

**House of Assembly—No 140**

As laid on the table and read a first time, 28 September 2011

South Australia

**Workers Rehabilitation and Compensation  
(Employer Payments) Amendment Bill 2011**

A BILL FOR

An Act to amend the *Workers Rehabilitation and Compensation Act 1986*; and to make consequential amendments to the *Stamp Duties Act 1923*, the *WorkCover Corporation Act 1994* and the *Work Health and Safety Act 2011*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Workers Rehabilitation and Compensation (Employer Payments) Amendment Act 2011*.

#### 5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Workers Rehabilitation and Compensation Act 1986*

### 4—Amendment of section 3—Interpretation

- 5 (1) Section 3(1), definition of *compensable disability*—delete the definition and substitute:

*compensable injury* means an injury that is compensable by virtue of section 30;

- (2) Section 3(1), definition of *disability*—delete the definition

- (3) Section 3(1)—after the definition of *industry* insert:

10 *injured worker*—an injured worker is any worker who has suffered an injury (or, where the context admits, has died);

*injury*, in relation to a worker, means—

- (a) any physical or mental injury including—

- 15 (i) loss, deterioration or impairment of a limb, organ or part of the body, or of a physical, mental or sensory faculty; or  
(ii) a disease; or  
(iii) disfigurement; or

(b) where the context admits—the death of the worker,  
and includes a secondary injury;

- 20 (4) Section 3(1), definition of *review authority*, (a)—delete paragraph (a) and substitute:

- (a) a person or body conducting a review under section 72N; or

- (5) Section 3(1), definition of *secondary disability*—delete the definition and substitute:

*secondary injury* means an injury that is, or results from, the aggravation, acceleration, exacerbation, deterioration or recurrence of a prior injury;

- 25 (6) Section 3(1), definition of *trauma*—delete "disability" and substitute:

injury

- (7) Section 3(1), definition of *unrepresentative disability*—delete the definition and substitute:

30 *unrepresentative injury* means an injury arising from an attendance mentioned in section 30(3) or a journey mentioned in section 30(5)(b);

*WorkCover premium order* means a WorkCover premium order under section 71;

*WorkCover premium provisions*—see section 66(1);

- (8) Section 3—after subsection (11) insert:

- 35 (11a) For the purposes of this Act, 2 or more workplaces in close proximity may, if the Corporation so determines, be regarded as a single workplace.

- (9) Section 3(13)—delete "Minister" and substitute:

Corporation

- (10) Section 3(13)—after "notice in the Gazette" insert:

(and for the purposes of this Act the Corporation may specify information that may be provided in a specified form, not being in the nature of a written or printed form, which will satisfy a requirement as to the provision of information in a designated form)

### **5—Amendment of section 45A—Compensation payable on death—lump sums**

- (1) Section 45A—after subsection (11) insert:

(11a) If the worker leaves a partially dependent partner or partially dependent partners and no dependent partner and no dependent child, the partially dependent partner, or each of the partially dependent partners, is entitled to the amount of compensation being such share of a sum not exceeding the prescribed sum that the Corporation considers is reasonable and appropriate to the loss of that dependent.

- (2) Section 45A—after subsection (16) insert:

(17) If the worker does not leave any person who is a dependent, or who is taken to be a dependent, under this section, an amount equal to the prescribed sum is payable to the worker's estate (and if a payment is made under this subsection then no further payment may be made under subsection (16)).

### **6—Amendment of section 46—Incidence of liability**

- (1) Section 46(6a)—delete "unrepresentative disability" and substitute:

unrepresentative injury

- (2) Section 46(8b)—delete "2 business days" and substitute:

5 days

### **7—Amendment of section 54—Limitation of employer's liability**

- (1) Section 54(7)(d)—after subparagraph (iii) insert:

and

(iv) in a case involving contributory negligence on the part of a worker, the amount to be recovered from the wrongdoer by the claimant under this subsection must be adjusted to the extent that is just and equitable having regard to the extent to which the wrongdoer establishes that the contributory negligence contributed to the occurrence of the relevant injury;

- (2) Section 54(7)(g)(i)—delete subparagraph (i) and substitute:

(i) may be heard and determined in proceedings brought in the District Court of South Australia; and

(3) Section 54(8)—before the definition of *damages* insert:

*contributory negligence* means a failure by a worker to take reasonable care for his or her own protection or the protection of his or her own interests;

## 8—Amendment of section 62—Applications and changes in details for registration

Section 62—after subsection (2) insert:

(3) An employer must, in prescribed circumstances and within a period prescribed by the regulations, provide to the Corporation in a designated manner and form information relating to a change in any details or information relevant to—

- (a) the registration of the employer; or
- (b) the activities or circumstances of the employer; or
- (c) any other matter prescribed by the regulations.

Maximum penalty: \$5 000.

## 9—Amendment of section 64—Compensation Fund

Section 64(2)(a)—delete "levies" and substitute:

premiums, supplementary payments or fees

## 10—Substitution of Part 5 Divisions 4 to 7 (inclusive)

Part 5 Divisions 4 to 7 (inclusive)—delete the Divisions and substitute:

### Division 4—WorkCover premium requirements

#### Subdivision 1—Preliminary

##### 65—Preliminary

In this Division—

*class* of industry includes a subclass;

*remuneration* includes payments made to or for the benefit of a worker which by the determination of the Corporation constitute remuneration but does not include payments determined by the Corporation not to constitute remuneration.

#### Subdivision 2—Premiums (terms and conditions)

##### 66—Premiums (terms and conditions)

- (1) The Corporation may, from time to time, after consultation with the Minister, publish in the Gazette a set of terms and conditions that will apply in relation to the calculation, imposition and payment of premiums for the purposes of this Act (and these terms and conditions will be referred to as *WorkCover premium provisions*).

- (2) WorkCover premium provisions may—
- (a) apply differently according to—
    - (i) categories of employers; and
    - (ii) different factors of a specified kind; and
  - (b) authorise any matter to be determined, applied or regulated by a specified person or body.
- (3) Without limiting any other provision, WorkCover premium provisions may specify various principles, weights, adjustments, caps, assumptions or exclusions that will apply in relation to the constitution or determination of remuneration or the costs of claims.
- (4) WorkCover premium provisions will not apply to—
- (a) a self-insured employer; or
  - (b) an employer who is exempt from the requirement to be registered under Division 1.

