

LEGISLATIVE COUNCIL

ACCIDENT COMPENSATION AMENDMENT BILL 2009

(Amendments to be proposed in Committee by Ms PENNICUIK)

1. Clause 2, line 4, omit "59 and 63" and insert "53 and 57".
2. Clause 2, line 7, omit "52" and insert "46".
3. Clause 2, line 9, omit "49(1)" and insert "43(1)".
4. Clause 2, line 11, omit "57(4) and 57(5)" and insert "51(4) and 51(5)".
5. Clause 2, line 13, omit "54(6) and 56" and insert "48(6) and 50".
6. Clause 2, lines 14 to 16, omit "57(2), 57(3), 60, 67, 68(1), 68(3), 68(4), 68(5), 68(6), 68(7), 68(8), 68(9), 68(10), 68(13) and 70(1)" and insert "51(2), 51(3), 54, 61, 62(1), 62(3), 62(4), 62(5), 62(6), 62(7), 62(8), 62(9), 62(10), 62(13) and 64(1)".
7. Clause 2, line 18, omit "Sections 42 and 45(3) come" and insert "Section 37 comes".
8. Clause 2, line 21, omit "19, 20 and 21" and insert "14, 15 and 16".
9. Clause 2, lines 21 and 22, omit "sections 42 and 45(3)" and insert "section 37".
10. Clause 2, line 22, omit "49(1) and 52" and insert "43(1) and 46".
11. Clause 2, line 23, omit "54(6) and 56" and insert "48(6) and 50".
12. Clause 2, line 24, omit "57(2), 57(3), 57(4), 57(5), 59, 60 and 63" and insert "51(2), 51(3), 51(4), 51(5), 53, 54 and 57".
13. Clause 2, lines 25 to 27, omit "67, 68(1), 68(3), 68(4), 68(5), 68(6), 68(7), 68(8), 68(9), 68(10), 68(13) and 70(1)" and insert "61, 62(1), 62(3), 62(4), 62(5), 62(6), 62(7), 62(8), 62(9), 62(10), 62(13) and 64(1)".
14. Clause 2, lines 27 and 28, omit "74(3), 74(4), 91 and 92" and insert "68(3), 68(4), 84 and 85".
15. Clause 4, lines 16 to 22, omit paragraphs (a), (b) and (c) and insert—
 - (a) in subsection (1AA)—
 - (i) **omit** "for the first 26 weeks after the death of the worker";
 - (ii) for "that first 26 week period" **substitute** "the period when weekly payments are payable";
 - (b) in subsection (1AB)—
 - (i) **omit** "for the first 26 weeks after the death of the worker";

- (ii) for "that first 26 week period" **substitute** "the period when weekly payments are payable";
- (c) in subsection (1A) (where secondly occurring)—
 - (i) **omit** "for the first 26 weeks";
 - (ii) for "that first 26 week period" **substitute** "the period when weekly payments are payable";
- 16. Clause 4, lines 26 and 27, omit paragraph (e) and insert—
 - (e) in subsection (1B)—
 - (i) **omit** "for the first 26 weeks";
 - (ii) for "that first 26 week period" **substitute** "the period when weekly payments are payable";
- 17. Clause 12, omit this clause.
- 18. Clause 13, line 18, omit "Subject to 82A, 82B and 82C, if" and insert "If".
- 19. Clause 14, lines 32 to 34, page 12, lines 1 to 31, and page 13, lines 1 to 3, omit all words and expressions on these lines.
- 20. Clause 15, omit this clause.
- 21. Clause 16, omit this clause.
- 22. Clause 17, omit this clause.
- 23. Clause 18, omit this clause.
- 24. Clause 26, line 28, omit "23" and insert "18".
- 25. Clause 27, line 6, omit "25" and insert "20".
- 26. Clause 30, page 49, line 3, omit "31" and insert "26".
- 27. Clause 30, page 49, line 12, omit "31" and insert "26".
- 28. Clause 37, lines 16 to 18, omit "for an aggregate period of 52 weeks (whether or not consecutive)".
- 29. Clause 44, line 28, omit "43" and insert "38".
- 30. Clause 45, omit this clause.
- 31. Clause 73, line 14, omit "71" and insert "65".
- 32. Clause 79, omit this clause.
- 33. Clause 92, line 14, omit "91" and insert "84".

