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## Introduction to the WIRC Act (TOPIC 1):

The Workplace Injury Rehabilitation and Compensation Act 2013 (Vic) = WIRC Act.

### Historical background to Workers' Compensation in Victoria:

- The history of workers' compensation is that of a movement towards a legislative scheme that provides for compensation to injured workers irrespective of fault.
- Kevin Purse 2005 identifies 4 'nodal points of policy development':
  1. 18<sup>th</sup> century to end of 19<sup>th</sup> century
  2. 1900-1925
  3. Mid-920s to 1979
  4. 1970 to mid-1990s

### 18<sup>th</sup> century to end of 19<sup>th</sup> century: Laissez-faire, CL, & 'Unholy Trinity'

#### *The Unholy Trinity* of defences:

- The situation in Australia prior to the first workers' compensation scheme was much like England.
- The Unholy Trinity of defences invented in the 19<sup>th</sup> century comprised of:
  1. 'common employment', which originated in **Priestley v Fowler (1837) 3 M & W 1** but later abrogated by statute;
  2. voluntary assumption of risk (*volenti non-fit iniuria*), ie obvious risk or inherent risk— but strictly interpreted by courts as in **NSW v Fahey** per Kirby J; and
  3. contributory negligence that once provided a complete defence.

#### *Workmen's Compensation Act 1897 (UK):*

- In the 19<sup>th</sup> century, the *Workmen's Compensation Act 1897* (UK) was enacted.
- The 1897 UK legislation was a product of the 'Manchester School liberalism'. The model favoured a limited common law liability of employers for work injuries, premised on the notion of individual responsibility embodied in the fault concept as the basis of liability, albeit slightly widened to allow recovery to injured workers.
- If in any employment... personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall be liable to pay compensation: [s 1\(1\) Workmen's Compensation Act 1897 \(UK\)](#).
- This legislation adopted a 'no-fault' system: it was not necessary on the part of the worker to prove fault or negligence on the part of the employer or any other person.
  - All that was required was that the worker's injuries were work-related, namely by showing that the personal injury arose 'by accident' and 'out of an in the course of employment'.
- The nature of the cause of action that arose under workers' compensation legislation was not in tort or contract, but a statutory duty on the employer to provide limited compensation, not damages: **McGuire v Union Steamship Company of NZ (1920) 27 CLR 570** per Isaacs and Rich JJ.
- The Workmen's Compensation Act 1897 (UK) contained several shortcomings:
  - a. It was restricted to workers in certain trades such as those working on the railways, 'factories', mines, quarries, engineering work, building higher than thirty feet (and from 1900 'agricultural workers'): [s 7\(1\)](#). Therefore, self-employed persons were not covered.

- b. It only allowed workers to be covered for particular losses as set out in a statutory 'table of maims', rather than put them in the position they would have been in had the injury not occurred.
  - c. employers were not compelled to take out insurance to cover workers' claims.
  - d. workers had to prove that their injury arose 'out of and in the course of employment' and 'by accident' (ie, an identifiable traumatic occurrence). This last requirement was removed in 1906 by legislative amendment in the UK: McGuire.
- This Act allowed the worker to either seek compensation under the statute, or to bring an action in common law against the employer for workplace injuries, but not both: [s 1\(2\)\(b\)](#), [\(d\)](#).

### 1900-1925 (pp. 11-12): profound and rapid change

#### *The Workers Compensation Acts (Vic):*

- In 1906 the English Act coverage was extended to employees in most industries and occupations.
- Australian jurisdictions adopted UK legislation between 1897 and 1914:
  - *Workmen's Compensation Act 1900* (SA)
  - *Workers Compensation Act 1914* (Vic). The 1906 Act was the basis for [s 5\(2\)\(b\) of Workers Compensation Act 1914 \(Vic\)](#), which allowed the worker to elect either statutory compensation or common law rights.
- This resulted in a change from 'out of AND in the course of employment' (ie, causal AND temporal nexus to employment) to 'out of OR in the course of employment' (ie, conjunctive to disjunctive).
- The various laws in Victoria's history:
  - *Workers Compensation Act 1914* (Vic)
  - *Workers Compensation Act 1928* (Vic)
  - *Workers Compensation Act 1951* (Vic)
  - *Workers Compensation Act 1958* (Vic)
  - *Accident Compensation Act 1985* (Vic)
    - *Accident Compensation (WorkCover Insurance) Act 1993* (Vic)
  - *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic).

