

Version No. 020
Accident Compensation Regulations 2001
S.R. No. 21/2001
Version incorporating amendments as at 1 July 2010

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Accident Compensation Regulations 2001
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PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to prescribe those matters authorised or required for the achievement of the objects of the **Accident Compensation Act 1985** and the **Accident Compensation (WorkCover Insurance) Act 1993**.

2 Authorising provisions

These Regulations are made under section 253 of the **Accident Compensation Act 1985** and section 72 of the **Accident Compensation (WorkCover Insurance) Act 1993**.

3 Commencement

These Regulations come into operation on 19 March 2001.

4 Revocation

The Regulations set out in Schedule 6 are **revoked**.

PART 2—GENERAL

5 Investigation of fraud

Inquiries and investigations under section 248B of the **Accident Compensation Act 1985** must be conducted—

- (a) with due care; and
- (b) objectively; and
- (c) affording all due recognition of and respect for the legal rights of the person or persons whose activities are being inquired into or investigated.

6 Prescribed particulars as evidence

- (1) For the purposes of a certificate under section 239A of the **Accident Compensation Act 1985**, the prescribed particulars relating to amounts (including amounts of compensation) paid or payable by the Authority under the **Accident Compensation Act 1985** or the **Accident Compensation (WorkCover Insurance) Act 1993** are those of the following particulars which are relevant to the proceedings in respect of which the certificate has been issued—

- (a) nature of amount;
 - (b) if the amount is or is in respect of a weekly payment, the period in respect of which the weekly payment was paid or payable;
 - (c) invoice number;
 - (d) date of invoice;
 - (e) date invoice received;
 - (f) invoiced date of service;
 - (g) nature of service;
-

-
- (h) name of payee;
 - (i) date cheque drawn;
 - (j) drawer name;
 - (k) drawer's bank;
 - (l) date cheque issued;
 - (m) claimant name;
 - (n) provider name;
 - (o) provider numbers;
 - (p) provider address;
 - (q) WorkCover claim number;
 - (r) worker's name;
 - (s) worker's date of birth;
 - (t) date of injury.

(2) In this regulation, *provider numbers* means—

- (a) the number allocated to that provider by the Authority in respect of all practices of the provider; and
- (b) the number or numbers allocated to the relevant practice of that provider by the Health Insurance Commission, or if the provider is not a type to whom the Health Insurance Commission issues a number, the number or numbers allocated to the relevant practice or practices of the provider by the Authority.

7 Form of warrant under section 240A of the Accident Compensation Act 1985

For the purposes of section 240A of the **Accident Compensation Act 1985**, the prescribed form of warrant is the form set out in Schedule 1.

8 Form of warrant under section 70 of the Accident Compensation (WorkCover Insurance) Act 1993

For the purposes of section 70 of the **Accident Compensation (WorkCover Insurance) Act 1993**, the prescribed form of warrant is the form set out in Schedule 2.

PART 3—COMPENSATION

9 Full-time worker

For the purposes of the definition of *full-time worker* in section 5(1) of the **Accident Compensation Act 1985**, the prescribed number of hours if there is no applicable award is 35.

10 Prescribed number of hours

For the purposes of section 5A(6)(e) of the **Accident Compensation Act 1985**, the prescribed number of hours is 38.

Reg. 10
amended by
S.R. No.
61/2010 reg. 5.

* * * * *

Regs 11, 12
revoked by
S.R. No.
61/2010 reg. 6.

13 Amounts not remuneration

If—

- (a) a person (in this regulation called *the principal*) enters into a contract mentioned in Column 1 of the Table in Schedule 3 with any other person (in this regulation called *the contractor*); and
- (b) the contractor provides his or her own materials or equipment if those materials have or that equipment has not been purchased from the principal; and
- (c) the total amount paid by the principal to the contractor includes amounts in respect of those materials or that equipment—

that part of the total amount paid to the contractor which is not attributable to the performance of work and not remuneration for the purposes of sections 6(2), 8(2) and 9(2)(d) of the **Accident Compensation Act 1985** is the percentage

specified in Column 2 of the Table in Schedule 3 opposite that contract.

