

CLAUSE NOTES

Workers Rehabilitation and Compensation Amendment (Presumption as to Cause of Disease) Bill

- Clause 1** **Short title**
Cites the Act as the *Workers Rehabilitation and Compensation Amendment (Presumption as to Cause of Disease) Bill 2019*
- Clause 2** **Commencement**
The Act will commence on a day to be proclaimed.
- Clause 3** **Principal Act**
The Principal Act is the *Workers Rehabilitation and Compensation Act 1988*.
- Clause 4** **Section 28A inserted**
Inserts section 28A (Presumption as to cause of post-traumatic stress disorder) after section 28 of the Principal Act.
- Section 28A(1) defines relevant worker as:
- a) a worker who is employed by the Crown or appointed under an Act of the State; and
 - b) a worker employed by a Government Business Enterprise, within the meaning of the *Government Business Enterprises Act 1995*; and
 - c) a worker who is employed by a State-owned company, within the meaning of the *Government Business Enterprises Act 1995*.
- Section 28A(2) provides that, where a relevant worker suffers post-traumatic stress disorder the worker's employment is taken to have contributed to a substantial degree to that injury, unless there is evidence to the contrary.
- The presumption will not apply if the worker is not eligible for compensation in accordance with section 25(1A). This includes, but is not limited to, situations where mental health injuries arise from reasonable action taken in reasonable manner by an employer to transfer, demote, discipline or counsel a worker or to bring about cessation of a worker's employment.
- The presumption will not apply if under section 25(2) of the Principal Act, compensation is not payable as a result of an injury which is attributable to the serious and wilful misconduct of the worker (unless the injury results in the death or serious impairment) or an intentional self-inflicted injury.
- Clause 5** **Section 162A repealed**
Repeals section 162A (Review in relation to presumption in respect of PTSD in relation to certain workers) of the Principle Act.
- Clause 6** **Repeal of the Act**
This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.