### Mid-920s to 1979 (pp. 12-): 'incrementalist interregnum'

### 1970 to mid-1990s (pp 13-): 'reform and counter-reform'

#### *The WC Act:*

- The WC Act was enacted in 1958 as a consolidation of the law of workers' compensation in Victoria, and repealed previous legislation.
- The main provisions are:
  - a. definition of 'worker' extended to include some self-employed persons and contractors: [s 3\(1\)](#).
  - b. two-track system remained: the worker, at their 'option', was entitled to pursue common law damages or compensation under the WC Act, but not entitled to 'double recovery' for both in respect of the same injury: [s 5\(2\)](#). See page...
  - c. all employers were compelled to take out insurance with insurers to cover workers' claims: [s 72\(1\)](#).
  - d. workers had to prove that their injury arose 'out of **or** in the course of employment': [s 5\(1\)](#). See page...

- Problems: costs of scheme, especially dramatic increase in insurance premiums payable by employers.
  - As a result, 1970s committees were advocating for no-fault insurance.

#### The AC Act:

- The AC Act was passed by both houses of the Victorian Parliament on 24 July 1985, and the 'WorkCare' workers compensation scheme came into being in Victoria with effect from 4 pm 31 August 1985.
- Under the AC Act, workers retained common law rights to sue for general damages for pain and suffering and loss of enjoyment of life ('dual' scheme). However, the right to sue for pecuniary loss (no fault benefits) was limited to:
  - a. proceedings under part III of the *Wrongs Act 1958* (Vic) for wrongful death;
  - b. third party compulsory insurance indemnity proceedings under *s 40 Motor Car Act 1958* (Vic); or
  - c. proceedings involving 'journey accidents' (*s 135(1)*).
- The following are some of the more notable amendments made since the AC Act was enacted in 1985:
  - a. The abolition of the Accident Compensation Commission (ACC) and the establishment of the Victorian WorkCover Authority (VWA) in 1999;
  - b. The abolition of journey claims;
  - c. The additional entitlement requirement that employment be a 'significant contributing factor' to an injury, and its subsequent removal;
  - d. The 'privatisation' of worker's compensation insurance, and its subsequent 'undoing' by a reversion back to the Victorian WorkCover Authority;
  - e. The abolition of common law damages claims (except for actions brought by dependents of a deceased worker), and the subsequent restoration of the common law rights, although restricted to a worker who was 'seriously' injured on or after 20 October 1990;
  - f. The replacement of the 'Table of Maims' with assessments based on 'whole person impairment';
  - g. Quicker access to common law rights for seriously injured and terminally ill workers.
- The effective operation of these amendments has variously occurred by date of relevant proclamation, date of injury, date of claim, specified date, or date of a relevant determination.

#### The WIRC Act:

- The WIRC Act provides a hybrid system of workers' compensation, in that provides both for no-fault compensation and for common law damages claims in negligence subject to certain hurdle requirements and monetary limits.
- The WIRC Act governs workplace injuries in the State of Victoria.
- The WIRC Act offers injured workers two forms of relief:
  1. No-fault compensation by way of periodic payments, lump sum payment, or medical and like expenses; and
  2. Common law damages in the case of negligence by the employer in restricted circumstances and with monetary limits.
- The WIRC Act came into effect on 1 July 2014. All claims for compensation lodged by Victorian workers on or after 1 July 2014 will be governed by the lodgement provisions in Pt 2, Div 1 and 2 of the WIRC Act: [s 6\(1\) WIRC Act](#).



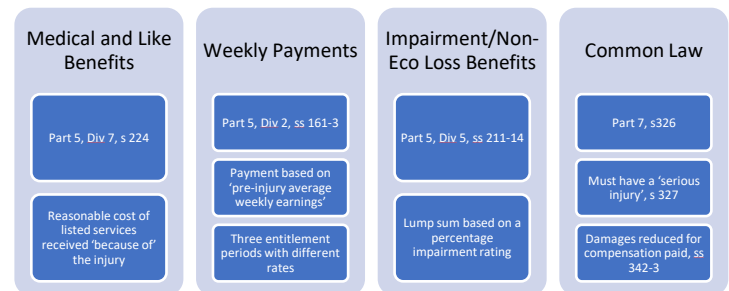
- Once a claim is lodged in accordance with the provision of the WIRC Act, a determination will be made as to whether the workers' rights and entitlements are governed by the AC Act or the WIRC Act according to the date of injury.
- The WIRC Act provisions apply:
  1. To all claims lodged with respect to injuries sustained on or after 1 July 2014;
  2. To all gradual process claims where the gradual process period commenced before or continues after 1 July 2014 ([s 5 WIRC Act](#)).
  3. For all claims, whether the injury date is pre or post 1 July 2014, to:
    - a. claim application procedures and rules: [s 6\(1\) WIRC Act](#);
    - b. return to work rules and obligations: [s 639 WIRC Act](#);
    - c. dispute resolution: [s 627 WIRC Act](#).
- The AC Act provisions continue to apply to:
  1. all claims lodged with respect to injuries sustained solely before 1 July 2014: [s 5 WIRC Act](#); and
  2. claims for compensation for maims or pain and suffering under [ss 98 or 98A AC Act](#): [ss 5 and 6\(1\) WIRC Act](#).