34. Clause 119, line 7, omit "114" and insert "107".
35. Clause 123, line 27, omit "122" and insert "115".
36. Clause 126, page 221, line 7, omit "126" and insert "119".
37. Clause 126, page 227, line 26, omit "126" and insert "119".
38. Clause 126, page 227, line 32, omit "126" and insert "119".
39. Clause 129, page 246, line 20, omit "of 52 weeks".
40. Clause 129, page 247, line 13, omit "earliest—" and insert "earliest; and".
41. Clause 129, page 247, lines 14 to 21, omit all words and expressions on these lines and insert—
 - (b) continuing until such time as the worker is no longer entitled to weekly payments.'
42. Clause 129, page 247, lines 22 and 23, omit "to the extent that it is reasonable to do so" and insert "unless to do so would cause unjustifiable hardship to the employer".
43. Clause 129, page 249, lines 8 and 9, omit "to the extent that it is reasonable to do so" and insert "unless to do so would cause unjustifiable hardship to the employer".
44. Clause 129, page 250, lines 8 and 9, omit ", to the extent that it is reasonable to do so,".
45. Clause 129, page 251, after line 7 insert—
 - (4) Despite subsection (3), if an employer is unable to consult directly with a worker because of the incapacity to the worker, the employer must consult with a representative designated by the worker and, by doing so, is taken to have consulted with the worker for the purposes of subsection (1)(a).'
46. Clause 129, page 253, after line 9 insert—

"197A Risk management program

 - (1) An employer who has certified, or in respect of whom there has been assessed, total remuneration of less than \$2 000 000 for all workplaces of the employer in respect of the preceding policy period must within 3 months of the certification or assessment establish and maintain a risk management program.
 - (2) An employer of a worker who has an incapacity for work that was caused by, or that was materially contributed to by, an injury must within 3 months after the relevant day establish and maintain a risk management program.
 - (3) The relevant day is whichever of the following 2 days occurs later—

- (a) the day on which the earliest of the following events occurs—
 - (i) a claim by the worker for weekly payments in respect of the injury is accepted;
 - (ii) a Conciliation Officer gives a direction that weekly payments are to be paid in relation to such a claim;
 - (iii) a Conciliation Officer makes a recommendation that weekly payments be paid in relation to a claim and the recommendation is accepted by the employer or the Authority or the self-insurer (as the case may be);
 - (iv) such a claim is determined by a court in favour of the worker;
 - (b) the day on which the employer becomes aware, or ought reasonably to have become aware, that the worker's period or periods of incapacity caused, or materially contributed to, by the injury is likely to exceed 20 days.
- (4) The following classes of employers, to the extent indicated, are exempt from the requirements under subsections (1) and (2)—
- (a) employers (including owners corporations within the meaning of the **Owners Corporations Act 2006**) who employ domestic or similar workers otherwise than for the purposes of the employer's trade or business (but only to the extent that such workers are concerned);
 - (b) employers who hold owner-builders' permits under the **Building Control Act 1981** (but only to the extent that the workers employed for the purposes of the work to which the permit relates are concerned);
 - (c) employers (being corporations) who only employ workers who are directors of the corporation;
 - (d) employers who only employ workers who are members of the employers family;
 - (e) employers who only employ workers who only perform work while outside Victoria;
 - (f) employers of workers who are pupils at a school within the meaning of Part IVA of the **Education Act 1958** employed pursuant to a work experience arrangement under that Part in respect of those workers.
- (5) For the purposes of this section, a risk management program is a program that provides for the steps to be taken after an injury has occurred in the workplace to, as far as is practicable, reduce the risk of subsequent injury of that kind."

