

WC301*

Workers' Compensation and Injury Management Act 1981

Workers' Compensation and Injury Management Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Workers' Compensation and Injury Management Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Workers' Compensation and Injury Management Amendment Act 2012* section 9 comes into operation.

3. Regulations amended

These regulations amend the *Workers' Compensation and Injury Management Regulations 1982*.

4. Regulation 2AA inserted

At the end of Part 1 insert:

2AA. Notes not part of regulations

Notes in these regulations are provided to assist understanding and do not form part of the regulations.

5. Regulation 14 inserted

After regulation 13A insert:

14. Insurance requirement (section 160(1))

(1) Section 160(1) of the Act does not require an employer to obtain or keep current a policy of insurance for liability to pay compensation under the Act or damages arising out of—

(a) a claim directly or indirectly occasioned by any event happening through or in consequence of—

- (i) war; or
- (ii) invasion; or
- (iii) acts of foreign enemies; or
- (iv) hostilities whether war be declared or not; or
- (v) civil war; or
- (vi) rebellion; or
- (vii) revolution; or
- (viii) insurrection; or
- (ix) military or usurped power;

or

(b) a claim in respect of—

- (i) pneumoconiosis; or
- (ii) mesothelioma; or
- (iii) lung cancer; or
- (iv) diffuse pleural fibrosis,

arising from employment in any mine or mining operation; or

- (c) a claim in respect of any other industrial disease for the time being specified by the Minister under section 151(a)(iii) of the Act.
- (2) Section 160(1) of the Act does not require an employer to obtain or keep current a policy of insurance for liability to pay damages arising out of —
- (a) a claim brought in respect of an injury occurring outside Australia; or
 - (b) a claim brought outside Australia.
- (3) Section 160(1) of the Act does not require an employer to obtain or keep current a policy of insurance for liability to pay —
- (a) exemplary or punitive damages; or
 - (b) an aggregate amount of damages exceeding \$50 000 000 arising out of all claims in respect of a single event.

Note: The *Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001* section 6 provides that, in stated circumstances, section 160 of the Act does not require an employer to insure against certain liabilities attributable to acts of terrorism.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.