### Background:

- The WIRC Act recasts the AC Act and the Accident Compensation (WorkCover Insurance) Act 1993 (Vic) ('ACWI Act') into a single Act.
- The WIRC Act amends these Acts by way of form rather than substance, for the purpose of making the provisions simpler and easier to use.

### Outline of the WIRC Act:

1. Eligibility for no-fault compensation
  - a. Injury: physical or mental
  - b. Employment nexus = Worker and injury arises 'out of' or 'in the course of' employment.
2. Types of compensation
  - a. Lump sum (often for pain and suffering)
  - b. Periodic payments of PIAWE
  - c. MLE
  - d. benefits following death
3. Deals with common law damages in 2 ways:
  - a. It provides for a threshold requirement, ie that the worker suffered a 'serious injury' via 1 of the 'gateways': (see Topic 4).
  - b. If threshold satisfied, separate proceedings can be brought seeking CL damages, dealing with:
    - i. Issues of negligence
    - ii. Quantum of damages: restrictions on quantum and type of common law damages (NOTE: not covered in unit).



### Which Act Applies?

- Claims for compensation will be covered by:
  - a. Injuries prior to 31 August 1985 = [WC Act](#).
  - b. Injuries after 31 August 1985 and prior to 1 July 2014 = [s 2 AC Act](#).
  - c. Injuries after 1 July 2014 = [s 6\(1\) WIRC Act](#). See page ....

## Aims and Rationales of the AC Act and WIRC Act:

### Principles of Statutory Interpretation:

- The Acts are statute-based regimes of compensation and thus the principles of statutory interpretation apply.
- The relevant principles set out in by [Cook et al 2012](#) are:
  1. Establish whether the legislation was in force at the relevant time. If it only commenced in operation at a later time, check whether it nevertheless applies retrospectively to the problem;
  2. Use the table of contents and headings to check through the whole piece of legislation seeking relevant provisions;
  3. When you find a relevant provision, read it carefully and note any words or phrases that appear significant;
  4. Check whether any of those words or phrases are defined in the legislation;
  5. If necessary, check the meaning of any words in a dictionary;
  6. Consider whether any provision of the relevant legislation is on point;
  7. Consider whether any of the adjacent provision in the legislation throw light on a relevant provision, remembering that words are normally used consistently.
  8. If appropriate, check whether any relevant provision has been given judicial interpretation;
  9. Attempt to interpret the words according to their ordinary meaning or, where appropriate, their technical or legal meaning, and try to apply them to the problem;
  10. Attempt to identify the purpose of the legislation, or of a particular provision, by looking at the whole of the legislation and try to interpret the words consistently with that purpose;
  11. If that provision is ambiguous or obscure or taking account of its context an underlying purpose or context and underlying purpose or object, its ordinary meaning leads to an absurd or unreasonable result, reference may be made to parliamentary, executive, and related materials to determine the meaning of the provision;
  12. If the preconditions referred to in Step 11 are not present, reference may be made to relevant external materials to discover mischief or defect addressed; AND
  13. Interpret a provision again a background of any relevant common law presumptions.

