

TASMANIA

**WORKERS REHABILITATION AND
COMPENSATION AMENDMENT (PRESUMPTION
OF CAUSE OF DISEASE) BILL 2017**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 27 amended (Presumption as to cause of certain diseases in relation to fire-fighters)
5. Section 162A inserted
 - 162A. Review in relation to presumption in respect of PTSD in relation to certain workers
6. Repeal of Act

WORKERS REHABILITATION AND COMPENSATION AMENDMENT (PRESUMPTION OF CAUSE OF DISEASE) BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
2 November 2017

*(Brought in by the Minister for Police, Fire and Emergency
Management, the Honourable Marinus Theodoor Hidding)*

A BILL FOR

**An Act to amend the *Workers Rehabilitation and
Compensation Act 1988***

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Workers Rehabilitation and Compensation Amendment (Presumption of Cause of Disease) Act 2017*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

*Workers Rehabilitation and Compensation Amendment
(Presumption of Cause of Disease) Act 2017
Act No. of 2017*

s. 3

3. Principal Act

In this Act, the *Workers Rehabilitation and Compensation Act 1988** is referred to as the Principal Act.

4. Section 27 amended (Presumption as to cause of certain diseases in relation to fire-fighters)

Section 27 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “disease; and” and substituting “disease –”;
- (b) by omitting paragraph (d) from subsection (1);
- (c) by omitting subsection (4);
- (d) by omitting subsection (6) and substituting the following subsections:
 - (6) Despite the amendments to this section made by the *Workers Rehabilitation and Compensation Amendment (Presumption of Cause of Disease) Act 2017*, this section, as in force immediately before that Act commences, applies to an injury if the injury is to be taken to have occurred, in

*No. 4 of 1988

*Workers Rehabilitation and Compensation Amendment
(Presumption of Cause of Disease) Act 2017
Act No. of 2017*

s. 5

accordance with subsection (5),
before 31 October 2017.

(6A) This section, as amended by the
*Workers Rehabilitation and
Compensation Amendment
(Presumption of Cause of
Disease) Act 2017*, applies to an
injury if the injury is to be taken
to have occurred, in accordance
with subsection (5), on or after
31 October 2017.

(e) by omitting the definition of *avoidable
call-out* from subsection (8).

5. Section 162A inserted

After section 162 of the Principal Act, the
following section is inserted in Part XIII:

**162A. Review in relation to presumption in respect
of PTSD in relation to certain workers**

(1) In this section –

relevant disease means post-traumatic
stress disorder;

relevant workers means workers –

(a) who are employed or
appointed under an Act of
the State; and

*Workers Rehabilitation and Compensation Amendment
(Presumption of Cause of Disease) Act 2017
Act No. of 2017*

s. 5

- (b) the nature of whose occupation as such workers places them at significant risk of contracting, in the course of their employment, the relevant disease;

review means a review carried out by persons who –

- (a) in the Minister's opinion, are appropriately qualified for that task; and
 - (b) include one or more persons who are not employees of the State or Commonwealth or of any agency of the State or Commonwealth.
- (2) The Minister is to cause to be commenced by 30 June 2018 a review as to whether this Act should be amended to include provisions to the effect that, for the purposes of this Act, the employment of relevant workers, specified in the terms of reference for the review, who contract the relevant disease is, in the absence of evidence to the contrary, taken to have contributed to a substantial degree to the relevant disease.

*Workers Rehabilitation and Compensation Amendment
(Presumption of Cause of Disease) Act 2017
Act No. of 2017*

s. 6

- (3) The persons who carry out the review are to complete the review and give to the Minister a written report on the outcome of the review, as soon as practicable but in any case before 1 October 2018.
- (4) The Minister is to cause a copy of the report to be tabled in each House of Parliament on or before 1 October 2018.

6. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.