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Manager of Government Business
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

Mr Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly

Via email: scrutiny@parliament.act.gov.au

Dear Mr Cain

I am writing in response to comments made in *Scrutiny Report 13*, released on 15 March 2022, on the *Workers Compensation Amendment Regulation 2021 (No 1)*, which served to facilitate a short-term extension for current insurer and self-insurer licensees.

I thank the Committee for its close consideration of the amending Regulation. As the Committee itself noted, the requirement for self-insurers to comply with AS/NZS 4801 is not a new requirement. Rather it has been included in the Regulations since they were introduced in 2002. Accordingly, the explanatory statement did not provide additional justification for the standard not to be published and freely available on the Legislation Register.

While I agree that it is generally preferable for documents referenced in legislation to be freely available, this is not always practicable. In this instance, the requirement only affects employers applying to become a licensed workers' compensation self-insurer and not individuals. There are currently seven self-insurers in the ACT. Self-insurers are medium to large, financially stable companies, for which the cost of a Standard is considered to be neither a financial burden nor a commercial disincentive to apply to become a self-insurer. Only financially sound employers with access to funds sufficient to meet their workers' compensation liabilities and comply with the *Workers Compensation Act 1951* would meet the eligibility requirements for a self-insurer licence.

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I trust that this response addresses the Committee's concerns raised in Scrutiny Report 13.

Yours sincerely

Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety