

**2010**

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

**WORKERS COMPENSATION AMENDMENT REGULATION 2010 (NO 1)  
SL2010-17**

**EXPLANATORY STATEMENT**

**Presented by  
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Minister for Industrial Relations**

## **Workers Compensation Amendment Regulation 2010 (No 1)**

### **OUTLINE**

Section 223(2)(k) of the *Workers Compensation Act 1951* (the Act) provides for regulations to be made that allow the Minister to approve ‘protocols’. For these purposes, the Act defines ‘protocols’, generally, to mean any protocol approved by the Minister that prescribes how certain activities under the Act should be performed.

The use of protocols allows the Government to ensure that specified activities related to the Act are conducted in a consistent manner in accordance with principles of equity, transparency and accountability.

The *Workers Compensation Amendment Regulation 2010 (No 1)* (the 2010 Regulation) introduces amendments to the *Workers Compensation Regulation 2002* (the Regulation) that are intended to:

- enhance the effective operation of the ACT Private Sector Workers’ Compensation Scheme (the Scheme);
- create transparency around the administration of the Act by approved insurers; and
- ensure that all of the approved insurers are accountable for the day-to-day application of their legislative obligations, powers and functions in an equitable and consistent manner.

These objectives are met through the introduction of a new regulation 100A, which creates an express basis for the Minister to approve protocols prescribing how approved insurers are required to discharge their role within the overall Scheme. This amendment will provide the Minister with a mechanism to deal with administrative issues regarding the application of the Act to the approved insurers’ businesses in a flexible, responsive and efficient manner. Moreover, it will ensure that there is consistency in the market and allow Territory employers to have confidence in a common adoption of the Scheme’s legal framework by the approved insurers.

New regulation 100A also specifically authorises the Minister to approve protocols prescribing how the approved insurers are required to make their annual contribution to the funding of the Default Insurance Fund (the DI Fund), including the manner in which this cost (the DI Fund levy) must be disclosed to employers.

These amendments will allow the Government to utilise protocols as a means of ensuring that all approved insurers adopt consistent disclosure practices regarding the information provided to employers who comply with their obligations under the Act and obtain a compulsory insurance policy. Consistent disclosure practices will result in a greater transparency around, and understanding of, the costs borne by Territory employers in connection with their workers' compensation obligations.

## **Workers Compensation Amendment Regulation 2010 (No 1)**

### **Detail**

#### **Clause 1 — Name of Regulation**

This is a technical clause that names the Regulation. This Regulation is the *Workers Compensation Amendment Regulation 2010 (No 1)*.

#### **Clause 2 — Commencement**

The Regulation commences on the day after its notification.

#### **Clause 3 — Legislation amended**

This clause identifies the Regulation to be amended, namely the *Workers Compensation Regulation 2002*.

#### **Clause 4 — New section 100A**

This section gives effect to the Minister's power to approve protocols prescribing how the approved insurers are required to:

- Perform their function within the Scheme, including the undertaking of activity that they are either required or authorised to take under the Act;
- Make annual contributions to the DI Fund; and
- Comply with their disclose obligations under the Act in providing information to the Government and/or Territory employers.

All protocols approved by the Minister under this section are notifiable instruments for the purposes of the *Legislation Act 2001*.