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Workers Compensation and Injury Management Act 2023

**CORRESPONDING PROVISIONS AND PENDING MATTERS
DIRECTION NO. 11**

FAILURE TO INSURE: INFRINGEMENT NOTICES & MODIFIED PENALTIES

This is a corresponding provisions and pending matters direction made in accordance with section 548 of the *Workers Compensation and Injury Management Act 2023* (2023 Act).

Section 594 of the 2023 Act provides that section 170 of the *Workers' Compensation and Injury Management Act 1981* (1981 Act) continues to apply to and in respect of a failure to insure referred to in section 170 that occurs before commencement day (1 July 2024).

This direction applies to the service of any infringement notice under section 522 of the 2023 Act from 1 July 2024 in respect of the failure to insure referred to in section 594.

This direction is effective 1 July 2024.

Corresponding provisions direction [s. 548(1)(a)]

Table 1 sets out the provisions of the 2023 Act that correspond to the provisions of the 1981 Act applicable to the service of an infringement notice under section 522 of the 2023 Act in respect to the failure to insure under the 1981 Act referred to in section 594.

Table 1 - Corresponding provisions direction	
1981 Act	2023 Act
<i>Workers' Compensation and Injury Management Regulations 1982: Appendix V – Prescribed offences and modified penalties [r. 50, 51]</i>	<i>Workers Compensation and Injury Management Regulations 2024: Schedule 4 – Prescribed offences and modified penalties [r. 136]</i>
Item 23. s. 170(1)(a) – Failure to keep a current policy of insurance under section 160(1) of the Act. Modified penalty: \$400.00 in respect of each worker to whom the alleged offence relates.	Item 15. s. 204(1) or (2) (as read with s. 202) – Failure of employer to keep a current workers compensation policy. Modified penalty: \$400 per worker
Item 24. s. 170(1)(a) – Failing to comply with section 160(2)(a) or (b) of the Act. Modified penalty: \$400	Item 16. s. 204(1) or (2) (as read with s. 203) – Failure of employer to provide information to insurer. Modified penalty: \$400 per worker

Modified provisions direction [s. 548(1)(c)(d)]

Table 2 sets out how the operation of the 2023 Act is modified in relation to any infringement notice served under section 522 from 1 July 2024 in respect of the failure to insure under the 1981 Act referred to in section 594 of the 2023 Act in order to:

- make appropriate provision for differences between the 1981 and 2023 Acts
- modify the effect of anything done or commenced under the 1981 Act to ensure it has appropriate effect under the 2023 Act

Table 2 - Modified provisions direction

1. Section 522(1) of the 2023 Act is modified to the extent that the service of an infringement notice in relation to an alleged offence under 'this Act' (the 2023 Act) extends to an alleged offence referred to in section 594 of the 2023 Act, relating to the failure to insure under the 1981 Act.
2. The prescribed offence and modified penalty under the 2023 Act referred to in column 2 of Table 1 does not apply to the alleged offence.
3. The prescribed offence and modified penalty under the 1981 Act referred to in column 1 of Table 1 continues to apply to the alleged offence.



CHIEF EXECUTIVE OFFICER
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