



Australian Capital Territory

# Workers Compensation Amendment Act 2020

A2020-6

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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Australian Capital Territory

# Workers Compensation Amendment Act 2020

A2020-6

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An Act to amend the *Workers Compensation Act 1951*, and for other purposes

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

**1 Name of Act**

This Act is the *Workers Compensation Amendment Act 2020*.

**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**4 Legislation repealed**

The following legislation is repealed:

- *Workers Compensation (Family Day Care and In-Home Care) Declaration 2006 (No 1)* (NI2006-351)
- *Workers Compensation (Family Day Care and In-Home Care) Declaration 2018 (No 1)* (NI2018-415).

**5 Meaning of worker  
Chapter 3 heading, note 1**

*omit*

- family day care carer (s 16A)

*substitute*

- family day care educator (s 16A)

**6 Chapter 3 heading, note 2**

*omit*

carers

*substitute*

educators

**7 Liability of principal for uninsured contractor's injured worker  
Section 13 (5)**

*substitute*

- (5) Nothing in this section prevents a worker claiming compensation—
- (a) against a contractor instead of a principal; or
  - (b) if both the contractor and principal are uninsured—against the DI fund.

**8 Section 16A heading**

*substitute*

**16A Family day care educators**

**9 Section 16A (1) and (2)**

*substitute*

- (1) An educator engaged by an approved family day care service is taken to be a worker of the service.
- (2) Also, the Minister may make a declaration for this section—
- (a) if requested by an approved family day care service; or
  - (b) on the Minister's own initiative, if the Minister considers that people engaged by an approved family day care service should be treated as workers of the service.

**10 Section 16A (5)**

*substitute*

- (5) In this section:
- approved family day care service*—see the *Education and Care Services National Law (ACT)*, section 5 (1).

**educator**—see the *Education and Care Services National Law (ACT)*, section 5 (1).

*Note* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

**11 Approved insurers must give information  
Section 168 (1) (a)**

*omit*

earned premium

*substitute*

gross written premiums

**12 Section 168 (3)**

*omit*

**13 New chapter 20**

*insert*

**Chapter 20 Transitional—Workers  
Compensation Amendment  
Act 2020**

**265 Meaning of *amendment Act*—ch 20**

In this chapter:

***amendment Act*** means the *Workers Compensation Amendment Act 2020*.

**266 Effect of Workers Compensation (Family Day Care and In-Home Care) Declaration 2006 (No 1)**

The *Workers Compensation (Family Day Care and In-Home Care) Declaration 2006 (No 1)* (NI2006-351) is taken to have had effect—

- (a) on and after 2 July 2018 until it is repealed by the amendment Act; and
- (b) for all purposes as if the references in the declaration to approved family day care service and approved in-home care service were references to approved family day care service within the meaning of the *Education and Care Services National Law (ACT)*, section 5 (1).

**267 Effect of Workers Compensation (Family Day Care and In-Home Care) Declaration 2018 (No 1)**

The *Workers Compensation (Family Day Care and In-Home Care) Declaration 2018 (No 1)* (NI2018-415) is taken to have had effect—

- (a) on and after 1 September 2018 until it is repealed by the amendment Act; and
- (b) for all purposes as if the references in the declaration to approved family day care service and approved in-home care service were references to approved family day care service within the meaning of the *Education and Care Services National Law (ACT)*, section 5 (1).

**268 Expiry—ch 20**

This chapter expires on the day it commences.

*Note 1* If a law validates something, the validating effect of the law does not end only because of the repeal of the law (see [Legislation Act](#), s 88 (1)).

*Note 2* The expiry of transitional provisions does not end their effect (see [Legislation Act](#), s 88).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 19 September 2019.

**2 Notification**

Notified under the [Legislation Act](#) on 27 February 2020.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Workers Compensation Amendment Bill 2020, which originated in the Legislative Assembly as the Workers Compensation Amendment Bill 2019 and was passed by the Assembly on 20 February 2020.

Acting Clerk of the Legislative Assembly

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