

FACT SHEET

Workers Rehabilitation and Compensation Amendment Bill 2016

This legislation is designed to reduce red tape associated with the administration and regulation of the workers rehabilitation and compensation scheme.

The amendments emphasise a movement away from administrative processes and focus instead on achieving positive outcomes for workers, employers and insurers. They will remove deficiencies that have arisen over time and are essential for improving the operation of the scheme and result in significant savings for Tasmanian businesses and insurers.

Several amendments will improve compensation arrangements for workers and their dependents:

- Existing age restrictions will be removed from the Act. This will ensure workers are not disadvantaged by changes to the qualifying age for aged pension in Commonwealth legislation.
- Where there has been a work-related death, a dependant claiming compensation will no longer need to provide a death certificate with their claim. Rather, the WorkCover Tasmania Board (the Board) will develop a relevant claim form for use, thereby aligning the process with established practice following a death.
- Compensation in case of a work-related death will be extended to include partially dependent spouse and fully and/or partially dependent children, replacing the current need for the Worker's Rehabilitation and Compensation Tribunal to assess the level of dependency.

Changes will also be made to provisions relating to the presumption as to the cause of disease:

- The Schedule of diseases deemed to be work related will be removed from the Act and, instead, the Board will give notice of relevant diseases. This will ensure the list of deemed diseases can be responsive as new research and findings in relation to work related disease becomes available.
- Review provisions will be amended so that presumption as it relates to the cause of certain diseases experienced by fire fighters is reviewed every three years, rather than annually.

Employers will:

- no longer be required to display the details of their insurer and a copy of the Act in the workplace; and
- only need to appoint a return-to-work co-ordinator if they employ more than 100 workers, rather than 50 workers.

Amendments relevant to medical practitioners include that:

- The definition of 'medical practitioner' will be broadened to include legally qualified medical practitioners in other countries.
- Medical practitioners will no longer need to be accredited to issue medical certificates. Further, in case of total incapacity, a medical certificate will be able to be issued, for up to 28 days, rather than 14 days.
- Accreditation will still be required for a medical practitioner to assess the degree of a worker's permanent impairment for the purpose of the Act. The application of Guidelines for assessment of permanent impairment will be clarified, reflecting current practice and removing potential for ambiguity or confusion when future versions of the Guidelines are issued by the Board.

A range of provisions will also reduce red tape for insurers:

- Insurer's licences and self-insurer's permits will no longer expire after three years. Rather, licences and permits will remain in force until they are either surrendered by the license or permit holder, or revoked by the Board.
- Unnecessary restrictions on the liabilities which may be insured against will be removed, allowing insurers to determine any matter relating to excess.
- Insurers will no longer be required to provide indicative workers compensation industry rates to the Board, thereby easing the regulatory burden on the sector.

In relation to governance, the Bill will:

- Amend the membership and voting structure of the WorkCover Tasmania Board to ensure the Board is equipped with the necessary skills and experience to provide advice and make decisions on the broad range of matters within its scope.
- Refine the functions of the Board and remove unnecessary or duplicated provisions.

The Bill will also amend provisions which are burdensome or unnecessarily complex and achieve a range of minor wording fixes and amendments to improve the comprehension, consistency and clarity of the Act.

The new laws will come into effect on 1 July 2017.