

WESTERN AUSTRALIA

WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT ACT

No. 33 of 1986

AN ACT to amend the *Workers' Compensation and Assistance Act 1981*.

[Assented to 1 August 1986]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Workers' Compensation and Assistance Amendment Act 1986*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act, the *Workers' Compensation and Assistance Act 1981** is referred to as the principal Act.

[*Act No. 86 of 1981 as amended by Acts Nos. 16 and 79 of 1983, 28 and 104 of 1984, and 44 and 98 of 1985.]

Section 36 amended

4. Section 36 of the principal Act is amended in subsection (1) (b) by deleting "Health Act 1911" and substituting the following—

“ *Occupational Health, Safety and Welfare Act 1984* ”.

Section 95 amended

5. Section 95 of the principal Act is amended—

(a) in subsection (1) (c) (v) by deleting "Health Act 1911" and substituting the following—

“ *Occupational Health, Safety and Welfare Act 1984* ”; and

(b) in subsection (3) (e) by deleting "Health Act 1911" and substituting the following—

“ *Occupational Health, Safety and Welfare Act 1984* ”.

Section 153A inserted and validation

6. (1) After section 153 of the principal Act, the following section is inserted—

Minimum premiums

“ 153A. The Committee may recommend a minimum premium for a policy, or for any kind or description of policy, of insurance against liability to pay compensation under this Act, and an insurer may, notwithstanding sections 152 and 153, charge the premium so recommended or a lesser premium. ”.

(2) Any minimum premium recommended by the Committee for the purposes of Part VIII of the principal Act before the commencement of this section is deemed to be, and always to have been, lawfully recommended by the Committee and properly chargeable by an insurer.

Section 170 amended

7. Section 170 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) An employer who fails to comply with section 160 (1) commits an offence and is liable to a penalty of \$1 000 in respect of each worker employed by him to whom the offence relates; and that employer commits a separate and further offence in respect of each week after the day of conviction during which section 160 (1) is not complied with by him in respect of a worker to whom the original offence related, and is liable in respect of each such separate and further offence to a penalty of \$1 000 for each such worker; and in addition subsection (2) applies. ”; and

(b) by inserting after subsection (4) the following subsection—

“ (5) Where a body corporate commits an offence mentioned in subsection (1), every director or other officer concerned in the management of the body corporate commits the like offence unless he proves that the offence was committed by the body corporate without his consent or connivance and that he exercised all such due diligence to prevent the commission of the offence by the body corporate as he ought to have exercised having regard to the nature of his functions in that capacity and to all of the circumstances. ”.
