



WorkCoverSA

Small employer exemption from the requirement to
register with WorkCoverSA

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Disclaimer

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Introduction

In South Australia, under the *Workers Rehabilitation and Compensation Act 1986*, all employers must register, (unless exempted by the regulations), by completing and forwarding an *Employer registration form* to WorkCoverSA within 14 days of commencing employment.

Legislative change

In June 2008, the South Australian Parliament passed some significant legislative amendments to the WorkCover Scheme. The amendments affect both the *Workers Rehabilitation and Compensation Act 1986* and the *WorkCover Corporation Act 1994*. For further information about the reform package and the legislative changes, please visit the WorkCover website, www.workcover.com or call 13 18 55.

Variation to regulations – exemption from the requirement to register as an employer

The reform package through the *Workers Rehabilitation and Compensation (Claims and Registration) Variation Regulations 2008* exempts small employers from the requirement to register (and pay a levy) if their total remuneration payable in a particular calendar year does not exceed \$10,200* indexed.

This change came into effect on 1 August 2008.

As a result of the change, approximately 14,000 small employers have been relieved of the requirement to register with WorkCover and pay a levy.

The change has the benefit of removing the administrative and cost burden on small employers and reduces the costs within the Scheme.

However, if a worker suffers a disability while employed by an exempted employer that is engaged in a trade or business and, in determining a claim for compensation, the disability is determined to be a compensable disability, the employer is required to register with WorkCover from the date of the disability to the end date of that financial year.

Note- Information about this change was provided to employers as part of WorkCover's communication of legislative changes in May/June/July 2008.

* For 2010 calendar year the indexed amount is \$10,900

Important notes

- A worker is entitled to compensation in the event of a workplace injury whether or not an employer is registered with WorkCover.
- If a worker suffers a disability while in the employ of an exempted employer that is engaged in a trade or business and, in determining a claim for compensation, the disability is determined to be a compensable disability, the employer is required to:
 - register within 14 days following the determination of the claim for compensation
 - pay a levy being the minimum levy for a particular financial year. eg, the minimum levy for 2009-2010 is \$100 (plus GST plus OHSW fee).
- If the total remuneration payable in a calendar year is expected to exceed an indexed amount (\$10,900 in the 2010 calendar year), an employer must complete and submit an application for registration as an employer with WorkCover within 14 days of that occurring.

Frequently asked questions (FAQs)

The following questions relate to enquiries about the small employer exemption from the requirement to register with WorkCover.

[If a worker makes a claim and I register, how long will I stay registered for?](#)

You are required to register with WorkCover from the date of the disability to the end date of that financial year. This applies if you are an exempted employer that is engaged in a trade or business and one of your workers suffers a disability that is determined to be a compensable disability. WorkCover will cancel your registration immediately after the end date of this period.

[Do I have to cancel my registration – or is my registration ongoing?](#)

No. WorkCover will cancel your registration immediately after the end date of the period that you are required to be registered.

[If a claim is accepted and I am required to register, how much do I have to pay?](#)

You are required to pay the minimum levy for a particular financial year - eg, the minimum levy for 2009-2010 is \$100 (plus GST plus OHSW fee)

What if my workers make more than one claim?

If, in the same financial year, a worker suffers a disability more than once, or more than one worker suffers a disability, and each disability is determined to be a compensable disability, an exempted employer that is engaged in a trade or business is then required to register from the date of the first disability to the end date of that financial year. If more than one compensable disability occurs in this period, only one registration as an employer with WorkCover is required.

But, if a worker suffers a disability in a different financial year and the disability is determined to be a compensable disability, an exempted employer that is engaged in a trade or business must register as an employer for that financial year.

Do I have to register if my worker is only receiving weekly payments and/or medical expenses under provisional liability?

No. If you are an exempted that is engaged in a trade or business, you will need to register and pay a levy if the disability is determined to be a compensable disability.

Are workers compensation payments counted as remuneration?

No. Weekly income maintenance payments made as a workers compensation payment are excluded from remuneration in the calculation of the levy payable by an employer.

Do I need to register if I dispute the claim?

You will need to register as an employer and pay a levy if a worker suffers a disability while in your employ as an exempted employer that is engaged in a trade or business and, in determining a claim for compensation, the disability is determined to be a compensable disability. You should contact WorkCover for further information about a disputed claim.

WorkCover has cancelled my registration. What happens if the total remuneration payable to my workers exceeds \$10,900?

If the total remuneration payable in a calendar year is expected to exceed an indexed amount (\$10,900 in the 2010 calendar year), you must complete and submit an application for registration as an employer to WorkCover within 14 days of that occurring.

My registration is cancelled - am I still covered if I employ a worker.

A worker's entitlement to compensation in the event of a workplace injury is not affected if you are not registered as an employer with WorkCover.

What if I want to continue my registration or re-register with WorkCover?

The period of registration for an exempted employer that is engaged in a trade or business is only for a specific period. That period is from the date of a disability to the end date of that financial year. If the total remuneration payable to your workers in a calendar year exceeds the indexed amount (\$10,900 in the 2010 calendar year) you must complete and submit an application for registration as an employer to WorkCover within 14 days of that occurring.

My remuneration exceeds \$10,900 - how much do I have to pay?

If your total remuneration payable for a calendar year exceeds an indexed amount (\$10,900 in the 2010 calendar year), WorkCover will, as part of the registration process, give you information to assist you in meeting your obligations, including the amount of levy payable.

How do I register with WorkCover?

You can visit the WorkCover website, www.workcover.com and register online, or download an *Employer registration form* to complete or call 13 18 55 and ask for it to be posted.

WorkCover SA
100 Waymouth Street, Adelaide South Australia 5000
General enquiries: 13 18 55
Fax: (08) 8233 2990
Email: info@workcover.com
Website: www.workcover.com

Free information support services: TTY (deaf or have hearing/speech impairments): (08) 8233 2574. Languages other than English: call the Interpreting and Translating Centre - (08) 8226 1990 and ask for an interpreter to call WorkCover on 13 18 55. Braille, audio, or e-text: call 13 18 55 and ask for required format.

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