

TASMANIA

**WORKERS REHABILITATION AND
COMPENSATION AMENDMENT BILL 2004**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 69B amended (Period for which benefits are payable)
5. Section 126A inserted
 126A. Claims against Nominal Insurer for increase in payments
6. Section 127B amended (Nominal Insurer Special Account)
7. Section 128A amended (Special contributions)

**WORKERS REHABILITATION AND
COMPENSATION AMENDMENT BILL 2004**

*(Brought in by the Minister for Infrastructure, Energy and
Resources, the Honourable Bryan Alexander Green)*

A BILL FOR

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

Be it enacted by His 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:

Short title

1. This Act may be cited as the *Workers Rehabilitation
and Compensation Amendment Act 2004*.

Commencement

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

Principal Act

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

Section 69B amended (Period for which benefits are payable)

4. Section 69B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “52” and substituting “78”;
- (b) by omitting from subsection (1)(c) “70%” and substituting “80%”;
- (c) by omitting from subsection (1)(c) “52” and substituting “78”;
- (d) by omitting from subsection (1)(c) “10” and substituting “9”;
- (e) by omitting from subsection (2) “10” and substituting “9”;
- (f) by inserting the following subsection after subsection (4):

(5) The amendments to subsections (1) and (2) effected by the *Workers Rehabilitation and Compensation Amendment Act 2004* apply to all claims for compensation relating to periods of incapacity suffered after the commencement of that Act with respect to injuries occurring on or after 1 July 2001.

*No. 4 of 1988

Section 126A inserted

5. After section 126 of the Principal Act, the following section is inserted in Division 5:

Claims against Nominal Insurer for increase in payments

126A. (1) Where an employer becomes liable, as a result of the amendments to section 69B effected by the *Workers Rehabilitation and Compensation Amendment Act 2004*, for increased weekly payments in respect of claims for compensation relating to periods of incapacity suffered after the commencement of that Act with respect to injuries occurring on or after 1 July 2001, the employer's insurer or, if the employer is a self-insurer, the employer may make a claim against the Nominal Insurer for an amount equivalent to the increase in those weekly payments.

(2) The Nominal Insurer is to pay to the employer's insurer or, if the employer is a self-insurer, the employer the amount equivalent to the increase in weekly payments referred to in subsection (1).

(3) For the purposes of this section, the Crown in the right of this State is taken to be a self-insurer.

Section 127B amended (Nominal Insurer Special Account)

6. Section 127B(2) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

(aa) any amount payable under section 126A(2);
and

Section 128A amended (Special contributions)

7. Section 128A of the Principal Act is amended as follows:

- (a) by omitting subsection (2) and substituting the following subsection:

(2) If the Nominal Insurer is or will be liable to pay amounts of the type specified in section 127A(3) –

- (a) as a result of the insolvency of a licensed insurer or former licensed insurer; or
- (b) as a result of the operation of section 126A –

the Minister may require all policyholders and self-insurers to pay to the Nominal Insurer, in each year, a special contribution determined by the Minister.

- (b) by inserting the following paragraph after paragraph (d) in subsection (4):
- (da) the expected amounts that the Nominal Insurer will be required to pay under section 126A(2); and