



Australian Capital Territory

Workers Compensation Amendment Act 2013

A2013-46

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Australian Capital Territory

Workers Compensation Amendment Act 2013

A2013-46

An Act to amend the *Workers Compensation Act 1951*

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

1 Name of Act

This Act is the *Workers Compensation Amendment Act 2013*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Workers Compensation Act 1951*.

**4 Contributions to DI fund by approved insurers and self-insurers
Section 168A (2)**

substitute

- (2) The DI fund manager may—
- (a) apportion liability for the annual insurer contribution among approved insurers and self-insurers; and
 - (b) determine whether an insurer or self-insurer's apportioned liability must be paid—
 - (i) quarterly; or
 - (ii) if the DI fund manager considers it necessary for the sustainable functioning of the DI fund—within a time stated by the DI fund manager.

- (2A) The DI fund manager must state the apportioned liability of the annual insurer contribution as a percentage of—
- (a) for an approved insurer—the gross written premiums for the insurer; or
 - (b) for a self-insurer—the notional gross written premium for the self-insurer.

5 Section 168A (6), new note

insert

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

6 Section 168A (8), definitions of *gross written premiums* and *notional gross written premium*

omit

7 Supplementary contributions to DI fund by approved insurers and self-insurers Section 168AA (3)

substitute

- (3) Section 168A (2), (2A) and (3) apply to the apportionment of a supplementary annual insurer contribution under this section as if the contribution were an annual insurer contribution.

8 Effect of payment of claims Section 171I (1) (c), new note

insert

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

**9 Application of pt 8.3 to insurers
Section 179A (3), definition of *insurer's market share***

omit

section 210 (1) (Apportionment of costs of administration of Act)

substitute

section 210 (1) (Apportioning cost of administering workers compensation and safety legislation)

10 Section 210

substitute

210 Apportioning cost of administering workers compensation and safety legislation

- (1) The Minister may apportion liability for the cost of administering the workers compensation and safety legislation for a financial year among the entities that are approved insurers or self-insurers during the year.
- (2) To apportion liability for a financial year, the Minister must—
 - (a) determine the overall cost of administering the workers compensation and safety legislation for the year, based on either—
 - (i) the actual cost of administering the legislation; or
 - (ii) an estimate of the cost of administering the legislation; and
 - (b) as far as practicable, determine an amount of the cost of administering the workers compensation and safety legislation that is attributable, or estimated to be attributable, to each insurer and self-insurer for the year.

-
- (3) If the Minister apportions liability based on an estimate of costs for a financial year (an *estimate year*), the Minister must ensure each insurer and self-insurer's apportioned liability for a later financial year is adjusted to take into account—
- (a) the actual overall cost of administering the workers compensation and safety legislation for the estimate year; and
 - (b) the actual cost of administering the workers compensation and safety legislation that is attributable, or estimated to be attributable, to the insurer and self-insurer for the estimate year.
- (4) The Minister may apportion liability in relation to an estimate year, and give notice under section 210A for the year, before any actual cost of administering the workers compensation and safety legislation for the year has been incurred.
- (5) If an amount apportioned to an insurer or self-insurer is not paid within the time stated for payment in a notice under section 210A, the amount is a debt owing to the Territory by the insurer or self-insurer.
- Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).
- (6) An amount received because of an apportionment under this section must be paid into a directorate banking account maintained by the director-general in accordance with the [Financial Management Act 1996](#), section 34 (2).
- (7) For this section, the *cost of administering the workers compensation and safety legislation* includes a cost incurred by the Magistrates Court in relation to the workers compensation and safety legislation.

210A Notice of apportioned liability

- (1) If the Minister apportions liability under section 210, the Minister must give each approved insurer and self-insurer a written notice that—
 - (a) sets out details of the apportionment; and
 - (b) requires the insurer or self-insurer to pay to the Territory the amount apportioned to the insurer or self-insurer within the time for payment stated in the notice.
- (2) The time stated for payment in the notice must not be shorter than 30 days after the day the approved insurer or self-insurer receives the notice.
- (3) The Minister may amend or revoke a notice given under this section.
- (4) In subsection (1) (b):

the amount means either—

 - (a) an amount in dollars; or
 - (b) a percentage—
 - (i) for an approved insurer—of the gross written premiums for the insurer; or
 - (ii) for a self-insurer—of the notional gross written premium for the self-insurer.

11 Section 211 heading

substitute

211 Amounts for administering workers compensation and safety legislation

12 Section 211

omit

this Act

substitute

the workers compensation and safety legislation

13 Dictionary, new definitions

insert

gross written premiums, in relation to an approved insurer, means the total amount of premiums, less GST, for all insurance policies written by the insurer for a policy period.

notional gross written premium, in relation to a self-insurer, means the total amount of premium that would have been payable, less GST, if the self-insurer had obtained a compulsory insurance policy for a policy period.

workers compensation and safety legislation means this Act and the [Work Health and Safety Act 2011](#).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 August 2013.

2 Notification

Notified under the [Legislation Act](#) on 12 November 2013.

3 Republications of amended laws

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

I certify that the above is a true copy of the Workers Compensation Amendment Bill 2013, which was passed by the Legislative Assembly on 31 October 2013.

Clerk of the Legislative Assembly

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