

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1985, No. 22 *

Regulations under the *Workers' Compensation Act*

I, JAMES HENRY MUIRHEAD, the Acting Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Workers' Compensation Act*.

Dated this 29th day of August, 1985.

JH Muirhead
Acting Administrator

By His Honour's Command

N. M. DONDAS

Minister for Industry and Small Business
and Tourism

AMENDMENTS OF THE WORKMEN'S COMPENSATION REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Workmen's Compensation Amendment Act 1984*.

2. PRINCIPAL REGULATIONS

The Workmen's Compensation Regulations are in these Regulations referred to as the Principal Regulations.

3. SHORT TITLE

Regulation 1 of the Principal Regulations is amended by omitting "Workmen's" and substituting "Workers'".

* Notified in the *Northern Territory Government Gazette* on 11 SEP 1985.

G. L. DUFFIELD, Government Printer of the Northern Territory

Workmen's Compensation Regulations

4. NEW REGULATIONS

The Principal Regulations are amended by inserting after regulation 13 the following:

"14. SERVICE OF NOMINAL INSURER

"For the purposes of section 17CA(2) of the Act -

(a) the address for service of the Nominal Insurer is the Division of Industrial and Labour Relations, Department of Industry and Small Business, G.P.O. Box 2056, Darwin N.T. 5794; and

"(b) a person may serve the Nominal Insurer with a document, letter or notice under the Act or these Regulations -

(i) personally, by delivering it; or

(ii) otherwise, by posting it,

to the address for service under paragraph (a).

"15. EMPLOYER'S WAGES STATEMENTS

"For the purposes of section 18AA(1)(a)(iv) of the Act, a proper estimate of the amount that will be payable by an employer during an insurance or indemnity period to workers in his employment in respect of whom the employer would be entitled to claim under the policy shall include -

(a) salaries, overtime payments, shift and other allowances, over-award payments, bonuses, commissions, payments to working directors (other than director's fees), payments for public and annual holidays (including loadings), payments for sick leave, value of board and lodging provided by the employer for the worker and any other consideration in money or money's worth accruing to the worker under a contract of service or apprenticeship; and

(b) payments (whether by way of commission, fee, reward or otherwise) under a contract (whether referred to as a contract, agreement, arrangement or engagement) by reason of which the person paid is deemed to be a worker after deducting such amount for costs necessarily incurred by that person in performing that contract as may be agreed upon,

but shall not include -

(c) an amount which has been calculated as wages for the purposes of a statement referred to in section 18AA(1)(a)(iii); or

Workmen's Compensation Regulations

- (d) an allowance to reimburse costs arising out of an obligation incurred under a contract, an amount expended on behalf of the worker, director's fees, compensation under this Act, a payment for long service leave or a lump sum payment instead of long service leave.

"16. STATEMENT OF AMOUNTS ACTUALLY PAID

"For the purposes of section 18AA(1)(b) of the Act, Form E may be used as the form for a statement of amounts actually paid.

"17. PRESCRIBED FORM OF STATEMENT UNDER SECTION 18AA(1)(a)(iii)

"For the purposes of section 18AA(2)(a) of the Act, Form F is the prescribed form.

"18. MANNER OF VERIFICATION

"For the purposes of section 18AA(2)(b) of the Act, a statement under section 18(1)(a)(iii) shall be verified where the employer is -

- (a) one natural person - by the person;
- (b) a partnership - by one of the partners, in accordance with this regulation;
- (c) a company, within the meaning of the *Companies Act* - by a director or secretary of the company;
- (d) a foreign company, within the meaning of the *Companies Act* - by a director, the secretary or the agent in the Territory of the foreign company; or
- (e) an incorporated association, within the meaning of the *Associations Incorporation Act* - by the public officer,

making a statutory declaration to the effect that the estimate of wages and other prescribed information is true and correct.

"19. NOTICE OF ELECTION

"For the purposes of section 18AB, where an employer and insurer do not agree on the manner of election to pay by premium, the employer may so elect by serving a notice in writing in accordance with Form G on the insurer not less than 21 days before the first instalment is payable under that section."

