



New South Wales

Workers Compensation Amendment (Administration Fee) Regulation 2008

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

ERIC ROOZENDAAL, M.L.C.,
Acting Minister Assisting the Minister for Finance

Explanatory note

The object of this Regulation is to amend the *Workers Compensation Regulation 2003* to make provision in relation to the administration fees and late payment fees payable by certain exempt employers who are not required to obtain policies of insurance under the *Workers Compensation Act 1987*.

The Regulation also makes it clear that the policies of insurance that are deemed by section 155AA of that Act to exist in relation to such exempt employers are exempt from the provisions of section 160 of that Act (which relates to the recovery of excess amounts from employers).

This Regulation is made under the *Workers Compensation Act 1987*, including sections 155AA, 160 (6) (c) and 280 (the general regulation-making power).

2008 No 266

Clause 1 Workers Compensation Amendment (Administration Fee) Regulation 2008

Workers Compensation Amendment (Administration Fee) Regulation 2008

under the

Workers Compensation Act 1987

1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Administration Fee) Regulation 2008*.

2 Commencement

This Regulation commences at 4 p.m. on 30 June 2008.

3 Amendment of Workers Compensation Regulation 2003

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 48B

Insert after the heading to Part 11 (Insurance policies):

48B Administration fees and late payment fees for exempt employers

- (1) The amount of \$175 is prescribed as the administration fee payable under section 155AA (5) of the Act.
- (2) The Nominal Insurer may serve a notice in writing on an employer to whom section 155AA (5) of the Act applies notifying the employer that the administration fee referred to in that subsection is due and payable.
- (3) The administration fee referred to in subclause (2) must be paid by the employer within one month of the service of the notice.
- (4) A late payment fee calculated at the interest rate referred to in section 22 of the *Taxation Administration Act 1996* is payable if an administration fee is not paid within the one month period referred to in subclause (3).
- (5) The Authority may waive payment (either in full or in part) of an administration fee or late payment fee payable under section 155AA of the Act.
- (6) The Nominal Insurer is to pay any administration fees and late payment fees it has received under section 155AA of the Act into the Insurance Fund. Administration fees paid into the Insurance Fund are to be treated as premiums payable under policies of insurance.

[2] Clause 51 Excess recoverable from employer: section 160

Insert after clause 51 (3):

- (4) Exempt employer policies (within the meaning of section 155AA of the Act) are exempt from section 160 of the Act.