2019

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Employment and Workplace Safety)

Workers Compensation Amendment Bill 2019

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(Minister for Employment and Workplace Safety)

Workers Compensation Amendment Bill 2019

A Bill for

An Act to amend the [Workers Compensation Act 1951](http://www.legislation.act.gov.au/a/1951-2" \o "A1951-2), and for other purposes

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

1 Name of Act

This Act is the *Workers Compensation Amendment Act 2019*.

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Workers Compensation Act 1951](http://www.legislation.act.gov.au/a/1951-2).

4 Legislation repealed

The following legislation is repealed:

 [Workers Compensation (Family Day Care and In-Home Care) Declaration 2006 (No 1)](https://www.legislation.act.gov.au/ni/2006-351/) (NI2006-351)

 [Workers Compensation (Family Day Care and In-Home Care) Declaration 2018 (No 1)](https://www.legislation.act.gov.au/ni/2018-415/) (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](http://www.legislation.act.gov.au/a/2011-42), s 6 applies the Education and Care Services National Law set out in the [Education and Care Services National Law Act 2010](http://www.legislation.vic.gov.au/) (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 2019

265 Meaning of amendment Act—ch 20

In this chapter:

amendment Act means the Workers Compensation Amendment Act 2019.

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)](https://www.legislation.act.gov.au/ni/2006-351/) (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)](https://www.legislation.act.gov.au/ni/2018-415/) (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](http://www.legislation.act.gov.au/a/2001-14), s 88 (1)).

Note 2 The expiry of transitional provisions does not end their effect (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 88).

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2019.

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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