### **Subdivision 3—Premiums (general principles)**

#### **67—Liability to pay premiums**

- (1) Subject to this Part, an employer will be liable to pay, in relation to each period specified by the WorkCover premium provisions or a WorkCover premium order that applies in relation to the employer, a premium or premiums in accordance with the requirements of this Act.
- (2) An employer—
- (a) who is a self-insured employer; or
  - (b) who is exempt from the requirement to be registered under Division 1; or
  - (c) who is exempt from the requirement to pay a premium by a regulation made for the purposes of this paragraph,
- is not required to pay a premium under this Division.
- (3) A person who ceases to be an employer may be entitled to a partial refund of any premium that has been paid calculated in accordance with any relevant provision of the WorkCover premium provisions or a WorkCover premium order that applies in relation to the employer.
- (4) An employer who is in breach of the requirement to be registered under this Act will, in addition to any other penalty, be liable to a fine fixed by the Corporation not exceeding 3 times the amount of premium that would have been payable under this Act had the employer been registered as required.
- (5) The Corporation may for any proper reason remit a fine imposed under subsection (4) wholly or in part.

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- (6) The imposition of a fine under subsection (4) does not satisfy or affect any liability or requirement to pay any premium under this Act.
  - (7) Nothing in this section affects the adjustment of a premium or the imposition of a fine under another provision of this Act.

### **68—Employer categories**

- 10
- (1) Subject to subsection (2), the regulations may, for the purposes of this Division, divide employers into various categories.
  - (2) The Corporation may, if it considers it appropriate to do so and after applying criteria or factors specified by the regulations for the purposes of this subsection (if any), assign an employer to a category that is different to the category that would apply under subsection (1).

### **69—Classes of industry**

- 15
- (1) The Corporation may, for the purposes of the calculation of premiums, divide the industries carried on in the State into various classes.
  - (2) The Corporation may determine any question as to the class of industry in which an employer employs workers.
  - (3) In determining the class of industry in which an employer employs workers the following provisions will be applied:
    - (a) if the employer employs a worker in 2 or more classes of industry—
      - 25 (i) the worker will, subject to any determination by the Corporation to the contrary, be treated as if solely employed in the class of industry in which he or she is predominantly employed; and
      - (ii) if it is not possible to determine which is the predominant class, the worker will be treated as if solely employed in a class of industry determined by the Corporation;
    - (b) subject to paragraphs (c) and (d)—if the employer employs workers in different classes of industry all workers employed by the employer will, if the Corporation so determines, be treated as engaged in the predominant class of industry;
    - (c) if the employer employs workers at 2 or more workplaces, all workers employed at a particular workplace will, if the Corporation so determines, be treated as engaged in the predominant class of industry conducted at that workplace;
    - (d) in determining what is the predominant class of industry, the Corporation will have regard to—
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- (i) the importance within the employer's total operations of each class of industry in which workers are employed; and
  - (ii) any other factor determined to be relevant by the Corporation;
- (e) the Corporation may make any other determination or apply any other principle of a kind prescribed by the regulations.
- 10 (4) The Corporation may, as it thinks fit, review and revise a determination previously made under or for the purposes of this section.
- (5) A revision may be made under subsection (4) at any time (including in respect of a period that is underway).

### **70—Industry rates and base premiums**

- 15 (1) The Corporation must, in relation to each class of industry, fix a rate (expressed as a percentage and to be called the "industry premium rate") that is to be applied for the purposes of determining base premiums under subsection (10).
- (2) The rates under subsection (1)—
- 20 (a) must be fixed by the Corporation by notice in the Gazette; and
- (b) may be varied by the Corporation by subsequent notice in the Gazette.
- (3) Subject to subsections (5) and (9), a percentage fixed under subsection (1) in relation to a class of industry must not exceed a
- 25 limit prescribed by the regulations.
- (4) In fixing the percentage applicable to a particular class of industry the Corporation must apply any criteria or principles specified by the regulations subject to the qualification that the Corporation may fix a
- 30 minimum industry rate for the purposes of this section.
- (5) The Corporation may fix a percentage in excess of the limit prescribed under subsection (3) in relation to a particular class of industry if in each of 2 consecutive years the Corporation's estimate of the aggregate cost of claims in respect of injuries attributable to
- 35 traumas occurring in the year in the relevant class exceeds 30% of the aggregate remuneration paid to workers in that class that is used for the purposes of the calculation of premium.
- (6) The Corporation may apply any principle determined by the Corporation to be appropriate for the purposes of making an estimate of the aggregate cost of any claims (or any claims of a specified class under subsection (5)).
- 40 (7) A percentage fixed under subsection (5) must not exceed a limit prescribed by the regulations.

- (8) A percentage fixed under subsection (5) must be reviewed annually by the Corporation and applies until it is revoked or varied by the Corporation.
- (9) The Corporation may fix a percentage in excess of the limit prescribed under subsection (3) in relation to a particular employer with the agreement of the employer.
- (10) A base premium under this Act, in its application to a particular industry, is determined as follows:

$$BP = \text{remuneration} \times \text{industry premium rate}$$

Where

*BP* is the base premium

*remuneration* is the remuneration payable by an employer to workers employed in the particular industry

*industry premium rate* is the industry premium rate for the relevant class of industry.

#### Subdivision 4—Premiums (calculation and application)

##### 71—Premiums

- (1) A premium payable by an employer in relation to a particular period (other than an employer who is not liable to pay a premium under this Division) will be—
- (a) determined in accordance with a WorkCover premium order under this section; or
  - (b) to the extent that a WorkCover premium order does not apply to the employer—the aggregate base premiums applying to that employer in respect of all classes of industry in which the employer employs workers (subject to any adjustments or requirements that apply in the circumstances).
- (2) For the purposes of subsection (1)(a), the Corporation may, after consultation with the Minister and applying any principle specified by the Minister for the purposes of this section, fix the manner in which a premium payable by an employer (or a person who proposes to become an employer) will be calculated.
- (3) The Corporation must, for the purposes of subsection (2), publish an order (or orders) in the Gazette (and any such order will be referred to as a *WorkCover premium order*).
- (4) A WorkCover premium order will take effect from the commencement of a financial year specified by the order (and will then apply, including in relation to a succeeding financial year, until superseded by another WorkCover premium order).

- (5) A WorkCover premium order may—
- (a) apply generally or be limited in its application by reference to specified factors or exceptions; and
  - (b) apply differently according to—
    - (i) categories of employers; and
    - (ii) different factors of a specified kind; and
  - (c) authorise any matter to be determined, applied or regulated by a specified person or body,
- or may do any combination of these things.
- (6) Without limiting a preceding subsection, a WorkCover premium order may—
- (a) apply any principle relevant to the claims experience of a particular category or class of employer, or the size of an employer (after applying such principles or assumptions as the Corporation thinks fit); and
  - (b) fix and apply various principles, weights, adjustments, caps, limits (including limits on the reduction of premiums), assumptions or exclusions according to specified factors; and
  - (c) without limiting any other provision, specify any adjustment or assumption relating to the remuneration paid to workers over a particular period (including a period into the future); and
  - (d) allow employers who satisfy any specified criteria, on application and at the discretion of the Corporation, to pay a premium determined by the Corporation according to an alternative set of principles—
    - (i) specified in the order; or
    - (ii) specified in another WorkCover premium order that applies in the circumstances; or
    - (iii) agreed between the Corporation and the employer; and
  - (e) require that employers of a specified class must provide a deposit, bond or guarantee, or some other form of security, specified in the order; and
  - (f) make any other provision or impose any other requirement prescribed by the regulations.
- (7) Subject to any remission or reduction of premium granted by the Corporation, where—
- (a) the amount of premium payable by an employer in respect of a designated period would, apart from this subsection, be less than the designated minimum premium; or

- (b) an employer is registered but no premium would, apart from this subsection, be payable by the employer for a designated period,

the premium payable by the employer for the designated period is the designated minimum premium.

- (8) For the purposes of subsection (7), the Corporation may, from time to time, as part of the WorkCover premium provisions, fix—
- (a) the designated period; and
- (b) the designated minimum premium.
- (9) The Corporation may, if it considers that there is an error in a WorkCover premium order, after consultation with the Minister, amend the WorkCover premium order by notice in the Gazette.
- (10) A notice under subsection (9) may, if the notice so provides, take effect from a date that is earlier than its date of publication (being on or after the date on which the relevant WorkCover premium order took effect).

## **72—Premium stages**

- (1) A premium in relation to a particular period (being a period determined by the Corporation) may be constituted by—
- (a) an *initial premium* calculated on the basis of estimates and assumptions made at, or in relation to, the beginning of the period after applying any principles specified by the Corporation in the WorkCover premium provisions or in a WorkCover premium order;
- (b) an *adjusted premium* at any time during the period based on applying any principles or requirements specified by the Corporation in the WorkCover premium provisions or in a WorkCover premium order;
- (c) a *hindsight premium* calculated on the basis of actual amounts and information known or determined by the Corporation at the end of the period after applying any principles or requirements specified by the Corporation in the WorkCover premium provisions or in a WorkCover premium order.
- (2) Subject to this section, an initial premium will be payable by a date specified by the Corporation for the purposes of this subsection.
- (3) The Corporation may adjust a premium at any time during the relevant period and any amount that becomes due on account of that adjustment (the adjusted premium) will, subject to this section, be payable by a date specified by the Corporation for the purposes of this subsection.
- (4) A hindsight premium will be payable after the end of the relevant period by a date specified by the Corporation for the purposes of this subsection (unless a hindsight premium does not need to be paid).

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- (5) If the Corporation so allows, an employer may elect to pay an initial premium or an adjusted premium by instalments, at such times and of such amounts as the Corporation may determine.
- (6) Subject to this Act, if the initial premium, and an adjusted premium (if any), paid by an employer in relation to a particular period exceed the employer's liability to pay premium for that period, the Corporation may at the Corporation's discretion (but subject to the regulations)—
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- (a) refund the difference to the employer; or
- (b) set off the difference against existing or future liabilities of the employer to make payments of premium under this Part.
- (7) The Corporation may grant discounts or other incentives in order to encourage the payment of any premium in advance.
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- (8) The Corporation may, in prescribed circumstances, remit any premium payable by an employer under this section wholly or in part.
- (9) This section applies subject to—
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- (a) any alternative arrangements agreed between the Corporation and an employer as part of an alternative set of principles applied under section 71(6)(d); or
- (b) any alternative requirements specified by the Corporation (by notice to a particular employer or by notice in the Gazette); or
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- (c) without limiting paragraph (a) or (b), any alternative arrangements agreed between the Corporation and the employer that allow the employer to pay any premium on aggregate remuneration paid during a preceding period and after taking into account any other matter or factor specified by the Corporation for the purposes of this paragraph.
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- (10) A notice under subsection (9)—
- (a) may be varied by the Corporation from time to time by further notice; and
- (b) will have effect according to its terms.

### **72A—Grouping provisions**

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- (1) For the purposes of this section, 2 or more employers will, if the Corporation so determines, constitute a group if—
- (a) they are capable of being treated as a member of a group under the *Payroll Tax Act 2009*; or
- (b) they are related in some other way.

- (2) Where 2 or more employers constitute a group—
- (a) unless the Corporation otherwise determines, each employer in the group will be liable to pay premiums in accordance with a WorkCover premium order under this Division (rather than on the basis of aggregate base premiums); and
  - (b) the Corporation may apply any claims experience, rating or other principle to all members of the group on a combined basis (rather than on an individual basis) in accordance with the provisions of a WorkCover premium order; and
  - (c) the Corporation may aggregate the employers in such manner (in any way or for such other purposes) as the Corporation thinks fit under a WorkCover premium order (including by treating 1 employer within the group as if the employer were the employer of all workers employed by the members of the group or by rating them together or according to a common factor).
- (3) Despite being grouped, each employer will be taken to be subject to the relevant WorkCover premium provisions in its own right (but with premiums being aggregated or divided according to principles specified in a WorkCover premium order).
- (4) The employers in a group are jointly and severally liable for the payment of premiums attributable to the group.
- (5) This section applies subject to any alternative arrangements agreed between the Corporation and the members of the group of employers as part of an alternative set of principles applied under section 71(6)(d).
- (6) The Corporation may, if it is satisfied that 2 or more employers who should have been grouped under this section have not been so grouped on account of false or misleading information, or insufficient or defective information, provided to the Corporation, the Corporation may—
- (a) make any determination or redetermination, and impose any premium, on a retrospective basis; and
  - (b) impose on each employer a fine (not exceeding an amount calculated under the regulations) fixed by the Corporation.
- (7) The Corporation may for any proper reason remit a fine imposed under subsection (6)(b) wholly or in part.

## **Division 5—Self-insured employers—fees**

### **72B—Self-insured employers—fees**

- (1) A self-insured employer is liable to pay a fee to the Corporation under this section.

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- (2) The fee payable by a self-insured employer will be a percentage of the base premium that would have been payable by the employer if the employer were not registered as a self-insured employer and liable to pay a base premium under this Part and will be fixed by the Corporation with a view to raising from self-insured employers—
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- (a) a fair contribution towards the administrative expenditure of the Corporation; and
- (b) a fair contribution towards the cost of rehabilitation funding; and
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- (c) a fair contribution towards the costs of the system of dispute resolution established by this Act; and
- (d) without limiting a preceding paragraph, a fair contribution towards the costs associated with the operation of Part 6C and Part 6D; and
- (e) a fair contribution towards actual and prospective liabilities of the Corporation arising from the insolvency of employers; and
- (f) a fair contribution towards any other costs of a prescribed kind.
- 20
- (3) If the Corporation is satisfied that there are good reasons for differentiating between different self-insured employers or classes of self-insured employers, the percentage on which the fee for self-insured employers is based may vary from self-insured employer to self-insured employer or from class to class.
- 25
- (4) If the measures taken by a self-insured employer—
- (a) to reduce the incidence of work related traumas and injuries; and
- (b) to provide for the rehabilitation of workers who have suffered compensable injuries; and
- 30
- (c) to provide for the administration of claims,
- conform to or exceed standards determined by the Corporation for the purposes of this subsection, the Corporation may grant to the self-insured employer such remission of the fee that would otherwise be payable by the self-insured employer as the Corporation thinks fit.
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- (5) Despite a preceding subsection, the Corporation may fix a minimum fee for the purposes of this section.
- (6) A fee payable under this section must be paid by a date specified by the Corporation.
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- (7) If the Corporation so allows, a self-insured employer may elect to pay a fee by instalments, at such times and of such amounts as the Corporation may determine.

## Division 6—Remissions and supplementary payments

### 72C—Remissions and supplementary payments

- 5 (1) Subject to this section, the Corporation may, in relation to a particular employer, after having regard to 1 or more of the matters specified under subsection (2) (being a matter that the Corporation determines to be appropriate and relevant)—
- (a) grant the employer a remission of part of a premium or fee that would otherwise be payable by the employer; or
- 10 (b) impose a supplementary payment on the employer (to be paid in addition to the premiums or fees payable by the employer under this Part).
- (2) The following matters are specified for the purposes of subsection (1):
- 15 (a) the adequacy or inadequacy of measures taken by the employer to reduce the incidence of work related traumas and injuries;
- (b) the incidence or costs of claims for compensable injuries suffered by the employer's workers (disregarding claims of a class excluded from the ambit of this paragraph by regulation);
- 20 (c) the rehabilitation facilities or services for injured workers provided by the employer;
- (d) the absence or inadequacy of rehabilitation facilities or services provided by the employer;
- 25 (e) the employer's practices and procedures in connection with the appointment and work of a rehabilitation and return to work co-ordinator under Part 3 (including with respect to compliance with any relevant guidelines published by the Corporation for the purposes of section 28D);
- 30 (f) the employer's practices as to the retention, employment or re-employment of injured workers (and, in particular, any failure on the employer's part to provide, in accordance with this Act, employment to a worker who has suffered a compensable injury in the employer's employment);
- 35 (g) any other matter (whether similar or dissimilar to those referred to above) that the Corporation determines to be appropriate and relevant.
- (3) The following provisions apply in connection with subsections (1) and (2):
- 40 (a) the Corporation may establish and publish policies about the circumstances in which (and the extent to which) it will consider—



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- (i) an application to provide a remission of any premium or fee; or
  - (ii) the imposition of a supplementary payment,  
(and the Corporation is not under a duty to consider, or to grant a hearing, in relation to any such application);
  - (b) a reference to an employer extends to another employer who is linked to the employer through a transfer of business;
  - (c) the matters referred to in paragraphs (a) to (f) (inclusive) of subsection (2) are not intended to establish any pattern or principle that must be applied by the Corporation under paragraph (g) of that subsection;
  - (d) the Corporation may grant 1 or more remissions, or impose 1 or more supplementary payments (or provide for a combination of both or any), in relation to any period and more than once in relation to any particular period;
  - (e) the Corporation may calculate or determine a remission or supplementary payment after applying such principles as the Corporation thinks fit;
  - (f) if the Corporation imposes a supplementary payment, the Corporation may require the employer to observe conditions stipulated by the Corporation in a written notice to the employer and if an employer fails to comply with such a condition then the Corporation may impose on that employer a further supplementary payment;
  - (g) the Corporation may establish rehabilitation and return to work programs for injured workers on terms under which an employer who participates in the program by providing employment for such workers and complying with other conditions of the scheme determined is entitled to a remission of premium that would otherwise be payable by the employer on a basis set out in the scheme.
- (4) The Corporation may, for any proper reason—
- (a) adjust or revoke a remission of any premium or fee granted, or a supplementary payment imposed, under this section; or
  - (b) vary or revoke a condition imposed under this section.
- (5) A remission or supplementary payment will be provided or payable in accordance with a scheme prescribed by the regulations.

## **Division 7—Administration of premiums/fees scheme**

### **72D—Interpretation**

In this Division—

*statutory payment* means any of the following under this Part:

- (a) a premium;
- (b) a fee;
- (c) a supplementary payment.

### **72E—Provision of information (initial calculations)**

- (1) Subject to this Division, an employer must, by a date in each year specified by the Corporation (which may be specified on an individual or class basis), provide to the Corporation a return in the designated manner and form that sets out the information required by the Corporation (by notice to a particular employer or by notice in the Gazette) for the purposes of the calculation or determination of any statutory payment under this Part.

Maximum penalty: \$5 000.

- (2) The information required under subsection (1) may include information in the form of estimates made according to principles specified by the Corporation.
- (3) The Corporation may (by notice to a particular employer or by notice in the Gazette)—
- (a) specify an estimate or estimates that will apply instead of an estimate specified by an employer under subsection (2);
  - (b) require that any information provided under this section be verified by statutory declaration.
- (4) An estimate specified under subsection (3)(a) may apply, according to a determination of the Corporation—
- (a) despite the provision of an estimate by the employer; or
  - (b) so as to relieve the employer from the requirement to provide an estimate under subsection (2).
- (5) If the Corporation specifies an estimate under subsection (3)(a), the amount of the estimate will be used for the purposes of the calculation of any relevant statutory payment under this Part.
- (6) The Corporation may, from time to time as the Corporation thinks fit, vary or revoke a notice under subsection (3), or make a new specification or impose a new requirement under subsection (3).

### **72F—Provision of information (on-going requirements)**

- 5
- (1) The Corporation may, from time to time, require an employer to provide to the Corporation in a designated manner and form information (including information in the form of estimates) specified by the Corporation—
- (a) relating to a period specified by the Corporation; or
  - (b) relating to any matter specified by the Corporation; or
  - (c) on the occurrence of any event specified by the Corporation.
- 10
- (2) The Corporation may require that any information provided under this section be verified by statutory declaration.
- (3) The Corporation may specify an estimate or estimates, or make any determination, that will apply instead of an estimate or any information specified by an employer under subsection (1) (and any such estimate or determination of the Corporation may apply according to its terms).
- 15
- (4) Information required under this section must be provided to the Corporation within a period determined by the Corporation.  
Maximum penalty: \$5 000.
- (5) A requirement under this section may be imposed—
- (a) under any WorkCover premium provisions or by a WorkCover premium order; or
  - (b) by notice to a particular employer or by notice in the Gazette.
- 20

### **72G—Ability to address defaults**

25 If an employer—

- (a) fails or neglects duly to furnish any information when required by or under this Part; or
  - (b) furnishes information that the Corporation has reasonable grounds to believe to be incorrect or defective in any respect,
- 30

the Corporation may make an assessment of any statutory payment on the basis of estimates and other determinations made by the Corporation.

### **72H—Revised estimates or determinations**

- 35
- (1) The Corporation may, in addition to the preceding sections of this Division, in its absolute discretion—
- (a) review and revise an estimate or determination previously made under or for the purposes of this Division; or
  - (b) correct an error or revise an assessment previously made under or for the purposes of this Division.
- 40

- (2) In acting under subsection (1), the Corporation may have regard to any matter considered to be relevant by the Corporation.

### **72I—Further adjustments**

- (1) If the Corporation considers that a statutory payment payable by an employer should be adjusted—
- (a) because of a change in—
    - (i) the category to which the employer belongs; or
    - (ii) the class of industry or industries in which the employer employs workers; or
    - (iii) the workplace or workplaces at which the employer employs workers; or
  - (b) because of the specification of an estimate or the making of a determination under section 72E(3); or
  - (c) because of information provided under section 72F; or
  - (d) because of an assessment under section 72G; or
  - (e) because of the outcome of a review under section 72H; or
  - (f) because of any other circumstance prescribed by the regulations,

the Corporation may issue to the employer a notice of adjustment of the statutory payment.

- (2) If an additional amount is payable under a notice of adjustment under subsection (1), the additional amount is payable in accordance with a determination of the Corporation (and may be recovered as an unpaid statutory payment in a case of default).
- (3) If an excess amount has been paid by the employer on account of a notice of adjustment under subsection (1), the Corporation may at the Corporation's discretion (but subject to the regulations)—
- (a) refund the excess to the employer; or
  - (b) set off the excess against existing or future liabilities of the employer for statutory payments under this Part.
- (4) An adjustment may be made under this section at any time (including in respect of any period that has been completed or expired or is still underway).
- (5) Nothing in this section affects the adjustment of a statutory payment under another provision of this Act.

### **72J—Deferred payment**

- (1) The Corporation may, on application by an employer, defer the payment of a statutory payment by the employer if satisfied that—
- (a) the employer is in financial difficulties; but

(b) the employer has a reasonable prospect of overcoming the financial difficulties and the deferment would assist materially in overcoming those difficulties.

- 5 (2) A deferment may be given under this section on conditions that the Corporation considers appropriate having regard to the objects of this Act.
- (3) The Corporation may, by written notice to the employer, cancel a deferment under this section.
- 10 (4) If a deferment is cancelled, the employer must pay to the Corporation the amount covered by the deferment as required by the notice of cancellation.
- (5) Nothing in this section affects the ability of the Corporation to allow an employer to pay a statutory payment by instalments.

**72K—Recovery on default**

- 15 (1) If an employer fails to pay a statutory payment, or the full amount of a statutory payment, as required under this Act, the Corporation may make an assessment of the amount payable by the employer (including on the basis of estimates made by the Corporation).
- 20 (2) The Corporation may, as part of an assessment under subsection (1), impose on the employer a fine of an amount (not exceeding 3 times the amount assessed) fixed by the Corporation.
- (3) The Corporation may for any proper reason remit a fine imposed under subsection (2) wholly or in part.
- 25 (4) An employer to whom a notice of an assessment or a fine under this section is given must pay the amount of the assessment or fine within the time allowed in the notice.  
Maximum penalty: \$10 000.
- (5) A fine under this section is in addition to a fine payable under section 67(4).

30 **72L—Penalty for late payment**

- (1) If an employer fails to pay a statutory payment as and when required by or under this Act—
- 35 (a) the amount in arrears will, unless the Corporation determines otherwise, be increased by penalty interest at the prescribed rate; and
- (b) the Corporation may impose on the employer a fine of an amount (not exceeding 3 times the amount assessed) fixed by the Corporation (unless a fine has been imposed under section 72K(2) on account of a failure to make a statutory payment).
- 40 (2) The Corporation may for any proper reason remit penalty interest or a fine imposed under subsection (1) wholly or in part.

- (3) An employer to whom notice of an assessment of penalty interest or a fine under this section is given must pay the penalty interest or fine within the time allowed in the notice.

Maximum penalty: \$10 000.

### **72M—Exercise of adjustment powers**

The Corporation may exercise its powers under this Part more than once in relation to any particular period and regardless of whether or not—

- (a) any statutory payment has been fixed, demanded or paid; or
- (b) a period to which any determination or adjustment may apply has been completed or expired; or
- (c) the Corporation has already reviewed or adjusted any estimate, liability or payment under this Part; or
- (d) any circumstances have arisen that would, but for this section, stop the Corporation from conducting a review, or making a determination or adjustment.

### **72N—Review**

- (1) If an employer considers that a decision of the Corporation as to—
- (a) the estimate of remuneration that is to be used for the calculation of a statutory payment; or
  - (b) the fixing or assessment of a statutory payment; or
  - (c) the imposition of penalty interest or a fine; or
  - (d) the imposition or variation of a condition of a kind that may lead to the remission or imposition of a supplementary payment,
- is unreasonable, the board must, on application by the employer, review the decision.
- (2) An application for review does not suspend a liability to pay a statutory payment, penalty interest or a fine.
- (3) The review will be conducted, in accordance with procedures determined by the board, by the board itself, or by a committee or person to whom the board has delegated its powers of review under this section, and the board has an absolute discretion as to whether it will permit the employer or a representative of the employer to be heard orally on the review.
- (4) On review, the board may—
- (a) alter an estimate of remuneration;
  - (b) alter a statutory payment or an assessment;
  - (c) quash or reduce penalty interest or a fine;
  - (d) direct the repayment of amounts overpaid;

(e) quash or vary a condition imposed by the Corporation.

(5) An application under this section for review of a decision of the Corporation—

(a) must, if the decision relates to a class of employers, be made within 4 months after notice of the decision was given; or

(b) must, if the decision relates to an individual employer, be made within 2 months after the employer was given notice of the decision,

unless the board (or its delegate) allows an extension of time for making the application.

(6) This section does not apply in relation to any class of decision prescribed by the regulations for the purposes of this subsection.

### **72O—Payments to be made to Corporation**

Any statutory payment, penalty interest or fine (other than a fine for an offence) under this Part will be payable to the Corporation (and may be recovered by the Corporation as a debt in a court of competent jurisdiction).

### **72P—GST**

(1) A statutory payment under this Part is subject to any GST payable under *A New Tax System (Goods and Services) Tax 1999* (Commonwealth) and any such GST is additionally payable by an employer.

(2) Subsection (1) does not extend to a fine or any penalty interest imposed under this Part.

### **72Q—Transfer of business**

(1) In a case involving any transfer of business, the Corporation may, as it thinks fit, apply any claims experience or other factor applying with respect to the business before the transfer to the employer who takes over the business on account of the transfer.

(2) For the purposes of subsection (1), a reference to a business includes a reference to any form of undertaking.