47. Clause 136, line 6, omit "135" and insert "128".

48. Clause 191, page 327, lines 5 and 6, omit "12, 13 and 14" and insert "12 and 13".

49. Clause 191, page 327, lines 9 to 15, omit all words and expressions on these lines.
50. Clause 191, page 327, line 16, omit "**306**" and insert "**305**".
51. Clause 191, page 327, line 18, omit "19(1)" and insert "14(1)".
52. Clause 191, page 327, line 22, omit "**307**" and insert "**306**".
53. Clause 191, page 327, line 24, omit "20(1)" and insert "15(1)".
54. Clause 191, page 327, line 28, omit "**308**" and insert "**307**".
55. Clause 191, page 327, line 30, omit "20(5)" and insert "15(5)".
56. Clause 191, page 328, line 1, omit "**309**" and insert "**308**".
57. Clause 191, page 328, line 2, omit "21" and insert "16".
58. Clause 191, page 328, line 6, omit "**310**" and insert "**309**".
59. Clause 191, page 328, line 8, omit "23" and insert "18".
60. Clause 191, page 328, line 12, omit "**311**" and insert "**310**".
61. Clause 191, page 328, line 13, omit "29" and insert "24".
62. Clause 191, page 328, line 17, omit "**312**" and insert "**311**".
63. Clause 191, page 328, line 18, omit "31" and insert "26".
64. Clause 191, page 328, line 22, omit "**313**" and insert "**312**".
65. Clause 191, page 328, line 24, omit "34" and insert "29".
66. Clause 191, page 328, line 29, omit "34" and insert "29".
67. Clause 191, page 329, line 1, omit "**314**" and insert "**313**".
68. Clause 191, page 329, line 2, omit "35" and insert "30".
69. Clause 191, page 329, line 6, omit "**315**" and insert "**314**".
70. Clause 191, page 329, line 7, omit "37" and insert "32".
71. Clause 191, page 329, line 11, omit "**316**" and insert "**315**".
72. Clause 191, page 329, line 12, omit "39(2)" and insert "34(2)".
73. Clause 191, page 329, line 16, omit "**317**" and insert "**316**".
74. Clause 191, page 329, line 18, omit "40 and 41" and insert "35 and 36".

75. Clause 191, page 329, line 21, omit "**318**" and insert "**317**".
76. Clause 191, page 329, line 22, omit "43" and insert "38".
77. Clause 191, page 329, lines 27 to 32, omit all words and expressions on these lines.
78. Clause 191, page 330, line 1, omit "**320**" and insert "**318**".
79. Clause 191, page 330, line 2, omit "53" and insert "47".
80. Clause 191, page 330, line 10, omit "**321**" and insert "**319**".
81. Clause 191, page 330, line 11, omit "54" and insert "48".
82. Clause 191, page 330, line 19, omit "**322**" and insert "**320**".
83. Clause 191, page 330, line 21, omit "75" and insert "69".
84. Clause 191, page 330, line 25, omit "**323**" and insert "**321**".
85. Clause 191, page 330, line 26, omit "76" and insert "70".
86. Clause 191, page 330, line 30, omit "**324**" and insert "**322**".
87. Clause 191, page 330, line 32, omit "78" and insert "72".
88. Clause 191, page 331, line 1, omit "**325**" and insert "**323**".
89. Clause 191, page 331, line 3, omit "57(4)" and insert "51(4)".
90. Clause 191, page 331, line 8, omit "57(7)" and insert "51(7)".
91. Clause 191, page 331, line 13, omit "57(8)" and insert "51(8)".
92. Clause 191, page 331, line 18, omit "**326**" and insert "**324**".
93. Clause 191, page 331, line 21, omit "58" and insert "52".
94. Clause 191, page 331, line 26, omit "**327**" and insert "**325**".
95. Clause 191, page 331, line 27, omit "61" and insert "55".
96. Clause 191, page 332, line 1, omit "**328**" and insert "**326**".
97. Clause 191, page 332, line 3, omit "62" and insert "56".
98. Clause 191, page 332, line 10, omit "**329**" and insert "**327**".
99. Clause 191, page 332, line 12, omit "67" and insert "61".
100. Clause 191, page 332, line 20, omit "**330**" and insert "**328**".

101. Clause 191, page 332, line 22, omit "68(1)" and insert "62(1)".
102. Clause 191, page 332, line 31, omit "68(2)" and insert "62(2)".
103. Clause 191, page 333, line 1, omit "68(3)" and insert "62(3)".
104. Clause 191, page 333, line 7, omit "68(4)" and insert "62(4)".
105. Clause 191, page 333, line 12, omit "68(5)" and insert "62(5)".
106. Clause 191, page 333, line 26, omit "68(5)" and insert "62(5)".
107. Clause 191, page 333, line 35, omit "68(5)" and insert "62(5)".
108. Clause 191, page 334, line 4, omit "**331**" and insert "**329**".
109. Clause 191, page 334, line 7, omit "69" and insert "63".
110. Clause 191, page 334, line 11, omit "**332**" and insert "**330**".
111. Clause 191, page 334, line 13, omit "70" and insert "64".
112. Clause 191, page 334, line 21, omit "**333**" and insert "**331**".
113. Clause 191, page 334, line 22, omit "71" and insert "65".
114. Clause 191, page 334, line 26, omit "**334**" and insert "**332**".
115. Clause 191, page 334, line 28, omit "74(2)" and insert "68(2)".
116. Clause 191, page 335, lines 1 to 7, omit all words and expressions on these lines.
117. Clause 191, page 335, line 8, omit "**336**" and insert "**333**".
118. Clause 191, page 335, line 12, omit "80" and insert "73".
119. Clause 191, page 335, line 15, omit "**337**" and insert "**334**".
120. Clause 191, page 335, line 16, omit "81" and insert "74".
121. Clause 191, page 335, line 20, omit "**338**" and insert "**335**".
122. Clause 191, page 335, line 22, omit "82" and insert "75".
123. Clause 191, page 335, line 26, omit "**339**" and insert "**336**".
124. Clause 191, page 335, line 28, omit "83" and insert "76".
125. Clause 191, page 336, line 1, omit "**340**" and insert "**337**".
126. Clause 191, page 336, line 2, omit "84" and insert "77".

127. Clause 191, page 336, line 6, omit "**341**" and insert "**338**".
128. Clause 191, page 336, line 8, omit "85" and insert "78".
129. Clause 191, page 336, line 17, omit "**342**" and insert "**339**".
130. Clause 191, page 336, line 18, omit "87" and insert "80".
131. Clause 191, page 336, line 22, omit "**343**" and insert "**340**".
132. Clause 191, page 336, line 24, omit "88" and insert "81".
133. Clause 191, page 336, line 28, omit "**344**" and insert "**341**".
134. Clause 191, page 336, line 29, omit "89" and insert "82".
135. Clause 191, page 337, line 1, omit "**345**" and insert "**342**".
136. Clause 191, page 337, line 2, omit "90" and insert "83".
137. Clause 191, page 337, line 7, omit "**346**" and insert "**343**".
138. Clause 191, page 337, line 10, omit "91" and insert "84".
139. Clause 191, page 337, line 15, omit "**347**" and insert "**344**".
140. Clause 191, page 337, line 18, omit "94 and 95" and insert "87 and 88".
141. Clause 191, page 337, line 22, omit "**348**" and insert "**345**".
142. Clause 191, page 337, line 23, omit "121" and insert "114".
143. Clause 191, page 337, line 27, omit "**349**" and insert "**346**".
144. Clause 191, page 337, line 29, omit "122" and insert "115".
145. Clause 191, page 338, line 6, omit "**350**" and insert "**347**".
146. Clause 191, page 338, line 8, omit "129" and insert "122".
147. Clause 191, page 338, line 18, omit "129" and insert "122".
148. Clause 191, page 338, line 24, omit "129" and insert "122".
149. Clause 191, page 338, line 32, omit "129" and insert "122".
150. Clause 191, page 339, line 16, omit "129" and insert "122".
151. Clause 191, page 339, line 19, omit "129" and insert "122".
152. Clause 191, page 339, line 28, omit "129" and insert "122".

