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Mr Simon Behrakis MP
Liberal Member for Clark

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Dear Mr Behrakis

Thank you for your Constituency Question asked in the House of Assembly on 15 October 2024 advocating on behalf of workers experiencing industrial deafness.

The *Workers Rehabilitation and Compensation Act 1988* (the Act) provides some relief to a worker who did not make a claim within the prescribed timeframes. A failure to make a claim for compensation within the period prescribed does not affect the validity of the claim if the failure was occasioned by mistake, absence of the worker from the State, or other reasonable cause.

As industrial deafness is usually contracted by a gradual process, it is possible that the worker may have worked for a number of different employers that could have contributed to them contracting industrial deafness. If it cannot be determined who the worker was employed by at the time of contracting the industrial deafness, compensation is payable by the employer who last employed the worker if the nature of the employment was likely to have given rise to the industrial deafness. However, the employer can seek contributions from other employers who employed the worker within the period of 10 years before the injury or disease occurred, provided the nature of the employment was such that it could give rise to industrial deafness.

At this time, there are no plans to amend the *Workers Rehabilitation and Compensation Act 1988* (the Act). However, the WorkCover Board Tasmania is in the early stages of exploring the need for a comprehensive review of the Act. I have asked that any such review includes consideration of industrial deafness.

Thank you again for your Constituency Question and for your continued interest workers compensation matters.

Yours sincerely

Hon Felix Ellis MP

Minister for Housing, Planning and Consumer Affairs

18/11/2024