

TASMANIA

**WORKERS REHABILITATION AND
COMPENSATION AMENDMENT BILL 2022**

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WORKERS REHABILITATION AND COMPENSATION AMENDMENT BILL 2022

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*
9 November 2022

*(Brought in by the Minister for Workplace Safety and
Consumer Affairs, the Honourable Elise Nicole Archer)*

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 Act 2022*.

2. Commencement

This Act commences on 1 March 2023.

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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 inserting the following subsection after subsection (6A):

(6B) This section, as amended by the *Workers Rehabilitation and Compensation Amendment Act 2022*, applies to an injury if the injury is to be taken to have occurred, in accordance with subsection (5), on or after the day on which that Act commences.

(b) by omitting the definition of *occupational fire-fighter* from subsection (8) and substituting the following definition:

occupational fire-fighter means –

(a) a person who is –

(i) a State Service employee, or State

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Service officer,
employed in an
Agency, within
the meaning of the
State Service Act
2000, a significant
function of which
is to manage
forests or parks; or

- (ii) an employee of a
Government
Business
Enterprise, within
the meaning of the
Government
Business
Enterprises Act
1995, a significant
function of which
is to manage
forests or parks –

and who is employed, in
whole or in part, in the
Agency or Government
Business Enterprise, to
perform fire-fighting
operations or fire
prevention operations, or
who engages, during his
or her employment in the
Agency or Government
Business Enterprise, in
fire-fighting operations or
in fire prevention

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operations, that are related to forests or parks; or

(b) a State Service employee or State Service officer, other than a career fire-fighter, who –

(i) is appointed or employed in accordance with section 24 of the *Fire Service Act 1979*; and

(ii) in the course of such an appointment or employment, engages in fire-fighting operations or fire prevention operations in relation to bushfires;

5. Section 87 amended (Cessation on account of age of entitlement to weekly payments)

Section 87 of the Principal Act is amended as follows:

(a) by inserting the following definition before the definition of *pension age* in subsection (1AA):

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cessation date means the date applicable by virtue of subsection (1);

- (b) by omitting from subsection (1)(a) “12 months” and substituting “2 years”;
- (c) by omitting from subsection (1)(b) “12 months” and substituting “2 years”;
- (d) by omitting from subsection (1)(b) “one year” and substituting “2 years”;
- (e) by omitting from subsection (2) “date on which the worker attained the pension age” and substituting “cessation date”;
- (f) by inserting in subsection (2) “or her” after “to him”;
- (g) by omitting from subsection (3)(a) “date on which the worker attained the pension age” and substituting “cessation date”;
- (h) by omitting from subsection (3)(a) “age” second occurring and substituting “date”;
- (i) by omitting from subsection (3)(b) “date on which he or she attains the pension age” and substituting “cessation date”;
- (j) by omitting from subsection (3) “dates mentioned in subsection (1)” and substituting “cessation date”;
- (k) by inserting the following subsection after subsection (3):

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(4) Where an injury occurs –

- (a) before the commencement of the *Workers Rehabilitation and Compensation Amendment Act 2022*, this section, as in force immediately before the commencement of that Act, and section 164BAA, apply in relation to that injury and any claim arising from that injury; or
- (b) on or after the commencement of that Act, this section, as amended by that Act, applies in relation to that injury and any claim arising from that injury.

6. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.