153. Clause 191, page 340, line 1, omit "129" and insert "122".
154. Clause 191, page 340, line 9, omit "129" and insert "122".
155. Clause 191, page 340, line 12, omit "131" and insert "124".
156. Clause 191, page 340, line 19, omit "**351**" and insert "**348**".
157. Clause 191, page 340, line 21, omit "132" and insert "125".
158. Clause 191, page 340, line 25, omit "**352**" and insert "**349**".
159. Clause 191, page 342, line 1, omit "**353**" and insert "**350**".
160. Clause 191, page 342, line 3, omit "150" and insert "143".
161. Clause 191, page 342, line 8, omit "**354**" and insert "**351**".
162. Clause 191, page 342, line 9, omit "126" and insert "119".
163. Clause 191, page 342, line 16, omit "**355**" and insert "**352**".
164. Clause 191, page 342, line 18, omit "126" and insert "119".
165. Clause 191, page 342, line 22, omit "**356**" and insert "**353**".
166. Clause 191, page 342, line 25, omit "126" and insert "119".
167. Clause 191, page 342, line 29, omit "**357**" and insert "**354**".
168. Clause 191, page 342, line 32, omit "126" and insert "119".
169. Clause 191, page 343, line 1, omit "**358**" and insert "**355**".
170. Clause 191, page 343, line 4, omit "126" and insert "119".
171. Clause 191, page 343, line 8, omit "**359**" and insert "**356**".
172. Clause 191, page 343, line 10, omit "126" and insert "119".
173. Clause 191, page 343, line 14, omit "**360**" and insert "**357**".
174. Clause 191, page 343, line 16, omit "126" and insert "119".
175. Clause 191, page 343, line 19, omit "**361**" and insert "**358**".
176. Clause 191, page 343, line 22, omit "126" and insert "119".
177. Clause 191, page 343, line 25, omit "**362**" and insert "**359**".
178. Clause 191, page 343, line 28, omit "126" and insert "119".

179. Clause 191, page 344, line 1, omit "**363**" and insert "**360**".
180. Clause 191, page 344, line 3, omit "126" and insert "119".
181. Clause 191, page 344, line 7, omit "126" and insert "119".
182. Clause 191, page 344, line 11, omit "**364**" and insert "**361**".
183. Clause 191, page 344, line 13, omit "143" and insert "136".
184. Clause 193, page 345, line 12, omit "100" and insert "93".
185. Clause 193, page 345, line 18, omit "101(1)" and insert "94(1)".
186. Clause 193, page 345, line 22, omit "101(1)" and insert "94(1)".
187. Clause 193, page 345, line 26, omit "101(3)" and insert "94(3)".
188. Clause 193, page 345, line 30, omit "101(4)" and insert "94(4)".
189. Clause 193, page 346, line 10, omit "102" and insert "95".
190. Clause 193, page 346, line 16, omit "103" and insert "96".
191. Clause 193, page 346, line 22, omit "104" and insert "97".
192. Clause 193, page 346, line 27, omit "105" and insert "98".
193. Clause 193, page 347, line 3, omit "106" and insert "99".
194. Clause 193, page 347, line 15, omit "112" and insert "105".
195. Clause 193, page 347, line 22, omit "114" and insert "107".
196. Clause 193, page 347, line 28, omit "115" and insert "108".
197. Clause 193, page 348, line 6, omit "117" and insert "110".
198. Clause 193, page 348, line 12, omit "118" and insert "111".
199. Clause 193, page 348, line 21, omit "120" and insert "113".