

# Changes to Tasmania's workers compensation laws: 1 January 2018

## Information for insurers

### Introduction

Tasmania's *Workers Rehabilitation and Compensation Act 1988* was recently reviewed and amended to remove excessive 'red tape' associated with the state's workers rehabilitation and compensation scheme.

The *Workers Rehabilitation and Compensation Amendment Bill* received Royal Assent on 16 October 2017 and changes will come into effect on 1 January 2018.

The websites of WorkSafe Tasmania and the WorkCover Tasmania Board will be updated to reflect these amendments and any consequent processes or procedures that are affected.

### Summary of changes

If you are a self insurer or licensed insurer, you should be aware of all amendments to the Act.

You can find a summary of the full list of amendments in WorkSafe's fact sheet 'Changes to Tasmania's Workers Compensation Laws: 1 January 2018 – Summary of all amendments' at [www.workcover.tas.gov.au](http://www.workcover.tas.gov.au) and [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au).

You can find a copy of the amended Act at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).

### Licences and permits

- Insurers are no longer required to renew licences and permits. If you have a licence or permit in place when the amendments take effect, it will remain in place unless you surrender it, or the Board revokes or suspends it.
- Self insurers are no longer required to submit a copy of claim forms to the Board.

### Insurance/employers/excess

- Employers are now required to provide information to their licensed insurer when their policy is terminated or expires.
- Section 97A has been amended to remove the current provision that prohibits employers from insuring against their workers compensation liability in respect to the first weekly payment payable, and the first \$200 of any other benefits payable. As at 1 January 2018, an employer must have in place a policy of insurance that complies with section 97(1). The policy of insurance must indemnify the employer in respect of the full amount of their liabilities, Penalties apply to employers should this not be the case.

### Return to work and injury management

- Employers no longer need to develop and implement return to work and injury management plans within time frames specified in legislation. Time frames for plans must be specified in injury management programs approved by the Board.
- Injury management programs no longer need to be reviewed every 12 months. However, the Board is still able to specify any requirements for injury management programs it deems appropriate.
- Employers are required to appoint a return to work co-ordinator if they employ more than 100 workers (the previous requirement was 50 workers).

## **Medical practitioners/accreditation/certificates/whole person impairment assessment**

- Medical practitioners are no longer required to be accredited by the Board to issue workers compensation medical certificates.
- Medical practitioners are no longer required to be accredited to issue certificates about the extent of a worker's recovery.
- A definition of 'medical practitioner' has been included. 'Medical practitioner' means someone registered under the Health Practitioner Regulation National Law in the medical profession; or someone authorised under another country's laws to carry out the functions that, if carried out in Australia, would be required to be registered under the Health Practitioner Regulation National Law.
- Workers compensation medical certificates must not be provided for more than 28 days (previously 14 days) of total incapacity, unless the medical practitioner states a reason on the certificate and sets a date for reviewing the certification.
- Medical practitioners who wish to assess the degree of a worker's whole person impairment must still be accredited by the Board.
- Medical practitioners currently accredited by the Board to assess permanent impairment are no longer required to renew that accreditation (as previously required). If they are accredited by the Board when the amendments take effect, they will remain accredited unless they surrender it, or the Board revokes or suspends it.
- Medical practitioners are not required to be accredited to diagnose undulant fever (also known as brucellosis).
- The assessment of a worker's degree of impairment is to be made using the Guidelines that are in effect on the day of the assessment. The Board shall not be prevented from amending the October 2011 Guidelines.
- The term 'medical assessor' has been replaced with 'accredited medical practitioner'.

## **Workplace rehabilitation providers**

- Workplace rehabilitation providers are no longer required to be accredited by the Board if they are only providing 'advice or assistance in relation to job seeking' or 'advice or assistance in arranging vocational training'.
- 'Advice in relation to job seeking' and 'advice or assistance in arranging vocational training' have been included in the definition of 'rehabilitation services'.
- Workplace rehabilitation provider accreditation comes into effect on the day it is granted and remains in effect unless it is surrendered by the person/organisation who holds it, or the Board revokes or suspends it.

## **General**

- Dependents no longer need to provide a death certificate.
- Two new circumstances where compensation will be paid to dependants have been added. This will ensure that dependants are not required to make a referral to the Tribunal to have a claim determined.
- Current age restrictions have been removed and replaced with a link to the *Social Securities Act 1991*. This will ensure there is no gap between when a person's entitlement to weekly compensation payments stops on account of age and when any entitlement to the Age Pension may begin. This amendment will apply to workers whether their injury occurred before or after the start of the amendments.

- The current list of diseases for which there is presumptive cause has been removed. The Board intends to approve a new list of deemed diseases for which there is a presumption of cause.
- Employers are no longer required to display in their workplace a summary of the Act or details of their workers compensation insurer.
- Employers are no longer required to serve workers with a written notice of their right to make a claim. However, the worker must still be informed, within 14 days after being notified of an injury, of their right to make a claim. This notice must be in the prescribed form as previously required. To find this form, go to [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au) and search for 'GF172'.

If you have any queries or want to know more about how an amendment will affect you, please call our Helpline on 1300 366 322.