14 Payments to worker resident overseas

If a worker who ceases to reside in Australia has satisfied the Authority or self-insurer under section 97(2) or (2AA) of the **Accident Compensation Act 1985** that the worker has no current work capacity and is likely to continue indefinitely to have no current work capacity, that worker is entitled to receive weekly payments in accordance with section 97(3) of the **Accident Compensation Act 1985** if at quarterly intervals—

- (a) the worker submits to an examination by a medical practitioner who is legally qualified in the country where the worker is residing and who is approved by the Authority or self-insurer under section 5(1) of the **Accident Compensation Act 1985** and obtains from that medical practitioner a certificate in accordance with Form 1 in Schedule 5; and
- (b) the worker makes a statement of identity in accordance with Form 2 in Schedule 5; and
- (c) the worker submits the statement and certificate to the authority or self-insurer, as the case may be, together with a request for payment of the amount of weekly payments accruing due during the preceding quarter.

Reg. 15
revoked by
S.R. No.
35/2007
reg. 4(a).

* * * * *

16 Reimbursement

The prescribed period for the purposes of section 114D(5) of the **Accident Compensation Act 1985** is 30 days after the date on which the Authority receives notification that the employer has made a weekly payment to the worker in respect of whom a current certificate of capacity in accordance with section 111 of that Act has been forwarded to the Authority.

* * * * *

Reg. 17
revoked by
Act No.
10191/1985
s. 117D(2) (as
amended by
No. 82/2001
s. 3).

18 Contract of insurance

For the purposes of section 134 of the **Accident Compensation Act 1985** as in force before the commencement of section 35(3) of the **Accident Compensation Legislation (Amendment) Act 2004**, the forms of contract of insurance prescribed by the Accident Compensation Regulations 1985 and the Accident Compensation Regulations 1990 continue in force in respect of injuries arising before 4 p.m. on 30 June 1993.

Reg. 18
amended by
S.R. No.
61/2010 reg. 7.

r. 23

PART 4—SELF INSURANCE

Regs 19–21
revoked by
S.R. No.
61/2010 reg. 8.

* * * * *

Reg. 22
amended by
S.R. No.
62/2001
reg. 4(Sch.
item 1),
revoked by
S.R. No.
61/2010 reg. 8.

* * * * *

23 Contributions by self-insurers

Reg. 23(1)
amended by
S.R. No.
61/2010 reg. 9.

- (1) The amount of contributions payable by a self-insurer pursuant to section 146(2) of the **Accident Compensation Act 1985** must be determined in accordance with the following formula—

$$\left[\left\{ \frac{B}{C} \times D \right\} - \left\{ A \times \frac{B}{C} \right\} \right] \times 0.6 + \left\{ A \times \frac{B}{C} \right\}$$

- (2) In subregulation (1)—

"A" is the sum of the costs incurred by the Authority during the preceding quarter referred to in sections 32(4)(d) and (fa) of the **Accident Compensation Act 1985** and the costs incurred by the Authority during the preceding quarter in the administration of Division 2 of Part III of that Act;

"B" is the rateable remuneration calculated as if the self-insurer were an employer liable to pay the premium for a WorkCover insurance policy under the **Accident Compensation (WorkCover Insurance) Act 1993** paid or payable by the self-insurer during the preceding financial year;

"C" is the sum of the total rateable remuneration paid or payable by all employers liable to pay the premium for a WorkCover insurance policy under the **Accident Compensation (WorkCover Insurance) Act 1993** and the total rateable remuneration calculated in accordance with B in respect of all self-insurers during the preceding financial year;

"D" is the sum of—

- (a) the total of those costs incurred by the Authority in the preceding quarter referred to in—
 - (i) section 32(4)(d) of the **Accident Compensation Act 1985**; and
 - (ii) section 32(4)(e) of the **Accident Compensation Act 1985** excluding those costs—
 - (A) directly related to the administration, operation, management and maintenance of the Authority's central computer network used by authorised agents; and
 - (B) related to compliance audits in relation to the collection and recovery of premium payable under the **Accident Compensation (WorkCover Insurance) Act 1993** and levy payable under the **Accident Compensation Act 1985**; and

- (C) related to actuarial services provided to the Authority other than any such costs incurred under section 151 of the **Accident Compensation Act 1985**; and
- (iii) section 32(4)(f) of the **Accident Compensation Act 1985**; and
- (iv) section 32(4)(fa) of the **Accident Compensation Act 1985**; and
- (v) section 32(4)(i) of the **Accident Compensation Act 1985**; and
- (b) those costs incurred by the Authority in the preceding quarter in the administration of Division 2 of Part III of the **Accident Compensation Act 1985**; and
- (c) those costs incurred by the Authority in the preceding quarter directly related to meeting any liability incurred by the Authority under section 151 of the **Accident Compensation Act 1985**.