### 'Beneficial'/remedial or financially responsible legislation?

#### *Common law:*

- Arguably, as workers' compensation is a type of social insurance and is beneficial in nature such that any ambiguity ought to be interpreted in favour of the worker.
- In construction of workers compensation legislation, which has been regarded as being remedial in character (**McGuire**), there is a long-established principle that in the event of ambiguity a construction favourable to the worker should be adopted: **Wilson v Wilson's Tile Works Pty Ltd (1960) 104 CLR 328** per Fullagar J; **Dodd v Executive Air Services Pty Ltd [1975] VR 668** per Newton J and Norris J; **Hegedis v Carlton & United Breweries [2000] 4 VR 296**.
- Many authorities support a 'liberal construction' of workers' compensation legislation.
  - In **Wilson v Wilson's Tile Works Pty Ltd (1960) 104 CLR 335**, the deceased worker's widow appealed a decision disallowing her compensation for the death of her husband when he died as result of wilful misconduct on travel from employment. Fullagar J (in a 2:3 minority) held:

- Appeal allowed.
  - ‘Where two constructions of a Workers’ Compensation Act are possible, that which is favourable to the worker should be preferred’.
- ‘The Act has always been construed from the point of view that its nature and object are those of an Act to benefit the worker.’: **Thompson v Armstrong and Royse Pty Ltd (1950) 81 CLR 585** per Fullagar J.
- In **McGuire v Union Steamship Company of NZ (1920) 27 CLR 570**, Isaacs and Rich JJ held:
  - Because workers’ compensation legislation gives rise to a statutory cause of action, ‘it should not to be construed in any narrow spirit’.
  - The wording regarding entitlement (‘out of and in the course of employment’) is ‘akin to insurance’.
  - It was a ‘remedial Act’ and so no narrow construction of its provisions should follow.
- In **Dodd v Executive Air Services Pty Ltd [1975] VR 668**, Norris J in *obiter* cited with favour Fullagar J’s comments from **Wilson**, referring to it as “the established principle”.
- There are 2 qualifications to this tendency towards ‘beneficial construction’:
  1. It is subject to the rule that the words of the statute are supreme and must be adhered to.
  2. The decision of a higher court of equal authority can bind a lower court as to propositions of law, it cannot bind them as to findings of fact.
    - Where the facts of two cases are similar so as to be practically identical, a court will hesitate long before coming to a different conclusion. Nevertheless, the facts of two cases cannot be actually identical and so it is never incumbent on a court to import the finding of fact in one case to another.
- That approach has continued until modern times: **Bird v The Commonwealth (1988) 165 CLR 1** per Mason CJ, Brennan and Toohey JJ, and per Deane and Gaudron JJ; **Borovac v Corporate Ventures Pty Ltd (1995) 12 NSWCCR 84** per Mahoney JA.
- As Ashley JA noted in **Hegedis**, the purposes of a piece of legislation must be considered by recourse to parliamentary documents (among others), whether or not the provision is unclear according to the Interpretation of Legislation Act 1984 (Vic).
- Retreat from ‘beneficial’ interpretation in TA Act?
  - In **Byrne v TAC [2008] VSC 92** per Cavanough J held:
    - There is no need to determine whether the Act should be regarded as “beneficial” legislation for interpretation purposes.
    - Courts have said that the underlying scheme of those Acts is ‘beneficial’ and ought to be interpreted broadly in favour of the applicant. Those words are achieving a ‘hollow ring’ because one of the primary objects of the present legislation is to ‘reduce the cost to the Victorian community of compensation for transport accidents.’ [ss 8(a), 11(a) of the Act]: **TAC v Lincoln (2003) 6 VR 199** per Winneke P.
      - I do not interpret the words of Winneke P as meaning that such a general approach to the interpretation of compensation statutes no longer exists or has forever departed. Rather, that an approach based upon the beneficial interpretation of compensation statutes is becoming an argument of last resort: **Robb v Transport Accident Commission [2004] VCAT 983** per Bowman J.

- NOTE: The several authorities that exist to support the notion that workers' compensation is beneficial or remedial legislation are obiter and so of limited authority.
- The most significant difference between [s 10 WIRC Act](#) and [s 3 AC Act](#) is at para (d), which formerly read 'to provide adequate and just compensation to injured workers'.

*Statute (principles of and aids to interpretation):*

- In the interpretation of a provision of an Act or subordinate instrument, a construction that would promote the purpose or object underlying the Act or subordinate instrument (whether or not that purpose or object is expressly stated in the Act or subordinate instrument) shall be preferred to a construction that would not promote that purpose or object: [s 35\(a\) of the Interpretation of Legislation Act 1984 \(Vic\)](#).
- The legislation is viewed as remedial in nature (**Dodd v Executive Air Services Pty Ltd [1975] VR 668** per Norris J; **Wilson v Wilson Tile Works Pty Ltd (1960) 104 CLR 328** per Fullagar J) and thus any ambiguity in the legislation, subject to the requirements of the Interpretation of Legislation Act 1984 (Vic) [[s 35 of that Act](#) requires the adoption of a construction which promotes the 'purpose or underlying object' of an Act], is to be interpreted in favour of a claimant.

