

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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Workers Compensation Amendment Bill 2019

A Bill for

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

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

1 **1 Name of Act**

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

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Workers Compensation Act 1951*.

9 **4 Legislation repealed**

10 The following legislation is repealed:

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

15 **5 Meaning of worker**
16 **Chapter 3 heading, note 1**

17 *omit*

- 18 • family day care carer (s 16A)

19 *substitute*

- 20 • family day care educator (s 16A)

21 **6 Chapter 3 heading, note 2**

22 *omit*

23 carers

24 *substitute*

25 educators

- 1 **7 Liability of principal for uninsured contractor's injured**
2 **worker**
3 **Section 13 (5)**
- 4 *substitute*
- 5 (5) Nothing in this section prevents a worker claiming compensation—
6 (a) against a contractor instead of a principal; or
7 (b) if both the contractor and principal are uninsured—against the
8 DI fund.
- 9 **8 Section 16A heading**
- 10 *substitute*
- 11 **16A Family day care educators**
- 12 **9 Section 16A (1) and (2)**
- 13 *substitute*
- 14 (1) An educator engaged by an approved family day care service is taken
15 to be a worker of the service.
- 16 (2) Also, the Minister may make a declaration for this section—
17 (a) if requested by an approved family day care service; or
18 (b) on the Minister's own initiative, if the Minister considers that
19 people engaged by an approved family day care service should
20 be treated as workers of the service.
- 21 **10 Section 16A (5)**
- 22 *substitute*
- 23 (5) In this section:
24 *approved family day care service*—see the *Education and Care*
25 *Services National Law (ACT)*, section 5 (1).

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

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

8 **11 Approved insurers must give information**
9 **Section 168 (1) (a)**

10 *omit*
11 earned premium
12 *substitute*
13 gross written premiums

14 **12 Section 168 (3)**

15 *omit*

16 **13 New chapter 20**

17 *insert*

18 **Chapter 20 Transitional—Workers**
19 **Compensation Amendment**
20 **Act 2019**

21 **265 Meaning of *amendment Act*—ch 20**

22 In this chapter:

23 *amendment Act* means the *Workers Compensation Amendment*
24 *Act 2019*.

- 1 **266** **Effect of Workers Compensation (Family Day Care and**
2 **In-Home Care) Declaration 2006 (No 1)**
- 3 The *Workers Compensation (Family Day Care and In-Home Care)*
4 *Declaration 2006 (No 1)* (NI2006-351) is taken to have had effect—
- 5 (a) on and after 2 July 2018 until it is repealed by the amendment
6 Act; and
- 7 (b) for all purposes as if the references in the declaration to
8 approved family day care service and approved in-home care
9 service were references to approved family day care service
10 within the meaning of the *Education and Care Services National*
11 *Law (ACT)*, section 5 (1).
- 12 **267** **Effect of Workers Compensation (Family Day Care and**
13 **In-Home Care) Declaration 2018 (No 1)**
- 14 The *Workers Compensation (Family Day Care and In-Home Care)*
15 *Declaration 2018 (No 1)* (NI2018-415) is taken to have had effect—
- 16 (a) on and after 1 September 2018 until it is repealed by the
17 amendment Act; and
- 18 (b) for all purposes as if the references in the declaration to
19 approved family day care service and approved in-home care
20 service were references to approved family day care service
21 within the meaning of the *Education and Care Services National*
22 *Law (ACT)*, section 5 (1).
- 23 **268** **Expiry—ch 20**
- 24 This chapter expires on the day it commences.
- 25 *Note 1* If a law validates something, the validating effect of the law does not end
26 only because of the repeal of the law (see [Legislation Act](#), s 88 (1)).
- 27 *Note 2* The expiry of transitional provisions does not end their effect
28 (see [Legislation Act](#), s 88).

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 2019.

3 Republications of amended laws

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

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