Reg. 23(3)–(5)
revoked by
S.R. No.
61/2010 reg. 8.

* * * * *

SCHEDULES

SCHEDULE 1

Regulation 7

SEARCH WARRANT

Accident Compensation Act 1985

Section 240A

EXECUTION COPY/SERVICE COPY

COURT REF.

Premises where search will be conducted:

Street name and number

Suburb/Town

AUTHORITY

Being satisfied, by the evidence [on oath] [and] [by affidavit] of the Victorian WorkCover Authority, that there is reasonable ground for suspecting that there are on the premises mentioned above books which are relevant in determining whether any of the provisions of the **Accident Compensation Act 1985** or the **Accident Compensation (WorkCover Insurance) Act 1993** are being or have been contravened,

This Warrant authorises any member of the police force, together with—

(Names)

- (a) to enter the premises mentioned above (using such force as is necessary for the purpose); and
- (b) to search the premises and to break open and search any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, in the premises; and
- (c) to take possession of, or secure against interference, any books that appear to be so relevant; and

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S.R. No. 21/2001

Sch. 1

- (d) to deliver any books, possession of which is so taken, into the possession of the Victorian WorkCover Authority, or—

being a person authorised by the Victorian WorkCover Authority to receive them.

This Warrant is issued under section 240A of the Accident Compensation Act 1985.

Issued at:	<div style="border: 1px solid black; width: 100px; height: 100px;"></div>	place	by:	<div style="border: 1px solid black; width: 150px; height: 100px;"></div>
			signature	<div style="border: 1px solid black; width: 150px; height: 100px;"></div>
on:	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	date	name	<div style="border: 1px solid black; width: 150px; height: 20px;"></div>
at:	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	time		Magistrate

RESULT OF RESEARCH

A. EXECUTION

Warrant executed

at am/pm on / /

OR

This Warrant is returned unexecuted because—

B. SERVICE

Copy Warrant served on—

(owner/occupier/person in charge of premises)

of

OR, description of person on whom served

C. PROPERTY DAMAGE

Owner/occupier/person in charge of premises to sign.

I acknowledge that no damage has been caused to property in the execution of this Warrant.

OR, where owner/occupier/person in charge of premises is absent, or declines to sign, complete "Property damaged" and "Reasons" boxes (including "Nil Damage" where applicable).

OR

The following damage was caused to property in the execution of this Warrant:

Property damaged:	Reasons (if known):
-------------------	---------------------

Signed:

(owner/occupier/person in charge of premises)

Sch. 1

WARNING TO PERSONS ON PREMISES

(on Service Copy only)

It is an offence under section 240A of the Accident Compensation Act 1985, punishable by fine or imprisonment, for any person—

- (a) to refuse to permit any search or seizure pursuant to this Warrant to be made; or
- (b) to assault, oppose, molest or obstruct any person employed or acting in the execution or under the authority of this Warrant or aiding or assisting in its execution.

D. BOOKS SEIZED (number each item):

If insufficient space, attach additional pages. No. of pages attached

E. DELIVERY OF BOOKS SEIZED

I delivered these books to—

at am/pm on / /

F. SIGNATURE OF POLICE MEMBER

Dated:

Signed:

Name, rank and No.