*What are the aims of the WIRC Act?*

- Do the provisions of the new WIRC Act clarify whether the intent of the legislation is either beneficial or responsible?
- View 1: it is the specific intention of the WIRC Act to streamline Victorian worker's compensation legislation without altering the rights or entitlements of Victorian workers: [s 1 WIRC Act](#).
- View 2: the objects clause ([s 10 WIRC Act](#)) repeats the subs in the objects clause of the AC Act ([s 3 AC Act](#)) with a new subparagraph.
  - [The objects of this Act are to—] ensure appropriate compensation under this Act or the Accident Compensation Act 1985 is paid to injured workers in the most socially and economically appropriate manner, as expeditiously as possible: (d).
- The Objects of the WIRC Act ([s 10](#)) appear to signal a retreat from previous understandings of the legislation as beneficial. They are as follows:
  - (i) reduce the incidence of accidents and diseases in the workplace;
  - (ii) make provision for the effective occupational rehabilitation of injured workers and their early return to work;
  - (iii) increase the provision of suitable employment to workers who are injured to enable their early return to work;
  - (iv) ensure appropriate compensation under this Act or the Accident Compensation Act 1985 is paid to injured workers in the most socially and economically appropriate manner, as expeditiously as possible (NOTE: not in the previous acts of Workers Compensations Acts);
  - (v) ensure workers compensation costs are contained so as to minimise the burden on Victorian businesses;
  - (vi) establish incentives that are conducive to efficiency and discourage abuse;
  - (vii) enhance flexibility in the system and allow adaptation to the particular needs of disparate work situations;
  - (viii) maintain a fully-funded scheme; and
  - (ix) in this context, to improve the health and safety of persons at work and reduce the social and economic costs to the Victorian community of accident compensation ([s 10 WIRC Act](#)).

### What are the aims of the VWA?

- See page...

### Administration of the AC Act and the WIRC Act:

- There are a number of functions to perform in the administration of workers' compensation, such as:
  - a. dealing with the claims that are made by workers for compensation;
  - b. collecting and determining WorkCover insurance premiums from employers and self-insurers;
  - c. resolving or finalising disputes that develop from claims by workers.

### Victorian WorkCover Authority/WorkSafe Victoria:

- What is it?
  - The Victorian WorkCover Authority ('VWA') was established under [s 18\(1\) AC Act](#), in force immediately before 1 July continues in existence: [s 491\(1\) WIRC Act](#).
  - It is a body corporate with perpetual succession and may sue and be sued in its corporate name.
  - WorkSafe Victoria = the Victorian WorkCover Authority: [s 5 AC Act](#).
    - However, [s 3 WIRC Act](#) (definitions section) does not contain this definition of WorkSafe. At para [\(2A\)](#) of that definition in [s 5 AC Act](#) it states that a reference to the 'Authority' in the Act is to be construed as a reference to 'WorkSafe Victoria'; the same wording appears in [s 3 WIRC Act](#) in the definition of 'Authority'.
- What does it do?
  - The 'objectives' of the VWA are set out in [s 492 WIRC Act](#), which modify [s 19 AC Act](#). These objectives are to:
    - a. manage the accident compensation scheme as effectively, efficiently and economically as is possible;
    - b. manage the accident compensation scheme in a financially viable manner;
    - c. ensure that appropriate compensation is paid to injured workers in the most socially and economically appropriate manner and as expeditiously as possible;
    - d. develop such internal management structures and procedures as will enable the Authority to perform its functions and exercise its powers effectively, efficiently and economically; and
    - e. administer the WIRC Act, the Accident Compensation Act 1985, the Workers Compensation Act 1958, the Occupational Health and Safety Act 2004, the Equipment (Public Safety) Act 1994 and the Dangerous Goods Act 1985.
- How does it do it?
  - The 'functions' of the VWA are set out in [s 493\(1\) WIRC Act](#):
    - a. administer the WorkCover Authority Fund: [para \(j\) WIRC Act](#);
    - b. receive and assess, and accept or reject claims for compensation: [para \(a\) WIRC Act](#);
    - c. pay compensation to persons who are so entitled: [para \(b\) WIRC Act](#);
    - d. conduct or defend proceedings before a court or tribunal: [para \(l\) in WIRC Act](#);
    - e. provide insurance: [para \(f\) WIRC Act](#);

