentation speech made in Assembly on 29 August 2002]

I certify that the above is a true copy of the Workers Compensation Supplementation Fund Amendment Bill 2002 which was passed by the Legislative Assembly on 14 November 2002.

Clerk of the Legislative Assembly

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