

1994

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

**WORKERS' COMPENSATION (AMENDMENT) BILL 1994
SUPPLEMENTARY A**

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

Inclusion of reference to a Protocol in the legislation

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

These amendments to the Bill provide a statutory basis for the establishment of a protocol which will act as a code of practice regulating the parties in relation to occupational rehabilitation.

1. A new definition is inserted in the Act defining "protocol" as meaning a protocol approved under new section 15E.
2. A new section 15AB is inserted which provides that where an employer renders occupational rehabilitation services in accordance with the protocol then those services shall be taken to be appropriate, adequate and timely within the meaning of section 15A of the Bill. In effect an employer is given the option of either choosing to meet the obligations under section 15A of the Bill directly, or of following the requirements of the protocol which fully satisfies those requirements. Where the protocol is met then the employer has met the obligations imposed under 15A.
3. An amendment to section 15C of the Bill requires employers to develop their occupational rehabilitation policy in accordance with the protocol.
4. New sections 15E, 15F and 15G cover the establishment of the protocol.

New section 15E provides in subsection 1 for the Minister by instrument to approve a protocol and for amendments to the protocol and in subsection 2 specifies that the protocol may make provision for matters to be covered in an occupational rehabilitation policy; when occupation services are appropriate, adequate and timely; settlement of disputes; fulfilment of parties responsibilities under the Part; and any other matter necessary or convenient to be so dealt with for the carrying out of this Part.

New section 15F makes the Minister's instrument approving or amending the protocol a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act 1989 thereby ensuring that the establishment and changes to the protocol are subject to the scrutiny and possibility of disallowance by the Assembly.

New section 15G requires in subsection 1 that the Minister notify the establishment and changes to the protocol in a newspaper published and circulated in the Territory and to provide information where copies may be purchased and where copies may be inspected, and in subsection 2 requires that the Minister ensure that copies are for sale and available for inspection.