

1999

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Osborne)

**Workers Compensation <sup>AMENDMENT</sup> Bill 1999**

**A BILL**

FOR

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

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

**Short title**

- 5 1. This Act may be cited as the *Workers Compensation Amendment Act 1999*.

**Commencement**

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

**Compulsory insurance - employers**

- 10 3. Section 17B of the Principal Act is amended-

- (a) By inserting in subsection (1) after "Penalty" the words "for a first offence";
- (b) By inserting in subsection (1) the following additional penalties-

"For a second or subsequent offence:

- 15 (c) if the offender is a natural person – 2 years imprisonment, or 250 penalty units, or both;
- (d) if the offender is a body corporate – 1,000 penalty units."

- (c) By inserting in subsection (2) after "250 penalty units" the following-

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" (c) if the offender is a natural person – 2 years imprisonment, or 250 penalty units, or both;  
(d) if the offender is a body corporate – 1,000 penalty units."

- (d) By inserting after subsection (2) the following subsections-

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"(2A) For the purposes of subsections (1) and (2) a director or officer of a body corporate shall be deemed to have committed the offence committed by the body corporate and shall, upon conviction, be subject to the same penalty as is applicable if the offence were committed by a natural person.

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(2B) Notwithstanding subsection (2A) an officer or director of a company shall not be convicted of an offence if he or she actively endeavoured to ensure that the relevant body corporate complied with the provisions of this section."

- (e) By omitting from subsection (5) "double" and substituting "treble".

#### 20 Provision of Information

4. Section 18 of the Principal Act is amended-

- (a) By inserting in subsection (1) "issue" before "renewal" wherever occurring.
- (b) By inserting in subsection (1) after "Penalty" the words "for a first offence".
- 25 (c) By inserting in subsection(1) after "250 penalty units" the additional penalties-
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" (c) for a second and subsequent offence, if the offender is a natural person - 2 years imprisonment, or 250 penalty units, or both;  
(d) for a second and subsequent offence, if the offender is a body corporate – 1,000 penalty units."

#### Insertion

5. Section 18 is amended by adding the following subsections-

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"(4) A person who knowingly provides false information in a statutory declaration referred to in subsection (1) or (2) is guilty of an offence:

Penalty:

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- (a) if the offender is a natural person - 2 years imprisonment or 250 penalty units for a first offence, 10 years imprisonment or 1,000 penalty units for a second or subsequent offence;
- (b) if the offender is a body corporate - 1,000 penalty units for a first offence, 10,000 penalty units for a second or subsequent offence.

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- (5) A person who has been convicted under section 17B or section 18 of a second or subsequent offence shall not be able to employ a worker of this Territory, or be the director or officer of any corporation employing a worker of this territory, for a period of five years from the date of conviction.

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Penalty: 5 years imprisonment.

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- (6) A person who aids, abets, counsels or procures, or by act or omission is in any way, directly or indirectly, knowingly concerned in knowingly providing false information in a statutory declaration referred to in subsection (1) or (2) shall be deemed to have committed the offence in subsection (4) and shall be punishable on conviction, accordingly."

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**Effects of payment by nominal insurer**

6. Section 18G of the principal Act is amended by inserting at the beginning of subsection (b) the words "three times".