

## FACT SHEET

### *Workers Rehabilitation and Compensation Amendment Bill 2022*

The *Workers Rehabilitation and Compensation Amendment Bill 2022* (the Bill) sets out proposed amendments to the following two sections of the *Workers Rehabilitation and Compensation Act 1988* (the Act):

- Section 27, *Presumption as to cause of certain diseases in relation to fire-fighters*; and
- Section 87, *Cessation on account of age of entitlement to weekly payments*.

Section 27 of the Act currently provides that, when a fire-fighter (as defined in that section) is diagnosed with a specified cancer and meets relevant criteria, it is presumed, in the absence of evidence to the contrary, that fire-fighting was a substantial contributing factor to the disease.

The Bill amends section 27 to include a group of workers who are currently not covered by the presumptive provisions of section 27. These workers are part of the Bushfire Risk Unit of the Tasmania Fire Service. They undertake fire-fighting operations and fire prevention operations in relation to bushfires. However, they do not meet any of the definitions of the three types of fire-fighters currently covered by section 27, namely 'career fire-fighter', 'volunteer fire-fighter' and 'occupational fire-fighter'.

To address this gap, the Bill will replace the definition of 'occupational fire-fighter' in section 27 of the Act with a new definition of 'occupational fire-fighter'. Existing 'occupational fire-fighters' will also be included in the new definition of 'occupational fire-fighter' without any material change.

With respect to section 87 of the Act, this section sets out age restrictions for weekly compensation payments to workers injured at work, based upon the person's pension age and when the injury occurred in relation to that age. In this section, 'pension age' has the meaning set out in the *Social Security Act 1991* of the Commonwealth.

The Bill will amend section 87 to reduce the disadvantage experienced by older workers by extending the period of time before the age-related cessation provisions apply to those injured close to reaching their pension age.

Implementation of the amendments will provide that:

- where a worker is injured at work two years (changed from the current 12 months) or more before the worker reaches the pension age, entitlements to weekly payments will cease when the worker attains the pension age; and
- if the injury occurs when the worker is aged less than two years (changed from the current 12 months) before the date on which the person attains the pension age, then entitlements to weekly payments will cease on the date two years (increased from the current one year) after the injury occurs.

Existing provisions which allow an injured worker to apply to the Tasmanian Civil and Administrative Tribunal for a determination to extend payments beyond the applicable cessation

dates will be retained. Some changes will be made to the existing wording for greater clarity and consistency throughout section 87.

The changes to sections 27 and 87 are prospective.

The commencement date of the amendments will be 1 March 2023.