

## DRAFT SECOND READING SPEECH

HON. GUY BARNETT MP

### *Workers Rehabilitation and Compensation Amendment Bill 2016*

*\*check Hansard for delivery\**

I move that this Bill now be read a second time.

Madam Speaker, the main aim of this Bill is to reduce the excessive red tape associated with the administration and legislation of the Workers Rehabilitation and Compensation Scheme.

As red tape reduction remains a key commitment of the Tasmanian Government, we continue to seek innovative methods of limiting unnecessary administration and expenditure.

In 2014, the Government asked the WorkCover Tasmania Board to identify ways in which to reduce regulatory or administrative requirements which were unwarranted, ineffective or inefficient.

Through assistance from the Department of Justice and a number of key stakeholders, the WorkCover Tasmania Board was able to develop a suite of measures to reduce red tape for inclusion in the *Workers Rehabilitation and Compensation Bill 2016*.

The suggestions emphasised a shared desire to move away from unnecessary administrative processes to instead focus on achieving positive outcomes for all workers, employers and insurers.

These changes have been designed to address deficiencies in the Workers Rehabilitation and Compensation Scheme, and will inevitably result in significant savings for Tasmanian businesses and insurers.

Madam Speaker, beyond reducing red tape, the proposed amendment aims to refine the function of the WorkCover Tasmania Board and remove unjust restrictions that currently exist within the scheme.

Medical practitioners are set to directly benefit from the proposed amendments through a number of measures designed to limit unnecessary restrictions.

Perhaps most notably, the definition of 'medical practitioner' will be broadened to include legally qualified medical practitioners in other countries.

Accreditation will of course still be required for practitioners to assess a worker's impairment for the purpose of compensation or rehabilitation; however, for tasks such as issuing basic medical certificates, practitioners will no longer require accreditation.

While maintaining the standard of our health service providers, this proposed change will free up our accredited practitioners from simple yet time consuming duties.

Madam Speaker, despite current requirements, limiting medical certificates to be issued for a period of 14 days, it is often unreasonable for people incapacitated by injury to return to health within this time frame.

The 2016 Bill will allow medical certificates to be issued for up to 28 days.

Changes will also be made to the review and specification of diseases currently listed in the *Workers Rehabilitation and Compensation Act 1988*.

The list of diseases deemed to be work related will be removed from the Act and, instead, the WorkCover Tasmania Board will give notice of all relevant diseases.

This is necessary to ensure listed diseases are responsive to new research and findings, while preventing the tedious administrative process of continually adjusting the Act's list of workplace related diseases.

Madam Speaker, in the case of work-related deaths, none would argue the importance of providing the highest level of support to dependents of the deceased.

We cannot underestimate the devastation caused by accidental, death to a loved one.

We should always endeavour to limit the burdens associated with seeking just compensation and address any unjust regulations or restrictions which only intensify stresses on the grieving

A dependant claiming compensation will no longer need to provide a death certificate with their claim, rather, the Board will develop an alternative claim form designed to align the process with established practice following a death.

Issues relating to partially dependent spouses with children, and children from previous relationships, currently present a number of complications when seeking compensation for a work-related death.

When more complex family arrangements are involved, it is often the Workers Rehabilitation and Compensation Tribunal that is currently put to the task of determining the validity of claims.

This will be revised so that all dependent children and partners will have direct rights to compensation without being questioned on the details of their relationship with the deceased.

Madam Speaker, I'm sure we have all jumped through enough hoops in our lives to understand the frustration of excessive red tape - as a Government we have the ability to address this.

To reduce process and expenditure requirements for small to medium Tasmanian businesses, workplaces will only need to appoint a return-to-work co-ordinator if they employ more than 100 workers.

Employers will also no longer be legally required to display the details of their insurer and a copy of the Act in the workplace.

Madam Speaker, it should be noted the revised Bill removes all unnecessary restrictions on liabilities which may be insured against.

Legislation restricting insurance liabilities has only proved to cause complications for insurers. Under the amended Bill, insurers will be free to determine any matters relating to excess independently.

In further administrative process reduction, insurer's licences and self-insurer's permits will no longer expire after three years.

Rather than forcing insurers to continually monitor and renew their documents - licences and permits will instead remain in force until they are either surrendered or revoked by the WorkCover Tasmania Board.

To ease the long list of regulatory duties, insurers will also no longer be required to provide indicative industry specific workers compensation rates to the Board.

Madam Speaker, the Bill includes amendments specifically designed to future-proof the Act from related changes to commonwealth and state legislation.

All existing age restrictions will be removed from the Act – for older workers, this will mean their payments will not cease when changes are made by the Commonwealth to the minimum age of retirement.

The specific application of guidelines for workers seeking compensation for permanent impairment will also be clarified to remove any ambiguity or confusion resulting from future guideline changes.

Madam Speaker, the form and function of the WorkCover Tasmania Board will be refined and provisions which have proved particularly onerous or unnecessarily complex will be amended.

The membership and voting structure of the Board will be redesigned to ensure all members are equipped with the necessary skills and experience to advise and make decisions.

Finally, the Bill will address a range of minor outstanding wording fixes and duplicated provisions to improve the comprehension, consistency and clarity of the Act.

Madam Speaker, the amendments have been presented following comprehensive consultation with key stakeholders of the rehabilitation and compensation sector together with the broader community.

The amended Bill will not only improve the operation of the *Workers Rehabilitation and Compensation Act 1988*, it will result in significant savings for Tasmanian businesses, insurers and our State as a whole while at the same time ensuring no adverse effect on the rights and entitlements of injured workers.

I commend the Bill to the House.