Station and address

NOTE TO PERSONS EXECUTING WARRANT

Where, pursuant to this Warrant, a person takes possession of, or secures against interference, any books, that person or any person to whose possession they are delivered pursuant to this Warrant—

- may make copies of, or take extracts from, the books;
- may retain possession of the books for such period as is necessary to enable them to be inspected, and copies of, or extracts from, them to be made or taken, by or on behalf of the Victorian WorkCover Authority;
- during that period must permit a person who would be entitled to inspect any one or more of those books if they were not in the possession of the first-named person to inspect at all reasonable times such of those books as that person would be so entitled to inspect;
- may retain the original books, or some of them, for a longer period only where the Magistrate who issued this Warrant makes an order under subsection (3B) of section 240A of the **Accident Compensation Act 1985**.

RETENTION OF ORIGINAL BOOKS FOR CRIMINAL PROCEEDINGS

G. BOOKS TO BE RETAINED FOR CRIMINAL PROCEEDINGS (number each item).

If insufficient space, attach additional pages. No. of pages attached

H. ORDER FOR RETENTION FOR CRIMINAL PROCEEDINGS

Being satisfied, on application by the Victorian WorkCover Authority, that there is reasonable ground to believe that the physical properties of the abovementioned books, or of the contents of these books, are material evidence in proposed criminal proceedings against—

Name of proposed defendant(s)

--

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Sch. 1

I order that the Victorian WorkCover Authority is authorised to retain possession of these books until the criminal proceedings are concluded.

This Order is made under section 240A(3B) of the **Accident Compensation Act 1985**.

Made at:	<input type="text"/>	place	by:	<input type="text"/>
			signature	<input type="text"/>
on:	<input type="text"/>	date		<input type="text"/>
at:	<input type="text"/>	time	name	<input type="text"/>
				Magistrate

SCHEDULE 2

Regulation 8

SEARCH WARRANT

Accident Compensation (Workcover Insurance) Act 1993

Section 70

EXECUTION COPY/SERVICE COPY

COURT REF.

Premises where search will be conducted:

Street name and number

Suburb/Town

AUTHORITY

Being satisfied, by the evidence [on oath] [and] [by affidavit] of the Victorian WorkCover Authority, that there is reasonable ground for suspecting that there are on the premises mentioned above books which are relevant to the assessment of a premium for the purposes of the **Accident Compensation (WorkCover Insurance) Act 1993**,

This Warrant authorises any member of the police force, together with—

Names

- (a) to enter the premises mentioned above (using such force as is necessary for the purpose); and
- (b) to search the premises and to break open and search any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, in the premises; and
- (c) to take possession of, or secure against interference, any books that appear to be so relevant; and

Accident Compensation Regulations 2001
S.R. No. 21/2001

Sch. 2

- (d) to deliver any books, possession of which is so taken, into the possession of the Victorian WorkCover Authority, or—

being a person authorised by the Victorian WorkCover Authority to receive them.

This Warrant is issued under section 70 of the Accident Compensation (WorkCover Insurance) Act 1993.

Issued at:	<div style="border: 1px solid black; width: 100px; height: 100px;"></div>	place	by:	<div style="border: 1px solid black; width: 150px; height: 100px;"></div>
			signature	<div style="border: 1px solid black; width: 150px; height: 50px;"></div>
on:	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	date		<div style="border: 1px solid black; width: 150px; height: 50px;"></div>
at:	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	time	name	<div style="border: 1px solid black; width: 150px; height: 20px; text-align: center;">Magistrate</div>

RESULT OF SEARCH

A. EXECUTION

Warrant executed

at am/pm on / /

OR

This Warrant is returned unexecuted because—

B. SERVICE

Copy Warrant served
on— (owner/occupier/person in charge of premises)
of

OR, description of
person on whom served

C. PROPERTY DAMAGE

Owner/occupier/person in charge of premises to sign. I acknowledge that no damage has been caused to property in the execution of this Warrant.

OR, where OR
owner/occupier/person in charge of premises is absent, or declines to sign, complete "Property damaged" and "Reasons" boxes (including "Nil Damage" where applicable). The following damage was caused to property in the execution of this Warrant.

Property damaged:	Reasons (if known):
-------------------	---------------------

Signed:

(owner/occupier/person in charge of premises)

Sch. 2

WARNING TO PERSONS ON PREMISES

(on Service Copy only)

It is an offence under section 70 of the Accident Compensation (WorkCover Insurance) Act 1993 for any person—

- (a) to refuse to permit any search or seizure pursuant to this Warrant to be made; or
- (b) to assault, oppose, molest or obstruct any person employed or acting in the execution or under the authority of this Warrant or aiding or assisting in its execution.

