



Australian Capital Territory

Workers Compensation Amendment Regulations 2002 (No 1)

Subordinate Law SL2002-29

The Australian Capital Territory Executive makes the following regulations under the *Workers Compensation Act 1951*.

Dated 21 October 2002.

SIMON CORBELL
Minister

BILL WOOD
Minister



Australian Capital Territory

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made under the

Workers Compensation Act 1951

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1 Name of regulations

These regulations are the *Workers Compensation Amendment Regulations 2002 (No 1)*.

2 Commencement

These regulations commence on the day after their notification day.

Note The provisions of regulations providing for the name and commencement automatically commence on the notification day (see *Legislation Act 2000*, s 75 (1)).

3 Regulations amended

These regulations amend the *Workers Compensation Regulations 2002*.

4 Regulation 7

substitute

7 Approval of clinically relevant research

- (1) The Minister may, in writing, approve information (including information on an internet site) as clinically relevant research.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) An approval may apply, adopt or incorporate an instrument, or a provision of an instrument, as in force from time to time.

Note The *Legislation Act 2001*, s 47 (3) provides that a statutory instrument may apply an instrument or provision of an instrument as in force only at a particular time. Subsection (3) allows the approval to also apply, adopt or incorporate an instrument as in force from time to time.

- (4) The *Legislation Act 2001*, section 47 (5) and (6) does not apply to an instrument or a provision of an instrument mentioned in subregulation (3).

Note The text of an applied, adopted or incorporated instrument, whether applied as in force at a particular time or from time to time, is taken to be a notifiable instrument if the operation of the *Legislation Act 2001*, s 47 (5) or (6) is not disapplied (see s 47 (7)).

5 New regulation 10 (3A)

insert

- (3A) Subsection (3) does not prevent a medical assessment of the worker happening with less than the 2 weeks notice if the parties agree to the shorter notice.

6 Regulation 10

renumber subregulations when regulations next republished under Legislation Act 2001

7 Regulation 45

substitute

45 Who pays for conciliation?

- (1) The insurer must meet all costs and disbursements of, and incidental to, the conciliation.
- (2) If a party is represented at conciliation by a representative (including a lawyer), the conciliator may allow the representative to claim from the insurer reasonable costs and disbursements of, and incidental to, the conciliation.

8 Regulation 46 (3)

substitute

- (3) This regulation expires on 1 July 2006.

9 Regulation 47 (1)

substitute

- (1) The Minister may, in writing, approve a protocol about—
 - (a) the administration of conciliations; or
 - (b) costs and disbursements of, and incidental to, conciliations, including maximum amounts conciliators may allow under regulation 45 (Who pays for conciliation?); or
 - (c) the giving of information to the Minister by conciliators or other people about conciliations in a way that maintains the confidentiality of conciliations.

10 Regulation 62

substitute

62 Insurer to tell employer about certain obligations

- (1) The insurer must tell the employer about the employer's obligations under the sections of the Act mentioned in subregulation (3) (the *required information*) in the compulsory insurance policy or in accordance with subregulation (2).
- (2) If the compulsory insurance policy does not contain the required information, the policy must provide that the insurer must tell the employer the required information within 14 days after the day the policy is issued.
- (3) The sections of the Act are as follows:
 - section 156 (Information for insurers before renewal);
 - section 157 (Information for insurers after end of policy);
 - section 158 (Information for insurers about reporting period);
 - section 159 (Information for insurers after cancellation).

11 Regulation 86 (1) (k)

substitute

- (k) evidence that the employer has in place an occupational health and safety management system that complies with Australian Standard 4801 as in force from time to time;

Note The text of an applied, adopted or incorporated instrument, whether applied as in force at a particular time or from time to time, is taken to be a notifiable instrument if the operation of the *Legislation Act 2001*, s 47 (5) or (6) is not disapplied (see s 47 (7)).

12 Regulation 86 (5)

substitute

- (5) The *Legislation Act 2001*, section 47 (6) does not apply to the Australian Standard mentioned in subregulation (1) (k).

13 New regulation 95A

insert in part 11

95A Maximum premium rates for group trainers in building and construction industry—Act, s 176

- (1) The prescribed maximum rate of premium for a group trainer in relation to trainees in the building and construction industry is 15% of the total wages paid to the trainees by the group trainer.
- (2) In this regulation:

building and construction industry—see the *Long Service Leave (Building and Construction Industry) Act 1981*, section 3 (1) (Interpretation for Act).

group trainer means a registered provider that, as a business (a *labour hire business*), places trainees with employers relevant to the trainees' training agreements for the duration of their agreements.

registered provider—see the *Vocational Education and Training Act 1995*, section 4 (1) (Definitions for Act).

trainee, in relation to a group trainer, means an individual employed by the group trainer who is obliged under a training agreement to undertake training.

training agreement—see the *Vocational Education and Training Act 1995*, section 4 (1).

- (3) This regulation expires on 11 September 2003.

14 New part 12

insert

Part 12 Modifications of Act

101 Modification of Act, ch 16

Schedule 4 modifies the Act, chapter 16 (Transitional).

102 Expiry of pt 12 and sch 4

This part and schedule 4 expire on 1 July 2004.

15 New schedule 4

insert

**Schedule 4 Modification of Act,
chapter 16**

(see reg 101)

4.1 New section 240A

insert

240A Work experience students

- (1) An individual is taken not to be a *worker* employed by a person (the *principal*) for the current Act, section 14 (Trainees), if—
- (a) the engagement of the individual by the principal is arranged by an educational institution at which the individual is enrolled; and
 - (b) the engagement is part of a work experience program (however described) run by the educational institution.

Example of work experience program

work placement program

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act 2001*, s 126 and s 132).

- (2) In this section:

educational institution means—

- (a) a school, college or other educational institution established or maintained on behalf of the Territory; or
- (b) a school registered, or provisionally registered, under the *Education Act 1937*, part 3 (Registered schools); or

- (c) an educational institution established under a Territory law or a law of the Commonwealth or a State.
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Endnotes

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

Notification

- 2 Notified under the *Legislation Act 2001* on 25 October 2002.
(see www.legislation.act.gov.au)

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