

# Summary table: Workers Compensation Regulation 2016, Schedule 5 Penalty Notice Offences

Summary - Current and proposed penalty notice amounts

| Legislative instrument and provision |                                   |  | Current penalty notice                          |  |  | Proposed penalty notice        |   |
|--------------------------------------|-----------------------------------|--|---|--|--|--------------------------------|---|
| Provision                            | Penalty recipient                 | Offence Summary  | Current penalty notice amount (sch 5, 2016 Reg) | Maximum penalty provision amount in \$ (units x \$110) | Penalty notice amount as a percentage of maximum penalty | Proposed penalty notice amount | Proposed penalty notice amount as a percentage of maximum penalty |
| 1987 Act                             |                                   |  |   |  |  |                                |   |
| Section 155(1)                       | Employer (excluding self-insurer) | Shall obtain, and maintain in force, a policy of insurance that complies with this Division for the full amount of the employer's liability under this Act for all workers employed              | \$750   | \$55,000   | 1.36%  | \$1,250                        | 2.27%   |
| Section 161(3)                       | Employer                          | Compliance with notice re inspection of policies served under sub(1) or (2)  | \$200   | \$5,500  | 3.64%  | \$1,100                        | 20%   |
| Section 163(1)                       | Insurer                           | Keep a register of all policies issued and renewed   | \$200   | \$110,000  | 0.18%  | \$2,200                        | 2%  |
| Section 163(3)                       | Insurer                           | Shall retain in good order and condition for at least 7 years all records that relate to the issue, renewal or discontinuance of policies, and the receipt, administration and payment of claims | \$200   | \$110,000  | 0.18%  | \$2,200                        | 2%  |
| Section 163A(2)                      | Employer                          | Must produce certificate of currency for inspection within 5 days of request   | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 163A(7)                      | Employer                          | Must notify insurer of any errors (with respect to the premiums of the policy) in cert. of currency within 7 days  | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 174(1)(a)                    | Employer                          | Shall keep records of wages paid to workers  | \$500   | \$55,000   | 0.91%  | \$1,250                        | 2.27%   |
| Section 174(1)(b)                    | Employer                          | Shall keep records of the trade, occupation and calling of each worker   | \$500   | \$55,000   | 0.91%  | \$1,250                        | 2.27%   |
| Section 174(1)(c)                    | Employer                          | Shall keep records of wage information prescribed by Regulations   | \$500   | \$55,000   | 0.91%  | \$1,250                        | 2.27%   |

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| Section 174(2)                       | Employer                             | Shall retain any record in sub(1) in good order and condition for at least 5 years after the last entry was made in the record        | \$500   | \$55,000   | 0.91%  | \$1,250                        | 2.27%   |
| Section 174(3)                       | Employer                             | Any records shall be kept in such manner as specified in the Regulations  | \$500   | \$55,000   | 0.91%  | \$1,250                        | 2.27%   |
| Section 174(8)                       | Person                               | Must comply with an order under this section, and must not wilfully obstruct or delay authorised persons                              | \$500   | \$55,000   | 0.91%  | \$1,250                        | 2.27%   |
| Section 192A(4A)                     | Insurer                              | Must comply with a direction as to the claims administration manual   | \$500   | \$5,500  | 9.09%  | \$1100                         | 20%   |
| 1998 Act                             |                                      |   |   |  |  |                                |   |
| Section 59D                          | Employer                             | Must comply with an employer improvement notice within the specified time period  | \$500   | \$11,000   | 4.55%  | \$1,100                        | 10%   |
| Section 63(5)                        | Employer                             | There is to be kept at every mine, quarry, factory, workshop, office or shop in some readily accessible place a register of injuries. | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 69(1)(a)                     | Employer (other than a self-insurer) | who receives a claim, must forward it to the insurer within 7 days  | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 69(1)(b)                     | Employer (other than a self-insurer) | who receives a request from insurer for further specified information, must furnish the information within 7 days                     | \$500   | \$5,500  | 9.09%  | \$1100                         | 20%   |

