

Serial 55
Work Health Amendment Bill 2002
Mr Stirling

**A BILL
for
AN ACT**

to amend the *Work Health Act*

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NORTHERN TERRITORY OF AUSTRALIA
WORK HEALTH AMENDMENT ACT 2002

No. of 2002

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2002

AN ACT

to amend the *Work Health Act*

[Assented to 2002]
[Second reading 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Work Health Amendment Act 2002*.

2. Application of Part

Section 118 of the *Work Health Act* is amended –

- (a) by omitting "This" and substituting "(1) Subject to subsection (2), this";
and
- (b) by adding at the end the following:

"(2) If a determination is published under section 164B(4) and for the purposes of the determination the Territory is taken to be an employer approved under section 120 to self-insure, the provisions of section 164B that apply to self-insurers apply to the Territory for the period the determination is in force."

3. Contributions by employers

Section 164B of the *Work Health Act* is amended by omitting subsections (3) to (9) inclusive and substituting the following:

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"(3) Before making a determination under subsection (1), the Minister may decide that for the purposes of the determination the Territory is taken to be an employer approved under section 120 to self-insure.

"(4) The Minister must cause to be published in the *Gazette* a notice of the determination made under subsection (1) containing the following particulars:

- (a) the amount each employer must contribute to the Fund, expressed as the percentage determined by the Minister under subsection (2)(a)(i) and (b)(i) or under subsection (2)(a)(ii) and (b)(ii);
- (b) the date on which the determination comes into force;
- (c) if the Minister has made a decision under subsection (3) – a statement that for the purposes of the determination the Territory is taken to be an employer approved under section 120 to self-insure;
- (d) if the contributions required by the determination are for the purpose of discharging a particular liability –
 - (i) a brief description of that liability; and
 - (ii) a statement that the contributions are required only until such time as that liability is discharged.

"(5) The Minister, by notice in the *Gazette* –

- (a) may vary or revoke a determination under this section; and
- (b) if a determination requires contributions for the purpose of discharging a particular liability – must revoke the determination when that liability is discharged.

"(6) While a determination under this section is in force, a policyholder must pay to his or her approved insurer the required contribution on or before any of the following dates that are applicable in the circumstances:

- (a) the date on which the premium is payable under the policy;
- (b) if the policyholder pays an amount of premium before the date on which the policy is issued or renewed – the date on which that amount is paid;
- (c) if the policyholder is required to pay an additional amount of premium as a result of an adjustment of the premium payable under the policy – the date on which that amount is payable.

"(7) If an approved insurer refunds to a policyholder an amount of premium in respect of which the policyholder has paid the required contribution –

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- (a) the insurer must refund to the policyholder an amount of the required contribution that is proportionate to the amount of premium refunded; and
- (b) may apply in writing to the Nominal Insurer for repayment of the amount refunded under paragraph (a), giving full particulars of the refund.

"(8) The Nominal Insurer must, as soon as practicable, repay to an approved insurer who applies for repayment under subsection (7)(b) the amount of required contribution refunded by the approved insurer under subsection (7)(a).

"(9) An approved insurer must, not later than 30 days after the end of each month a determination is in force –

- (a) pay to the Nominal Insurer all the money the approved insurer has received under subsection (6) during that month in respect of the determination; and
- (b) give to the Nominal Insurer a written statement setting out the following particulars:
 - (i) each amount of required contribution the approved insurer received under subsection (6) during that month;
 - (ii) each amount of required contribution payable to the approved insurer during that month but not paid;
 - (iii) any other particulars that are prescribed.

"(10) While a determination under this section is in force –

- (a) a self-insurer is taken to hold a policy that is for the period of insurance or indemnity commencing on 1 July in each year and expiring at the end of the following 30 June; and
- (b) the self insurer must pay in respect of each period of insurance or indemnity referred to in paragraph (a) the required contribution in the following amounts and on the following dates that are applicable in the circumstances:
 - (i) if the self-insurer is the Territory by virtue of a decision under subsection (3) – the amount payable for that period, to be paid not later than 1 September in that period;
 - (ii) if the approval of the self-insurer under section 120 has effect on 1 July – the amount payable for that period, to be paid not later than 1 September in that period;

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- (iii) if the approval of the self-insurer under section 120 takes effect after 1 July – the proportionate amount payable for the remainder of that period, to be paid not later than 60 days after the date the approval takes effect.

"(11) If a self-insurer who has paid a required contribution under subsection (10) would have been entitled to a refund of premium had he or she held a policy –

- (a) the self-insurer is entitled to a refund of an amount of required contribution that is proportionate to the amount of premium that would have been refunded to him or her; and
- (b) the Nominal Insurer must, on written application by the self-insurer, refund to the self-insurer that amount of required contribution.

"(12) In this section –

'policy' means a policy of insurance or indemnity referred to in section 126(1);

'policyholder' means an employer who holds, or has tendered the premium for, a policy;

'required contribution' means the contribution a policyholder or self-insurer is required by a determination under this section to pay in respect of the policy held or taken to be held by the policyholder or self-insurer."