

1994

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

WORKERS' COMPENSATION (AMENDMENT) BILL 1994

Amendments moved by the Minister for Industrial Relations

EXPLANATORY MEMORANDUM

Circulated by Authority of the Minister for Industrial Relations

David Lamont MLA

WORKERS' COMPENSATION (AMENDMENT) BILL 1994

Explanatory Memorandum for Amendments moved by the Minister for Industrial Relations to the Workers' Compensation (Amendment) Bill 1994.

There are four amendments to the Workers' Compensation (Amendment) Bill 1994 aimed at covering the situation of self-insurers under the Workers' Compensation Act 1951 who will not need to refer matters to an employer's insurer as is generally required by employers under provisions proposed in the Bill and one amendment to more clearly define the meaning of a term used in the Bill.

1. This amendment exempts employers who are self-insurers under the Workers' Compensation Act 1951 from the new requirement being introduced by new section 26A of the Workers' Compensation (Amendment) Bill 1994 to forward workers' compensation claim forms to their employer's insurer within 7 days of receipt. That requirement is inappropriate for self-insurers because they have responsibility to handle claims directly for their own employees.
2. The Workers' Compensation (Amendment) Bill 1994 contains a new section 26B which requires employers to take action to commence weekly compensation payments or refuse the claim within 28 days. In taking that action the employer is required to act in accordance with the direction of the employer's insurer. This amendment makes provision for the case of self-insurers who do not have an employer's insurer but are themselves acting as the insurer and therefore do not need to seek direction from an insurer when taking such action.
3. This is a technical amendment to new section 26B of the Workers' Compensation (Amendment) Bill 1994 which aims to clarify the meaning of "weekly payments claimed" appearing in the new section by redefining them to refer to Schedule 1 of the Act which covers these payments.
4. & 5. This amendment amends two references in new Section 26C of the Workers' Compensation (Amendment) Bill 1994 to cover the situation of exempt employers who as self-insurers are not able to seek the opinion of an employer's insurer when taking action to terminate payments.