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| Section 69(1)(c)                     | Employer (other than a self-insurer)                      | who received compensation money from an insurer, must pay the money to the person entitled as soon as practicable  | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 74A(3)                       | Insurer   | Insurer must comply with a direction of the Authority to pay compensation within a specified period  | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 85                           | Insurer   | Failure to comply with a requirement of this Division (Ch 4, Pt 2, Div 3 Notification of decisions of insurers)  | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 94(1)                        | Insurer and employer ('a person on whom a claim is made') | Failure to commence weekly payments within time required by s 93   | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 94(2)                        | Insurer and employer ('a person on whom a claim is made') | Referral of matter which the person knows is not a genuine dispute for the purpose of delaying, without good cause, the commencement of weekly payments of compensation                            | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 231(3)                       | Employer  | If information about Acts and insurance details is made available to workers but becomes damaged, destroyed or otherwise inaccessible, the employer must renew the information as soon as possible | \$200   | \$2,200  | 9.09%  | \$220                          | 10%   |

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| Section 232(2)(a)                    | Employer                            | Failure to supply information (or supplying of false/misleading information) to worker regarding employer details and insurance details                                | \$200   | \$2,200  | 9.09%  | \$440                          | 20%   |
| Section 256(5)                       | Employer (manager or occupier)      | A register of injuries must be kept in some readily accessible place at every mine, quarry, construction site, factory, workshop, office or shop.                      | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 264(1)                       | Employer (not being a self-insurer) | Must forward claim or documentation to insurer within 7 days of receipt  | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 264(2)                       | Employer                            | In response to a request from an insurer for specific information in respect of a claim or notified injury - must forward information within 7 days or request.        | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 264(3)                       | Employer                            | An employer who has received compensation money under this Act from an insurer must, as soon as practicable, pay the money to the person entitled to the compensation. | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 267(5)                       | Insurer                             | Failure to commence weekly payments following initial notification of injury as required by this section   | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 268                          | Insurer                             | Must notify worker of reasonable excuse for not commencing weekly payments   | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |

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| Section 283(1)                       | Insurer           | Failure to determine a claim for compensation as required by this Part (Ch 7, Pt 3)  | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 285                          | Insurer           | Referral of matter which the person knows is not a genuine dispute for the purpose of delaying, without good cause, the determination of the claim       | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 287A(3)                      | Insurer           | Must conduct the review upon request by the worker, and notify the worker of the decision on the review, within 14 days after the request is made.       | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| Section 290(2)                       | General           | Failure to comply with a requirement of this section without reasonable excuse (re disputes; provision of documents as required by the Commission rules) | \$500   | \$5,500  | 9.09%  | \$1,100                        | 20%   |
| 2016 Regulation                      |                   |  |   |  |  |                                |   |
| Clause 12                            | Employer          | Failure to establish a return-to-work program under s 52 of the 1998 Act within the period required by this Regulation - category 1 employer             | \$200   | \$2,200  | 9.09%  | \$440                          | 20%   |
| Clause 12                            | Employer          | Failure to establish a return-to-work program under s 52 of the 1998 Act within the period required by this Regulation - category 2 employer             | \$50  | \$550  | 9.09%  | \$110                          | 20%   |
| Clause 17                            | Employer          | Failure to display or notify a return-to-work program in accordance with s 52(2)(c) and (d) of the 1998 Act - category 1 employer                        | \$100   | \$1,100  | 9.09%  | \$220                          | 20%   |

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| Clause 17                            | Employer                                   | Failure to display or notify a return-to-work program in accordance with s 52(2)(c) and (d) of the 1998 Act - category 2 employer  | \$20  | \$220  | 9.09%  | \$50                           | 22.72%  |
| Clause 36                            | Employer                                   | Failure to comply with s 44(2) of the 1998 Act - must notify the insurer or NI within 48 hours of becoming aware the a worker has received a workplace injury  | \$500   | \$2,200  | 22.73%   | \$550                          | 25%   |
| Clause 73                            | Work injury agent (not including a lawyer) | Must not publish an advertisement that promotes agent work injury services (relating to recovery of money re a work injury) with reference to work injury or circumstances in which work injury might occur  | \$750   | \$22,000   | 3.41%  | \$1,100                        | 5%  |
| Clause 141                           | Employer                                   | Refusal or failure to comply with cl 138 or 139 or with a requirement made in accordance with cl 140 - Employer to supply insurer with return relating to wages, or furnish a declaration and wage information for purposes of premium calculation | \$500   | \$2,200  | 22.73%   | \$550                          | 25%   |