(3) Without limiting subsections (1) and (2), a transfer of business between 2 employers will be taken to occur if there is a connection between the 2 employers under section 311 of the *Fair Work Act 2009* of the Commonwealth.

## 72R—Reasonable mistake about application of Act

- 5 (1) Despite any other provision of this Part, if the Corporation is satisfied that the reason for an employer failing to pay the correct amount of a statutory payment is that the employer believed on reasonable grounds that the employer would not be required to pay a statutory payment in respect of a particular worker because that worker's employment was not connected with this State by virtue of the operation of section 6, the employer is not liable to pay a fine or penalty interest on account of that particular failure.
- 10 (2) However, if the employer's belief on reasonable grounds under subsection (1) was that under section 6 the particular worker's employment was connected with another State, subsection (1) does not apply unless at the time of the relevant failure the employer had workers compensation cover in respect of the worker under the law of that other State.
- 15 (3) In this section—  
*State* includes a Territory;  
*workers compensation cover* means insurance or registration under the law of a State in respect of liability for statutory workers compensation under that law.
- 20

## 11—Amendment of section 73—Separate accounts

- (1) Section 73(a)—delete "levies" and substitute:  
premiums, fees and supplementary payments
- 25 (2) Section 73(c)—delete "unrepresentative disabilities and secondary disabilities" and substitute:  
unrepresentative injuries

## 12—Substitution of section 76

Section 76—delete the section and substitute:

### 76—Certificate of registration

- 30 (1) The Corporation must, on the application of an employer who is registered under this Act, issue a certificate (a *certificate of registration*) with respect to—
- (a) the registration of the employer under this Act; and
- (b) the employer's compliance with any requirement to pay premiums under this Part.
- 35 (2) A certificate of registration will be in a designated form and will contain information determined by the Corporation.



- (3) An employer who is registered under this Act must, within 5 business days of a request to do so by a person authorised under this section to make the request, produce a current certificate of registration for inspection by the person.

Maximum penalty: \$5 000.

- (4) An employer does not commit an offence against subsection (3) if the employer satisfies the court that the employer took reasonable steps to obtain the relevant certificate within 5 business days of the request for production but was unsuccessful.

- (5) A person who fraudulently alters a certificate of registration issued under this section is guilty of an offence.

Maximum penalty: \$25 000.

- (6) An employer to whom a certificate of registration is issued under this section must notify the Corporation within 5 business days after it is issued if the certificate contains an error as to the information set out in the certificate in relation to the employer.

Maximum penalty: \$5 000.

- (7) A certificate of registration issued under this section is evidence of the matters that it certifies.

- (8) The following persons are authorised to request an employer to produce the employer's current certificate of registration:

- (a) any person who has, in the course of or for the purposes of the person's trade or business, contracted with the employer for the employer to carry out the whole or part of any work associated with that trade or business, or who proposes to enter into such a contract;
- (b) an authorised officer;
- (c) an officer of an industrial association;
- (d) a person authorised by the Corporation in writing for the purposes of this section.

### **13—Repeal of section 76A**

Section 76A—delete the section

### **14—Amendment of section 112A—Employer information**

- (1) Section 112A—after "any employer registered" insert:

(or previously registered)

- (2) Section 112A(d)—delete paragraph (d) and substitute:

- (d) details of any remission of premiums granted to the employer, or any supplementary payment imposed on the employer, under Part 5 Division 6.

## 15—Amendment of section 120A—Evidence

Section 120A(3)—delete "levy" and substitute:  
premium, fee, supplementary payment

## Schedule 1—Further amendments of *Workers Rehabilitation and Compensation Act 1986*

5

<b>Provision amended</b>	<b>How amended</b>
Long title	Delete "disabilities" and substitute: injuries
Section 2(1)	Delete "disabled" and substitute: injured
Section 2(1)	Delete "disabilities" wherever occurring and substitute in each case: injuries
Section 2(3)	Delete "disability arises, must seek to achieve a disabled "and substitute: injury arises, must seek to achieve an injured
Section 3(1), definition of <i>corresponding law</i>	Delete "disabilities" and substitute: injuries
Section 3(1), definition of <i>current work capacity</i>	Delete "disability" wherever occurring and substitute in each case: injury
Section 3(1), definition of <i>dependant</i> , (b)	Delete "disability" and substitute: injury
Section 3(1), definition of <i>disease</i> , (b)	Delete "disability" and substitute: injury
Section 3(1), definition of <i>no current work capacity</i>	Delete "disability" wherever occurring and substitute in each case: injury
Section 3(1), definition of <i>recognised medical expert</i> , (b)	Delete "disabilities" wherever occurring and substitute in each case: injuries
Section 3(1), definition of <i>therapeutic appliance</i> , (f)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 4(1), (9), (10) and (15)	Delete "a disabled" wherever occurring and substitute in each case: an injured
Section 4(2), (5), (9) and (16)	Delete "disability" wherever occurring and substitute in each case: injury
Section 6(2)	Delete "a disability" and substitute: an injury
Section 6(5)(a)	Delete "disability" and substitute: injury

**Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011**  
Further amendments of *Workers Rehabilitation and Compensation Act 1986*—Schedule 1

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<b>Provision amended</b>	<b>How amended</b>
Section 26(1), (2) and (3)	Delete "disabilities" wherever occurring and substitute in each case: injuries
Section 26(4)	Delete "a disabled" and substitute: an injured Delete "disability" and substitute: injury
Section 27(1)	Delete "a disabled" and substitute: an injured
Section 27(3)	Delete "disabled" wherever occurring and substitute in each case: injured
Section 28(2)(a), (b) and (d)	Delete "disabled" wherever occurring and substitute in each case: injured
Section 28(2)(c)	Delete "a disabled" and substitute: an injured
Section 28A(1), (2) and (3)	Delete "disability" wherever occurring and substitute in each case: injury
Section 28D(4)(a)	Delete "disabilities" and substitute: injuries
Section 28D(4)(a) and (e)	Delete "disability" wherever occurring and substitute in each case: injury
Section 28D(4)(b) and (d)	Delete "a disabled" wherever occurring and substitute in each case: an injured
Heading to Part 3 Division 2	Delete " <b>Disability</b> " and substitute: <b>Injury</b>
Section 29	Delete "disabilities" and substitute: injuries
Heading to Part 4 Division 1	Delete " <b>disability</b> " and substitute: <b>injury</b>
Section 30(1) and (4)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 30(2)	Delete "a disability arises" and substitute: an injury arises
Section 30(2)(a)	Delete "a disability that is not a secondary disability" and substitute" an injury that is not a secondary injury

**Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011**Schedule 1—Further amendments of *Workers Rehabilitation and Compensation Act 1986*