- f. determine, collect, and recover premiums payable for WorkCover insurance policies: [para \(f\) in WIRC Act](#);
  - g. identify and minimise or remove disincentives for injured workers to return to work: [para \(q\) in WIRC Act](#);
  - h. facilitate the development of the rehabilitation services for injured workers: [para \(u\) in WIRC Act](#).
- Powers of the Authority?
  - The Authority has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions and to enable it to achieve its objectives: [s 494\(1\)](#).
- Accountability of the Authority?
  - The Authority is subject to:
    - (a) the general direction and control of the Minister; and
    - (b) any specific directions given by the Minister ([s 495\(1\)](#)).
- Establishment of Board?
  - The Board of Management of the Authority established under [s 24 AC Act 1985](#) as in force immediately before 1 July 2014 continues in existence: [s 502\(1\)](#).
  - The Board:
    - (a) may exercise all the powers of the Authority; and
    - (b) must give general directions as to the carrying out of the objectives and functions of the Authority; and
    - (c) must ensure that the Authority is managed and operated in an efficient and economic manner ([s 502\(1\)](#)).

#### *WorkSafe Agents:*

- In practice, WorkSafe itself does not deal with claims against it by injured workers, rather, the management of claims is performed by 'authorised agents' or 'self-insurers' (see below).
- Authorised agents are insurers appointed by WorkSafe to manage claims on its behalf: [s 501 WIRC Act](#).

#### Claims for compensation (see Topic 10):

- On and after 1 July 2014, a claim for compensation under the WIRC or AC Act 1985 (other than a claim for compensation for maims or pain and suffering under [s 98 or 98A of that Act](#)) is to be given, served or lodged in accordance with Divisions 1 and 2 of Part 2 of the WIRC Act: [s 6\(1\)](#).
- If the Authority receives a claim from a person for compensation under the WC Act 1958 in respect of an injury occurring before 31 August 1985, the Authority may, in its discretion, provide guidance to the person as to how to make such a claim: [s 6\(2\)](#).
- A claim for compensation under the WIRC or the AC Act 1985 must be in a form approved by the Authority in respect of that type or class of claim: [s 20\(1\)](#).
- A claim for compensation in the form of weekly payments must:
  - (a) state the date on which the worker ceased work because of the injury; or
  - (b) be accompanied by a medical certificate in accordance with [s 25](#); or
  - (c) be supplemented at a later date by a medical certificate in accordance with [s 25 \(s 20\(2\)\)](#).
- A claim for compensation (other than a claim arising from the death of a worker) must include an authority, signed by the worker, authorising a provider of a medical service or hospital service to the worker in connection with the injury to which the claim relates to give

to the Authority, self-insurer or employer information regarding the service relevant to the claim: [s 20\(3\)](#).

#### Authority to indemnify employer:

- The Authority is liable to indemnify an employer in respect of the employer's liability as an employer of a worker to pay compensation and damages and liability to make contribution under [s 23B of the Wrongs Act 1958](#) or a corresponding provision of a Commonwealth/State/Territory Act, for injuries suffered by the worker arising out of, or in the course of, or due to the nature of employment by the employer: [s 71\(1\) WIRC](#).

#### Employer's 'excess':

- Even if an employer maintains a WorkCover insurance policy, the employer is still be liable for an 'excess' on claims.
- Pursuant to [s 72\(1\) WIRC Act](#), an employer will be liable for:
  1. the first 10 days of the period of the incapacity resulting from the injury sustained by the worker; and
  2. the first \$642 of reasonable medical and like expenses.
- But an employer may increase, reduce, or eliminate the excess by paying an additional premium: [s 72\(6\) WIRC Act](#).

#### Self-insurers:

- Large companies may apply to the VWA to be 'self-insurers': [s 375 WIRC Act](#).
- Self-insurance allows these companies to:
  1. Manage and pay for all claims received for work-related injuries and death; and
  2. Process and finance their own workers' compensation claims.
- The VWA has to be satisfied that the self-insurer is 'fit and proper', which in essence means that it is financially capable of meeting all existing and future claims that may be made: [s 379\(3\) WIRC Act](#).
  - By being responsible for the payment of claims received, it was generally felt that self-insurance promotes occupational, health, and safety practices that are in the interests of the self-insurer to ensure that work-related injuries are minimised.