



# **OCCUPATIONAL HEALTH, SAFETY AND WELFARE (REGISTRATION FEES) AMENDMENT ACT 1993**

**No. 51 of 1993**

## **SUMMARY OF PROVISIONS**

1. **Short title**
2. **Commencement**
3. **Amendment of s. 67a—Registration of employers**



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**ELIZABETHAE II REGINAE**

A.D. 1993

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**No. 51 of 1993**

**An Act to amend the Occupational Health, Safety and Welfare Act 1986.**

[Assented to 20 May 1993]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Occupational Health, Safety and Welfare (Registration Fees) Amendment Act 1993*.

(2) The *Occupational Health, Safety and Welfare Act 1986* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on 1 July 1993.

**Amendment of s. 67a—Registration of employers**

3. Section 67a of the principal Act is amended by striking out subsections (5), (6), (7) and (8) and substituting the following subsections:

(5) Subject to this section, the amount of the fee will be set by the Workers Rehabilitation and Compensation Corporation—

(a) taking into account the criteria prescribed by or under subsection (6);

and

(b) on the basis that the total amount paid to the Workers Rehabilitation and Compensation Corporation for a particular financial year by persons registered under this section should, so far as is reasonably practicable, equal the prescribed amount for that financial year.

(6) For the purposes of subsection (5)(a), the criteria to be taken into account are—

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- (a) that the fee or fees paid by a particular person should reflect the aggregate remuneration paid to the person's employees in each class of industry in which the person employs employees;
- (b) that the fee or fees paid by a person in a particular industry should reflect the risk of work-related injuries in that industry;

and

- (c) that the fee or fees paid by a particular person over a particular financial year should reflect any matters taken into account by the Workers Rehabilitation and Compensation Corporation under section 67 of the *Workers Rehabilitation and Compensation Act 1986* for the purposes of the calculation or imposition of a levy under that Act,

and such other criteria as may be prescribed by the regulations (which regulations may, if they so provide, revoke or replace any of the criteria referred to above).

(7) For the purposes of subsection (5)(b), the prescribed amount for a particular financial year will consist of two separate components—

- (a) one being an amount to be retained by the Workers Rehabilitation and Compensation Corporation to off-set costs incurred by it in undertaking registrations and collecting fees under this section;

and

- (b) the other being an amount to be paid by the Workers Rehabilitation and Compensation Corporation to the Department of Labour for that financial year.

(8) The prescribed amount for the 1993/1994 financial year will be \$3 349 000, being—

- (a) \$80 000 for the component to be retained by the Workers Rehabilitation and Compensation Corporation under subsection (7)(a);

and

- (b) \$3 269 000 for the component to be paid to the Department of Labour under subsection (7)(b).

(8a) The prescribed amount for each succeeding financial year will be an amount fixed for that financial year by the regulations (but if any such regulation is disallowed or revoked then the prescribed amount for that financial year will be the amount that applied for the preceding financial year).

(8b) Subsection (5)(b) is subject to the following qualifications:

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- (a) if the total amount paid under this section for a particular financial year exceeds the prescribed amount for that year, the amount that is sought to be recovered under subsection (5)(b) for the next financial year should be the prescribed amount for that year less the amount of that excess;
- (b) if the total amount paid under this section for a particular financial year is less than the prescribed amount for that year, the amount that is sought to be recovered under subsection (5)(b) for the next financial year should be the prescribed amount for that year plus the amount of that deficiency.

(8c) A fee imposed under this section will be payable to the Workers Rehabilitation and Compensation Corporation in accordance with the regulations.

(8d) If a person fails to pay a fee, or the full amount of a fee, in accordance with the regulations, the Workers Rehabilitation and Compensation Corporation may recover the unpaid amount as if it were unpaid levy under Part V of the *Workers Rehabilitation and Compensation Act 1986*.

(8e) The Treasurer may set guidelines relating to the making of payments by the Workers Rehabilitation and Compensation Corporation to the Department of Labour for the purposes of subsection (7)(b).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor