

Australian Capital Territory

Workers Compensation Amendment Regulation 2020 (No 1)

Subordinate law SL2020–40

made under the

Workers Compensation Act 1951, section 223 (Regulation-making powers)

EXPLANATORY STATEMENT

PURPOSE AND OUTLINE

The purpose of this Regulation is to amend the *Workers Compensation Regulation 2002* (the WC Regulation) to insert temporary provisions to provide a 12-month extension of workers' compensation insurer approvals and self-insurer exemptions.

The extensions are required following the introduction of a new licensing framework *Workers Compensation Act 1951* (WC Act), as amended by the *Employment and Workplace Safety Legislation Amendment Act 2020* (EWSLA Act). These amendments will commence on 9 January 2021. However, as current workers' compensation insurer approvals and self-insurer exemptions will expire in December 2020, this amendment Regulation will provide a temporary short-term extension to current approvals/exemptions to allow sufficient time to implement the new licensing framework.

The amendments will establish a mechanism for granting a short-term, 12 month extension based on the provision of streamlined application information by insurers and self-insurers to ensure they continue to meet their obligations under the WC Act.

CONSISTENCY WITH HUMAN RIGHTS

These amendments do not engage the *Human Rights Act 2004* (HR Act).

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CLAUSE NOTES

Clause 1 Name of Regulation

This clause provides that the name of the regulation is the *Workers Compensation Amendment Regulation 2020 (No 1)*.

Clause 2 Commencement

This regulation commences on the day after its notification day.

Clause 3 Legislation amended

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

Clause 4 New part 13

This clause inserts a new part 13 in the WC Regulation to establish a transitional part in response to amendments yet to commence under the EWSLA Act.

The new section 104 will amend the WC Regulation to insert a temporary provision which allows the Work Health Safety Commissioner, who currently has delegated powers to grant exemptions to self-insurers, to extend a self-insurer exemption for a 12-month period to 31 December 2021.

Section 104 also prescribes the information that must be provided by a self-insurer in support of the extension. The information prescribed is of a limited nature intended to simplify the process for the short-term extension.

The new section 105 will amend the WC Regulation to insert a temporary provision which allows the Work Health Safety Commissioner, who currently has delegated powers to grant workers' compensation insurer approvals, to extend an insurer's approval beyond the current 3-year period specified in section 70 of the WC Regulation. It provides that an extension may be granted for a 12-month period to 31 December 2021.

Section 105 also prescribes the information that must be provided by an insurer in support of the extension. The information prescribed is of a limited nature intended to simplify the process for the short-term approval.

The new section 106 inserts an expiry provision confirming the temporary nature of the amendments in this amendment Regulation which will expire on the day the EWSLA Act, part 3 commences. Approvals and exemptions granted under section 104 or section 105 will continue to be valid only until 31 December 2021.