

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

**MAGISTRATES COURT (WORKERS COMPENSATION INFRINGEMENT  
NOTICES) AMENDMENT REGULATION 2011 (No 1)**

**SL2011—13**

**EXPLANATORY STATEMENT**

Circulated by authority of the  
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Attorney General

## **Outline**

The *Workers Compensation Act 1951* (the Act) establishes a statutory workers' compensation insurance scheme for the ACT private sector (the Scheme). The Scheme provides a safety net of benefits, rehabilitation, care and support for ACT workers who suffer an injury arising out of, or in the course of, their employment.

At the cornerstone of the Scheme is the obligation on an employer to obtain and maintain a compulsory insurance policy with an approved insurer. Failure to satisfy this obligation is a strict liability offence with a maximum penalty of 50 penalty units.

Effective from December 2009 an employer who fails to maintain a compulsory insurance policy faces an escalating hierarchy of penalties and compliance action by the Scheme's Regulator.

Part 3.8 of the *Magistrates Court Act 1930* provides that offences prescribed by a regulation made under the Magistrates Court Act can be dealt with by way of an infringement notice. The *Magistrates Court (Workers Compensation Infringement Notices) Regulation 2006* came into effect in 2006 and created a framework to enable infringement notices to be issued for specified offences of the Act – including an employer's failure to obtain and maintain a compulsory insurance policy.

The *Magistrates Court (Workers Compensation Infringement Notices) Amendment Regulation 2011 (No 1)* updates the Schedule of offences that fall within this framework to reflect the revised workers' compensation offence provisions.

The ability to issue infringement notices for offences against the Act allows for immediate action to be taken against employers who fail to discharge their obligations to provide adequate insurance arrangements for their workforce.

These infringement notices will provide non-compliant employers with the opportunity to accept a reduced penalty and avoid criminal conviction in relation to the suspected offence, and ensure that specified offences can be dealt with in a de-criminalised framework – allowing a smaller number of cases to require an investment of the Court's resources.

## **Clause Notes**

### **1. Name of regulation**

This clause declares the name of the regulation, the Magistrates Court (Workers Compensation Infringement Notices) Amendment Regulation 2011 (No 1).

### **2. Commencement**

This clause provides that the regulation will commence on the day following its notification.

### **3. Legislation amended**

This clause specifies the legislation to be amended by the regulation.

#### **4. Schedule 1, table**

This clause substitutes the updated offences set out by the *Workers Compensation Act 1951* in respect of which an infringement notice may be issued under the regulation and the penalties payable.