D. BOOKS SEIZED (number each item):

If insufficient space, attach additional pages. No. of pages attached

E. DELIVERY OF BOOKS SEIZED

I delivered these books to—

at am/pm

on / /

F. SIGNATURE OF POLICE MEMBER

Dated:

Signed:

Name, rank and No.

Station and address

NOTE TO PERSONS EXECUTING WARRANT

Where, pursuant to this Warrant, a person takes possession of, or secures against interference, any books, that person or any person to whose possession they are delivered pursuant to this Warrant—

- may make copies of, or take extracts from, the books;
- may retain possession of the books for such period as is necessary to enable them to be inspected, and copies of, or extracts from, them to be made or taken, by or on behalf of the Victorian WorkCover Authority;
- during that period must permit a person who would be entitled to inspect any one or more of those books if they were not in the possession of the first-named person to inspect at all reasonable times such of those books as that person would be so entitled to inspect;
- may retain the original books, or some of them, for a longer period only where the Magistrate who issued this Warrant makes an order under subsection (3B) of section 70 of the **Accident Compensation (WorkCover Insurance) Act 1993**.

RETENTION OF ORIGINAL BOOKS FOR CRIMINAL PROCEEDINGS

G. BOOKS TO BE RETAINED FOR CRIMINAL PROCEEDINGS (number each item):

If insufficient space, attach additional pages. No. of pages attached

H. ORDER FOR RETENTION FOR CRIMINAL PROCEEDINGS

Being satisfied, on application by the Victorian WorkCover Authority, that there is reasonable ground to believe that the physical properties of the abovementioned books, or of the contents of these books, are material evidence in proposed criminal proceedings against—

Name of proposed
defendant(s)

--

Accident Compensation Regulations 2001
S.R. No. 21/2001

Sch. 2

I order that the Victorian WorkCover Authority is authorised to retain possession of these books until the criminal proceedings are concluded.

This Order is made under section 70(3B) of the **Accident Compensation (WorkCover Insurance) Act 1993**.

Made at:	<input type="text"/>	place	by:	<input type="text"/>
			signature	<input type="text"/>
on:	<input type="text"/>	date		<input type="text"/>
at:	<input type="text"/>	time	name	<input type="text"/>
				Magistrate

SCHEDULE 3

Regulation 13

AMOUNTS NOT REMUNERATION

Table

Column 1 <i>Contract</i>	Column 2 <i>Percentage</i>
Contract for architects	5 per cent of amount paid
Contract for draftspersons	5 per cent of amount paid
Contract for engineers	5 per cent of amount paid
Contract for bricklayers	30 per cent of amount paid
Contract for building supervisors who provide their own vehicles and are required to supervise and inspect more than 6 different building sites each 7 day period	25 per cent of amount paid
Contract for carpenters	25 per cent of amount paid
Contract for carpet layers	25 per cent of amount paid
Contract for computer programmers	5 per cent of amount paid
Contract for driving instructors who provide their own vehicles	30 per cent of amount paid
Contract for fencing contractors	25 per cent of amount paid
Contract for painters	15 per cent of amount paid
Contract for resilient floor layers	37 per cent of amount paid
Contract for roof tilers or slaters	25 per cent of amount paid
Contract for tree fellers	25 per cent of amount paid
Contract for plasterers	20 per cent of amount paid
Contract for cabinet makers	25 per cent of amount paid
Contract for electricians	25 per cent of amount paid
Contract for plumbers	25 per cent of amount paid

Accident Compensation Regulations 2001
S.R. No. 21/2001

Sch. 4

Schedule 4
revoked by
S.R. No.
61/2010 reg. 8.

* * * * *

SCHEDULE 5

FORMS

FORM 1

Regulation 14(a)

MEDICAL CERTIFICATE

Details of examiner:

Name:

Telephone Number:

Address:

Date:

I certify that on / / , I examined

(Given name) (Family name)

of

He/she was suffering from

I consider that, by reason of this condition, he/she has no current work capacity and is likely to continue indefinitely to have no current work capacity.