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<b>Provision amended</b>	<b>How amended</b>
Section 30(2)(b)	Delete "a disability that is a secondary disability" and substitute: an injury that is a secondary injury Delete "this disability" wherever occurring and substitute in each case: the injury
Section 30(3) and (5)	Delete "compensable disability" wherever occurring and substitute in each case: compensable injury
Section 30(5)	Delete "A disability" and substitute: An injury
Section 30(5)	Delete "the disability" and substitute: the injury
Section 30A	Delete "A disability" and substitute: An injury
Section 30A(a) and (b)	Delete "the disability" wherever occurring and substitute in each case: the injury
Section 30B(2)(b)	Delete "a disability is not compensable if it is established on the balance of probabilities that the disability" and substitute: an injury is not compensable if it is established on the balance of probabilities that the injury
Section 30B(3)	Delete "disability" and substitute: injury
Section 31(1)	Delete "A disability" and substitute: An injury
Section 31(2)	Delete "a disability" and substitute: an injury Delete "the disability, the worker's disability" and substitute: the injury, the worker's injury
Section 31(3)	Delete "disabilities" and substitute: injuries
Section 31(5)	Delete "disability" wherever occurring and substitute in each case: injury
Section 32(1), (2) and (5)	Delete "disability" wherever occurring and substitute in each case: injury
Section 32(9)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 32(11)(b)	Delete "disabilities" and substitute: injuries

**Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011**  
Further amendments of *Workers Rehabilitation and Compensation Act 1986*—Schedule 1

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<b>Provision amended</b>	<b>How amended</b>
Section 32(14)	Delete "a disabled" and substitute: an injured
Section 32A(4) and (7)	Delete "disability" wherever occurring and substitute in each case: injury
Section 34(1)	Delete "disability" wherever occurring and substitute in each case: injury
Section 35(1) and (8)	Delete "disability" wherever occurring and substitute in each case: injury
Section 35(4)	Delete "disabilities" and substitute: injuries
Section 35A(1), (2), (3) and (4)	Delete "disability" wherever occurring and substitute in each case: injury
Section 35B(2)	Delete "disability" and substitute: injury
Section 35C(2) and (3)	Delete "disability" wherever occurring and substitute in each case: injury
Section 36(1), (1a), (2) and (3a)	Delete "disability" wherever occurring and substitute in each case: injury
Section 37(8)(b)	Delete "disability" and substitute: injury
Section 38(1) and (7)	Delete "disability" wherever occurring and substitute in each case: injury
Section 39(2)	Delete "disability" wherever occurring and substitute in each case: injury
Section 40(2) and (5)	Delete "disability" wherever occurring and substitute in each case: injury
Section 41(1) and (3)	Delete "disability" wherever occurring and substitute in each case: injury
Section 41(4)	Delete "a disabled" and substitute: an injured
Section 42(2)	Delete "disability" wherever occurring and substitute in each case: injury
Section 43(1), (6), (7) and (9)	Delete "disability" wherever occurring and substitute in each case: injury
Section 43(6)	Delete "disabilities" wherever occurring and substitute in each case: injuries

**Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011**  
Schedule 1—Further amendments of *Workers Rehabilitation and Compensation Act 1986*

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<b>Provision amended</b>	<b>How amended</b>
Section 43A(1)	Delete "disability" and substitute: injury
Section 43A(8) and (10)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 43A(8)	Delete "the disability" wherever occurring and substitute in each case: the injury
Section 43A(9)	Delete "disabilities" wherever occurring and substitute in each case: injuries Delete "disability" and substitute: injury
Section 43B(1)	Delete "disability" wherever occurring and substitute in each case: injury
Section 43B(2)	Delete "disabilities" and substitute: injuries
Section 44(1), (4), (7) and (12)	Delete "disability" wherever occurring and substitute in each case: injury
Section 45A(1), (3), (4) and (13)	Delete "disability" wherever occurring and substitute in each case: injury
Section 45B(1)	Delete "disability" and substitute: injury
Section 45C(1)	Delete "disability" and substitute: injury
Section 46(1), (2), (3), (4), (8), (8b) and (9)	Delete "disability" wherever occurring and substitute in each case: injury
Section 46(7)	Delete "a disability" and substitute: an injury
Section 46(7)(a)	Delete "the disability" and substitute: the injury
Section 46(9)	Delete "a disabled" and substitute: an injured
Section 50(1) and (2)	Delete "disabilities" wherever occurring and substitute in each case: injuries
Section 50A, definition of <i>initial notification</i>	Delete "a disability" and substitute: an injury
Section 50B(1)	Delete "a disability" and substitute: an injury

**Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011**  
Further amendments of *Workers Rehabilitation and Compensation Act 1986*—Schedule 1

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<b>Provision amended</b>	<b>How amended</b>
Section 50C(1)	Delete "disability" and substitute: injury
Heading to Part 4 Division 8	Delete " <b>disabilities</b> " and substitute: <b>injuries</b>
Section 51(1), (2)(a) and (b), (3)(b), (4)(a) and (7)	Delete "disability" wherever occurring and substitute in each case: injury
Section 51(2), (3), (4) and (6)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 51(8)	Delete "disabilities" and substitute: injuries
Section 52(1)	Delete "disability" wherever occurring and substitute in each case: injury
Section 52(2)	Delete "a disability" and substitute: an injury  Delete "that disability unless notice of the disability" and substitute: that injury unless notice of the injury
Section 52(3) and (6)	Delete "disability" wherever occurring and substitute in each case: injury
Section 53(2)	Delete "a disability" and substitute: an injury
Section 52(4a) and (7a)	Delete "disability" wherever occurring and substitute in each case: injury
Section 54(1), (3), (4a), (4b), (5), (6), (7a), (7b) and (8)	Delete "compensable disability" wherever occurring and substitute in each case: compensable injury
Section 54(3), (4a) and (4b)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 54(4a), (4b), (5), (6) and (7a)	Delete "the disability" wherever occurring and substitute in each case: the injury
Section 55(1), (2) and (3)	Delete "a disability" wherever occurring and substitute in each case: an injury  Delete "same disability" wherever occurring and substitute in each case: same injury
Section 57	Delete "disability" and substitute: injury
Section 58(1)	Delete "a disability" and substitute: an injury

**Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011**  
Schedule 1—Further amendments of *Workers Rehabilitation and Compensation Act 1986*

