



## EXPLANATORY STATEMENT

### **WORKERS COMPENSATION PRIVACY WAIVER 2002 (No 1)**

#### **NOTIFIABLE INSTRUMENT NI 2002—207**

##### *Workers Compensation Act 1951*

##### *Legislative context*

The *Workers Compensation Act 1951* and the *Workers Compensation Regulations 2002* establishes a framework to rehabilitate injured workers. Employers, insurers and injured employees are obliged to cooperate in the development and implementation of personal injury plans.

The *Workers Compensation Regulations 2002* provides for the Minister's approval of insurers, who are considered suitable for selling workers compensation insurance policies in the Territory. Regulation 78 states it is a condition of an insurer's approval to comply with any protocols, relating to insurers, made by the Minister. Regulation 100 empowers the Minister to make protocols about the requirements for, or the contents of, forms and other documents used in relation to injury management and claims.

##### *Outline*

The Privacy Waiver 2002 enables injured workers to participate in injury management, provided by insurers, by waiving health privacy obligations upon health service providers under the ACT's *Health Records (Privacy and Access) Act 1997* and the Federal *Privacy Act 1988*.

The waiver enables doctors, rehabilitation specialists and insurers to share relevant information about a person's work related injury. The information is essential to establish a personal injury plan for the person.

Insurers are required to use the words cast in the protocol or words that give effect to the protocol.

##### *Financial Impact*

Creating a protocol for the privacy waiver has no financial impact.