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5. SCHEDULE

The Schedule of the Principal Regulations is amended by adding at the end the following:

"FORM E

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Regulation 16

STATEMENT OF AMOUNTS ACTUALLY PAID

1. Name of employer:
2. Name of insurer:
3. Name and address of person making statement and his position in relation to the employer:
4. Insurance or indemnity period:
5. Proper estimate under section 18AA(1)(a)(iii) of the Act of wages:
6. Estimate of other amounts as required under regulation 15:
7. Amount actually paid by wages:
8. Amount actually paid by way of the types of payments specified in regulation 15:

I, (1) do solemnly and sincerely declare that the information in this statement is true and correct in every particular to the best of my knowledge and belief and I make this solemn declaration by virtue of the Oaths Act conscientiously believing the statements.

Declared at
the _____ day of _____ 19
(2)

Before me

(3)
(4)

NOTE: A person wilfully making a false statement in a statutory declaration is liable to a penalty of \$1000 or imprisonment for 6 months, or both.

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- (1) Name and address of person making the declaration.
- (2) Signature of the person making the declaration.
- (3) Signature of the person before whom the declaration is made.
- (4) Title of the person before whom the declaration is made.

"FORM F

NORTHERN TERRITORY OF AUSTRALIA

Workers' Compensation Act

Regulation 17

PRESCRIBED FORM OF STATEMENT
UNDER SECTION 18AA(1)(a)(iii)

1. Name of employer:
2. Name of insurer:
3. Name and address of person making statement and his position in relation to the employer:
4. Insurance or indemnity period:
5. Estimate under section 18AA(1)(a)(iii) of the Act of wages:

I, _____ (1) do solemnly and sincerely declare that the information in this statement is true and correct in every particular to the best of my knowledge and belief and I make this solemn declaration by virtue of the *Oaths Act* conscientiously believing the statements.

Declared at _____ day of _____ 19____
the _____
(2)

Before me

(3)
(4)

NOTE: A person wilfully making a false statement in a statutory declaration is liable to a penalty of \$1000 or imprisonment for 6 months, or both.

Workmen's Compensation Regulations

- (1) Name and address of person making the declaration.
- (2) Signature of the person making the declaration.
- (3) Signature of the person before whom the declaration is made.
- (4) Title of the person before whom the declaration is made.

"FORM G

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Regulation 19

NOTICE OF ELECTION

To:
(Name of insurer)

From:
(Name of employer)

..... elects
(Name of employer)

to pay the premium under a policy of insurance or indemnity by instalments in accordance with section 18AB of the *Workers' Compensation Act*.

Dated this day of 19 .
_____ "

6. FURTHER AMENDMENTS

The Principal Regulations are further amended as set out in the Schedule.

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SCHEDULE

Regulation 6

Provision	Amendment	
	Omit	Substitute
Regulation 2(1)	"'the Ordinance' means the <i>Workmen's Compensation Ordinance</i> "	"'the Act' means the <i>Workers' Compensation Act</i> "
Regulation 3	"workman for compensation under the Ordinance"	"worker for compensation under the Act"
Regulation 4	"the Ordinance"	"the Act"
Regulation 5	" <i>Workmen's Compensation Ordinance</i> "	" <i>Workers' Compensation Act</i> "
Regulation 7	"workman"	"worker"
	"the Second Schedule to the Ordinance"	"Schedule 2 to the Act"
Regulation 8	"workman"	"worker"
	"the First Schedule to the Ordinance"	"Schedule 1 to the Act"
Regulation 10A(2) (b)	"the Ordinance" (twice occurring)	"the Act"
Regulation 12	"a minister of religion, or a welfare officer within the meaning of the <i>Social Welfare Ordinance</i> "	"or a minister of religion"
Regulation 13	"the Ordinance"	"the Act"
Form A	" <i>Workmen's Compensation Ordinance</i> " (twice occurring)	" <i>Workers' Compensation Act</i> "
	"WORKMAN"	"WORKER"

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SCHEDULE - continued

Provision	Amendment	
	Omit	Substitute
	"a minister of religion or a welfare officer within the meaning of the <i>Social Welfare Ordinance</i> "	"or a minister of religion"
Form B	" <i>Workmen's Compensation Ordinance</i> " (twice occurring)	" <i>Workers' Compensation Act</i> "
	"WORKMAN"	"WORKER"
	"workman" (wherever occurring)	"worker"
Form C	" <i>Workmen's Compensation Ordinance</i> " (twice occurring)	" <i>Workers' Compensation Act</i> "
	"abovenamed Ordinance"	"abovenamed Act"
	"the Third Schedule to the Ordinance and section 9 of the Ordinance,"	"Schedule 3 and section 9 of the Act,"
Form D	" <i>Workmen's Compensation Ordinance</i> "	" <i>Workers' Compensation Act</i> "
	"workman"	"worker"