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<b>Provision amended</b>	<b>How amended</b>
Section 58AA(1), (3) and (4)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 58AA(1), (2) and (3)	Delete "the disability" wherever occurring and substitute in each case: the injury
Section 58AB(1) and (2)	Delete "a disability" wherever occurring and substitute in each case: an injury
Section 58AC(a)	Delete " <i>disability</i> " and substitute: <i>injury</i>
Section 58AD	Delete "a disability is to be considered as a claim for damages in respect of the disability" and substitute: an injury is to be considered as a claim for damages in respect of the injury
Section 58AE	Delete "disability" wherever occurring (including in the first defined term) and substitute in each case: injury
Section 58A(2)	Delete "disability" and substitute: injury
Section 58B(1) and (3)	Delete "disability" wherever occurring and substitute in each case: injury
Section 58C(1) and (2)	Delete "disability" wherever occurring and substitute in each case: injury
Section 60(6)	Delete "disabilities" wherever occurring and substitute in each case: injuries Delete "disabled" and substitute: injured
Section 63(7)	Delete "disabilities" and substitute: injuries
Section 89, definition of <i>party</i>	Delete "disability" wherever occurring and substitute in each case: injury
Section 90(3)(b)	Delete "disability" and substitute: injury
Section 98E, definition of <i>medical question</i>	Delete "a disability" wherever occurring and substitute in each case: an injury Delete "that disability" and substitute: that injury



**Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011**  
Further amendments of *Workers Rehabilitation and Compensation Act 1986*—Schedule 1

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<b>Provision amended</b>	<b>How amended</b>
	Delete "worker's disability" wherever occurring and substitute in each case:  worker's injury
	Delete "secondary disability" wherever occurring and substitute in each case:  secondary injury
	Delete "compensable disability" wherever occurring and substitute in each case:  compensable injury
Section 98G(2), (4) and (5)	Delete "disability" wherever occurring and substitute in each case:  injury
Section 99D(1)	Delete "disability" and substitute:  injury  Delete "disabled" and substitute:  injured
Section 103A(2)	Delete "disability" and substitute:  injury
Section 105(1)	Delete "disability" and substitute:  injury
Section 111(1)	Delete "a disabled" and substitute:  an injured
Section 112(2)(f)	Delete "a disabled" and substitute:  an injured
Section 112(3), definition of <i>corresponding workers compensation authority</i>	Delete "disabilities" and substitute:  injuries
Section 112A	Delete "disabilities" wherever occurring and substitute in each case:  injuries
Section 113(1)	Delete subsection (1) and substitute:  (1) An injury (not being noise induced hearing loss) that develops gradually or is a disease will be taken to have occurred when the worker first becomes totally or a partially incapacitated for work by the injury.
Section 113(2), (3) and (4)	Delete "disability" wherever occurring and substitute in each case:  injury
Schedule 1, clause 2(1) and (2)	Delete "a disability" wherever occurring and substitute in each case:  an injury

<b>Provision amended</b>	<b>How amended</b>
Schedule 1, clause 2(2)	Delete "transitional disability" wherever occurring (including in the defined term) and substitute in each case: transitional injury
Schedule 1, clause 2(3)	Delete "disability" wherever occurring and substitute in each case: injury
Heading to Schedule 2	Delete " <b>Disabilities</b> " and substitute: <b>Injuries</b>
Schedule 2, table	Delete " <b>Description of disability</b> " and substitute: <b>Description of injury</b>
Schedule 3A, table	Delete " <b>Disability</b> " and substitute: <b>Injury</b>

## **Schedule 2—Consequential amendments and transitional provisions**

### **Part 1—Amendment of *Stamp Duties Act 1923***

#### **1—Amendment of section 39—Insurers not required to be registered**

5 Section 39(4)—delete "levy paid under" and substitute:  
premium, supplementary payment or fee paid under Part 5 of

### **Part 2—Amendment of *WorkCover Corporation Act 1994***

#### **2—Amendment of section 13—Functions**

- 10 (1) Section 13(1)(c)—delete "disabilities" and substitute:  
injuries
- (2) Section 13(1)(k)(ii)—delete "disabilities" and substitute:  
injuries

#### **3—Amendment of section 14—Powers**

- 15 (1) Section 14(3)(a)(iv)—delete subparagraph (iv) and substitute:  
(iv) to collect premiums, payments and fees; or
- (2) Section 14(4)(a)—delete "an exempt" and substitute:  
a self-insured

#### **4—Amendment of section 17A—Corporation's charter**

20 Section 17A(2)(b)—delete "disabled workers" and substitute:  
workers who suffer work-related injuries

**5—Amendment of section 27—Exemption from stamp duty**

Section 27—delete "take out an annual licence under" and substitute:

be registered under Part 3 Division 3 of

**Part 3—Amendment of *Work Health and Safety Act 2011***

5 **6—Amendment of Schedule 2—Local tripartite consultation arrangements**

(1) Schedule 2, clause 13(1)(d)—delete "disabilities" and substitute:

injuries

(2) Schedule 2, clause 13(1)(e)—delete "disabled" and substitute:

injured

10 **7—Amendment of Schedule 5—Provision of information by WorkCover**

(1) Schedule 5, clause 2(6)(a)—after "employs employees" insert:

(after applying the industry classification or classifications, and any other relevant principles, that apply in relation to the employer under the *Workers Rehabilitation and Compensation Act 1986*)

15 (2) Schedule 5, clause 2(6)(b)—after "that industry" insert:

(by applying the industry premium rate that applies in relation to that industry under the *Workers Rehabilitation and Compensation Act 1986*)

(3) Schedule 5, clause 2(6)(c)—delete paragraph (c)

(4) Schedule 5, clause 2(11)—delete "levy" and substitute:

20 premium

(5) Schedule 5, clause 3(1)—delete "the levy" and substitute:

the premiums

(6) Schedule 5, clause 3(2)(b)—delete "the levy" and substitute:

the premiums

25 **Part 4—Transitional provisions**

**8—Interpretation**

In this Part—

*principal Act* means the *Workers Rehabilitation and Compensation Act 1986*.

**9—General saving provision**

30 The amendments made to the principal Act by this Act do not apply in relation to the imposition or recovery of levy under the principal Act with respect to the 2011/2012 financial year (or any preceding financial year)(and the principal Act will continue to apply in relation to any such levy as if this Act had not been enacted).

## **10—Provision of information and ability to apply alternative arrangements**

- (1) The Corporation may, in connection with the commencement and implementation of this Act (and before 1 July 2012)—
- 5           (a) require employers to furnish (in a designated manner and form) information to the Corporation about any matter that the Corporation considers necessary in the circumstances; and
- (b) allow employers to apply to be considered as being appropriate employers for the purposes of section 71(6)(d) of the principal Act as enacted by this Act.
- (2) The Corporation may require that any information provided under subclause (1) be verified by statutory declaration.
- 10           (3) Information required under subclause (1) must be provided to the Corporation within a period determined by the Corporation.  
Maximum penalty: \$5 000.
- 15           (4) A requirement under this clause may be imposed by notice to a particular employer or by notice in the Gazette.

## **11—Remissions and supplementary payments**

20           Until a regulation is made for the purposes of section 72C(2)(b) of the principal Act as enacted by this Act, the claims that are to be disregarded under that provision are claims for unrepresentative disabilities (and section 34(3) of the *Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Act 1995* will no longer apply).