

Australian Capital Territory

Workers Compensation Amendment Regulation 2014 (No 1)

Subordinate law SL2014–36

made under the

Workers Compensation Act 1951, Section 223 (Regulation-making power)

EXPLANATORY STATEMENT

Overview

These amendments to the *Workers Compensation Regulation 2002* (the Regulation) are intended to facilitate the timely, cost effective resolution of disputes under the *Workers Compensation Act 1951*.

The Regulation is amended to only mandate conciliation prior to arbitration where it is agreed to by both parties. The amendments will also allow parties to proceed to arbitration without first going through conciliation in circumstances where there are no conciliators available.

Clause notes

Clause 1 **Name of regulation**

This clause provides for the name of the regulation as the *Workers Compensation Amendment Regulation 2014 (No 1)*.

Clause 2 **Commencement**

This clause provides for the commencement of the regulation as the day after its notification day.

Clause 3 **Legislation amended**

This clause provides that the regulation amends the *Workers Compensation Regulation 2002*.

Clause 4 Section 36 (1)

This section relates to the appointment of conciliators. This section is amended to state that the Minister *may* appoint conciliators rather than that the Minister *must* appoint conciliators.

Clause 5 Section 38 (1)

This section relates to matters concerning when a conciliation is held. This section is amended to require a conciliation be held only in circumstances where both parties agree and a conciliator is available.

Clause 6 Section 39

This clause amends section 39 of the Regulation to reflect that both parties must have requested a conciliator to help them reach agreement on a matter in issue arising from the worker's claim for compensation.

Clause 7 Section 48

This clause sets out the circumstances in which an injured worker or the worker's employer may file an application for arbitration. Either party may file an application for arbitration of a matter in issue arising from the worker's claim for compensation or the insurer's rejection of the worker's claim for compensation. However, where both parties have agreed to conciliation, they may only file for arbitration if they have attended the conciliation and either the matter was not resolved or the conciliator decided that the matter was not suitable for conciliation.