Signature

(Qualification)

Sch. 5

FORM 2

Regulation 14(b)

**STATEMENT OF IDENTITY BY WORKER RESIDING OUTSIDE
AUSTRALIA**

I, _____, state that I am the same person as formerly of _____
and that I continue to have the incapacity in respect of _____
which weekly payments are made, as certified by the attached medical
certificate provided in accordance with regulation 14 of the Accident
Compensation Regulations 2001.

My description is as follows:

Age:

Height:

Hair:

Eyes:

Signed:

Stated at

Dated:

Before me

(Signature and description of person before whom statement is made)

Sch. 5 Form 3
revoked by
S.R. No.
35/2007
reg. 4(b).

* * * * *

Sch. 5 Form 4
revoked by
S.R. No.
61/2010 reg. 8.

* * * * *

SCHEDULE 6

Regulation 4

REVOCATIONS

<i>Name</i>	<i>S.R. Number</i>
Accident Compensation Regulations 1990	49/1990
Accident Compensation (Levy Rates and Bonus Fund) Regulations 1990	126/1990
Accident Compensation (Amendment) Regulations 1991	121/1991
Accident Compensation (Application Form) Regulations 1991	126/1991
Accident Compensation (Revocation of Surcharge) Regulations 1991	176/1991
Accident Compensation (Amendment) Regulations 1992	170/1992
Accident Compensation (Further Amendment) Regulations 1992	221/1992
Accident Compensation (WorkCover) Regulations 1992	318/1992
Accident Compensation (Amendment) Regulations 1993	122/1993
Accident Compensation (Medical Authority and Settlements) Regulations 1993	166/1993
Accident Compensation (Prescribed Particulars) Regulations 1996	155/1996
Accident Compensation (General Amendment) Regulations 1998	88/1998
Accident Compensation (Consequential Amendment) Regulations 1999	8/1999
Accident Compensation (Self-Insurers' Contributions) Regulations 1999	91/1999
Subordinate Legislation (Accident Compensation Regulations 1990—Extension of Operation) Regulations 2000	19/2000
Accident Compensation (Amendment) Regulations 2000	102/2000

ENDNOTES

1. General Information

The Accident Compensation Regulations 2001, S.R. No. 21/2001 were made on 14 March 2001 by the Governor in Council under section 253 of the **Accident Compensation Act 1985**, No. 10191/1985 and section 72 of the **Accident Compensation (WorkCover Insurance) Act 1993**, No. 50/1993 and came into operation on 19 March 2001: regulation 3.

The Accident Compensation Regulations 2001 will sunset 10 years after the day of making on 14 March 2011 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Accident Compensation Regulations 2001 by statutory rules, subordinate instruments and Acts.

Corporations (Ancillary Provisions) (Consequential Amendments) Regulations 2001, S.R. No. 62/2001

Date of Making: 28.6.01
Date of Commencement: 15.7.01: reg. 3

Accident Compensation Act 1985, No. 10191/1985 (as amended by No. 82/2001)

Assent Date: 30.7.85
Commencement Date: Pts 1 (ss 1-17), II (ss 18-38), VI (ss 156-178), ss 272, 275 on 30.07.85: s. 2 (5); s. 264 (4) on 30.06.85: s. 2 (4); Sch. 2 item which amends s. 95 of Stamps Act 1958 on 01.01.85: s. 2 (6); Sch. 2 item which amends s. 97 of Stamps Act 1958 on 01.08.85: s. 2 (7); Sch. 2 items which amend ss 98, 99 of Stamps Act 1958 on 30.06.85: s. 2 (8); Pt VII (ss 179-236) on 01.09.85; rest of Act (except s. 91) on 31.08.85 (at 4 p.m.) GG 30.08.85 p. 3401; S. 91 never proclaimed.
Current State: All of Act in operation

Accident Compensation (Employer Claim Report Revocation) Regulations 2007, S.R. No. 35/2007

Date of Making: 15.5.07
Date of Commencement: 1.7.07: reg. 3

Accident Compensation Amendment Regulations 2010, S.R. No. 61/2010

Date of Making: 30.6.10
Date of Commencement: 1.7.10: reg. 3

Endnotes

3. Explanatory Details

No entries at date of publication.

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