

NORTHERN TERRITORY OF AUSTRALIA

WORK HEALTH AMENDMENT BILL 1997

TABLE OF PROVISIONS

Clause

1. Short title
2. Principal Act
3. Duties of employers
4. Duties of occupiers of workplaces
5. Duties of self employed persons
6. Duties of manufacturers, &c.
7. Duties of owners
8. Interpretation
9. New section:  
  
"50. ACCREDITED VOCATIONAL REHABILITATION  
PROVIDERS"
10. Employer to endeavour to find or assist  
injured worker to find suitable employment,  
&c.
11. Worker to undertake reasonable treatment and  
training, or assessment
12. Regulations

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## NORTHERN TERRITORY OF AUSTRALIA

### A BILL for AN ACT

to amend the *Work Health Act*

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Work Health Amendment Act 1997*.

2. PRINCIPAL ACT

The *Work Health Act* is in this Act referred to as the Principal Act.

3. DUTIES OF EMPLOYERS

Section 29(1) of the Principal Act is amended -

- (a) by omitting "\$50,000" and substituting "\$125,000"; and
- (b) by omitting "\$5,000" and substituting "\$25,000".

4. DUTIES OF OCCUPIERS OF WORKPLACES

Section 30 of the Principal Act is amended -

- (a) by omitting "\$50,000" and substituting "\$125,000"; and

Work Health Amendment

- (b) by omitting "\$5,000" and substituting "\$25,000".

5. DUTIES OF SELF-EMPLOYED PERSONS

Section 30A of the Principal Act is amended by omitting "\$5,000" and substituting "\$25,000".

6. DUTIES OF MANUFACTURERS, &c.

Section 30B(3) of the Principal Act is amended -

- (a) by omitting "\$50,000" and substituting "\$125,000"; and
- (b) by omitting "\$5,000" and substituting "\$25,000".

7. DUTIES OF OWNERS

Section 30C of the Principal Act is amended -

- (a) by omitting "\$50,000" and substituting "\$125,000"; and
- (b) by omitting "\$5,000" and substituting "\$25,000".

8. INTERPRETATION

Section 49(1) of the Principal Act is amended by inserting before the definition of "dependant" the following:

"'accredited vocational rehabilitation provider' means a person, Agency or body approved under section 50(1);".

9. NEW SECTION

The Principal Act is amended by inserting after section 49 the following:

"50. ACCREDITED VOCATIONAL REHABILITATION PROVIDERS

"(1) The Authority may, in writing, approve a person, Agency or body as an accredited vocational rehabilitation provider.

"(2) Approval under subsection (1) is not to be given unless the Authority considers that the person, Agency or body is capable of providing vocational rehabilitation under this Act and the person, Agency or body meets standards approved by the Authority.

Work Health Amendment

"(3) An approval under subsection (1) is subject to the conditions, if any, determined by the Authority.

"(4) An injured worker who participates in a rehabilitation program or workplace based return to work program under this Act is not liable for any fees or other cost in relation to the program if it is provided by a person who, or an Agency or body that, is not an accredited vocational rehabilitation provider.

"(5) An accredited vocational rehabilitation provider must not contravene or fail to comply with a condition to which the approval under subsection (1) is subject.

"(6) A person, Agency or body must not hold out that the person, Agency or body is an accredited vocational rehabilitation provider unless the person, Agency or body is approved under subsection (1).

"(7) A person, Agency or body must not provide vocational rehabilitation services to an injured worker under this Act unless the services are provided by an accredited vocational rehabilitation provider.

Penalty: \$10,000.

Default penalty: \$1,000."

10. EMPLOYER TO ENDEAVOUR TO FIND OR ASSIST INJURED WORKER TO FIND SUITABLE EMPLOYMENT, &c

Section 75A of the Principal Act is amended -

- (a) by omitting "An employer" and substituting "(1) An employer";
- (b) by omitting from paragraph (a) "or, if unable to do so, to find suitable employment with another employer"; and
- (c) by adding at the end the following:

"(2) An employer liable under this Part to compensate an injured worker must refer the worker to an alternative employer incentive scheme developed by the Authority where -

- (a) the employer is unable to provide the worker with suitable employment under subsection (1); and
- (b) the worker is a long term incapacitated worker.

*Work Health Amendment*

"(3) Where an injured worker for whose injury an employer is liable under this Part is employed by another employer under an alternative employer incentive scheme referred to in subsection (1), the first employer is liable to compensate the injured worker for any aggravation, acceleration or exacerbation of the injury that occurs within one year after the worker commences employment with the other employer.

"(4) In subsection (2), 'long term incapacitated worker' means a worker who is being paid compensation under section 65."

11. WORKER TO UNDERTAKE REASONABLE TREATMENT AND TRAINING, OR ASSESSMENT

Section 75B of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) The employer of a worker who participates in a rehabilitation program or workplace based return to work program under subsection (1) must ensure that program is provided by an accredited vocational rehabilitation provider."

12. REGULATIONS

Section 187(1)(s) of the Principal Act is amended by omitting "\$2,000" and substituting "\$5,000".

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