

Serial 135  
Workers Rehabilitation and Compensation Amendment Bill 2008  
Ms Scrymour

A Bill for an Act to amend the *Workers Rehabilitation and Compensation Act*

NORTHERN TERRITORY OF AUSTRALIA

WORKERS REHABILITATION AND COMPENSATION AMENDMENT  
ACT 2008

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Act No. [ ] of 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2008

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## **An Act to amend the *Workers Rehabilitation and Compensation Act***

[Assented to [ ] 2008]  
[Second reading [ ] 2008]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1 Short title**

This Act may be cited as the *Workers Rehabilitation and Compensation Amendment Act 2008*.

**2 Commencement**

This Act commences on the date fixed by the Administrator by *Gazette* notice.

**3 Act amended**

This Act amends the *Workers Rehabilitation and Compensation Act*.

**4 Amendment of section 64 (Compensation during first 26 weeks of incapacity)**

Section 64(1)

*omit*

Subject to sections 65A, 65B and 66

*substitute*

Subject to sections 65A and 65B

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**5 Repeal and substitution of section 66**

Section 66

*repeal, substitute*

**66 Special rule for calculation of compensation for volunteers**

(1) In calculating compensation for a volunteer under section 64 or 65, the normal weekly earnings of the volunteer immediately before the date on which the volunteer first became entitled to compensation will, if less than 50% of average weekly earnings, be taken to be 50% of average weekly earnings.

(2) In this section:

**volunteer** means a person who is, under section 3(7), (8) or (8A), taken to be a worker in the employ of the Territory.

**6 Amendment of section 87 (Failure to decide within specified time)**

(1) Section 87, before "If"

*insert*

(1)

(2) After section 87(1)

*insert*

(2) If an employer defers a decision on liability but fails to make a decision to accept or dispute liability within the period for which the deferral remains in force under section 85(4)(a), the employer is deemed to have accepted liability for compensation payable under Division 3, Subdivisions B and D until:

(a) the expiry of 14 days after the day on which the employer notifies the claimant of a decision to accept or dispute liability;  
or

(b) the Court orders otherwise.

(3) An employer notifies a claimant of a decision for the purposes of subsection (1)(a) or (2)(a) if (and only if):

(a) notification of the decision is given in accordance with section 85(6); and

(b) in the case of a decision to dispute liability, the employer

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complies with the further requirements of section 85(8) and (9).

**7 Amendment of section 103C (Mediators)**

(1) Section 103C(3)(c)

*omit, substitute*

(c) to require a party to the dispute to provide to the mediator or another party to the dispute specified materials in the party's possession or control; and

(2) Section 103(3)(a) and (b), at the end

*insert*

and

**8 Amendment of section 103D (Application for and conduct of mediation)**

(1) After section 103D(2)

*insert*

(2A) After receiving an application under this section, the Authority must, by written notice, require each party to the mediation to provide the Authority with:

(a) all written medical reports in the party's possession or control relevant to the dispute (including reports on which the party does not rely); and

(b) all other written materials in the party's possession or control on which the party relies.

(2B) The Authority will give the medical reports and other materials to the mediator who will make copies of them available to the parties in the course of the mediation.

(2) Section 103D(3)

*omit*

28

*insert*

21