



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

## Summary of all amendments

### 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.

Information sheets — for medical practitioners, insurers, workers, employers, and workplace rehabilitation providers/injury management co-ordinators — have been developed summarising the amendments that may be useful for each.

This information sheet summarises all the amendments.

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

Section of the Act	Amendment	Subject
3(1)	The definition of 'medical practitioner' reflects changes to accreditation requirements and includes reference to the Health Practitioner Regulation National Law.	Accreditation of medical practitioners
3(1)	The definition of 'medical practitioner' includes any legally qualified medical practitioner from another Australian jurisdiction and other countries.	Accreditation of medical practitioners
3(1)	The definition of 'workplace rehabilitation services' now excludes the services 'advice or assistance in relation to job seeking' and 'advice or assistance in arranging vocational re-education or training'.	Definition of workplace rehabilitation services
4(5)	Commonwealth workers and workers employed by Commonwealth self insurers under the Commonwealth <i>Safety Rehabilitation Compensation Act 1988</i> are not covered by the Tasmanian Act.	Commonwealth workers

<b>Section of the Act</b>	<b>Amendment</b>	<b>Subject</b>
9,164BAA, Schedule 1, 12(1)	<p>The structure of the WorkCover Tasmania Board has been changed, from a representative-based membership to a skills-based membership. Five members will be nominated by the Minister and appointed by the Governor of Tasmania.</p> <p>Minor amendments to the Board's functions have been made.</p> <p>Members of the Board are required to disclose an interest (whether pecuniary or otherwise) in any matter being considered by the Board.</p>	Membership of the Board
25	Medical practitioners are not required to be accredited to diagnose undulant fever (also known as brucellosis).	Accreditation of medical practitioners
26	<p>The Board may publish in the Gazette that an occupation or exposure is presumed to be the cause of a particular disease.</p> <p>Schedule 4 list of deemed diseases has been removed.</p>	Deemed diseases
28	Changes the review of provisions relating to presumption of the cause of certain diseases in fire-fighters from annually to three yearly. This will make sure more evidence is available, ensuring the effectiveness of the review.	Diseases of fire-fighters: Presumption of cause
33A	<p>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 format.</p> <p>Notice to a worker of their right to make a claim is not required if the worker serves a workers compensation claim on the employer within 14 days.</p>	Informing workers of right to claim
34	Dependents are no longer required to provide a death certificate.	Death certificates
36	<p>Self insurers are no longer required to submit a copy of claim forms to the Board.</p> <p>However, they are still required to provide the Board with details of claims each month.</p>	Insurers and claim forms
67	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.	Amount of compensation in case of death

<b>Section of the Act</b>	<b>Amendment</b>	<b>Subject</b>
71A	This new clause explains how the Guidelines for the assessment of permanent impairment are to be issued and when they come into effect.	Assessing degree of a worker's impairment
72	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 term 'medical assessor' has been replaced with 'accredited medical practitioner'.	Assessing degree of a workers impairment
74	'Advice in relation to job seeking' and 'advice or assistance in arranging vocational training' have been included in the definition of 'rehabilitation services'.	Definition of workplace rehabilitation services
76	This clause corrects a previous drafting anomaly around the liability of employers to pay compensation for travelling expenses. The current section references section 85 which was previously repealed. The section has been amended to correctly reference section 90A(2).	Travelling expenses
77A	Medical practitioners are no longer required to be accredited by the Board to issue workers compensation medical certificates.	Accreditation of medical practitioners
77B	Medical practitioners who wish to assess the degree of a worker's whole person impairment must still be accredited by the Board.	Accreditation of medical practitioners
77C	The Board may specify the requirements for accreditation, accredit an organisation or natural person, and specify any requirements (including any course of training).	Accreditation in general
77D	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.	Accreditation of impairment specialists and workplace rehabilitation providers
86	Medical practitioners are no longer required to be accredited to issue certificates about the extent of a workers recovery.	Accreditation of medical practitioners

<b>Section of the Act</b>	<b>Amendment</b>	<b>Subject</b>
87	<p>Current age restrictions have been removed and replaced with a link to the <i>Social Securities Act 1991</i>.</p> <p>This will ensure there is no gap between when a person's entitlement to weekly compensation payments stops on account of their age and when any entitlement to the Age Pension may begin.</p> <p>This amendment will apply to workers whether their injury occurred before or after the start of the amendments.</p>	Weekly payments: Cessation age
97	Employers are now required to provide information to their licensed insurer when their policy is terminated or expires.	Obligations of employers to insure
97(1)	<p>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.</p> <p>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.</p>	Obligations of employers to insure
102A	Licensed insurers are no longer required to provide industry rates to the Board.	Insurer to provide industry rates
108	<p>Insurers are no longer required to renew licences and permits.</p> <p>If a licence or permit issued by the Board is in place when the amendments take effect, it will remain in place unless it is surrendered, or the Board revokes or suspends it.</p>	Licence and permit duration
109, 110, 111, 112, 113	There is no longer reference to the renewal of a licence or permit under section 108 as licensed and self insurers are no longer required to renew their licences or permits.	Licence and permit renewal and conditions
138AB	This section has been amended to ensure the consistency of language in the legislation where reference is made to permanent impairment.	Claims for damages

<b>Section of the Act</b>	<b>Amendment</b>	<b>Subject</b>
141	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. An injury management program is a program approved by the Board which outlines the method an insurer will apply to manage claims.	Injury management/return to work plans
142	Injury management programs no longer need to be reviewed every 12 months. The Board is still able to specify any additional requirements for injury management programs it deems appropriate.	Injury management programs
143	Allows the Board to specify how long an injury management program is approved for. If no time frame is specified, approval remains in place for 3 years.	Injury management programs
143A	Reference to 'Workers approved injury management plan' in section 143(1)(b) has been replaced with 'employers approved injury management program'. This addresses a previous oversight.	Employer notifying insurer of injuries
143D	Employers are required to appoint a return to work co-ordinator if they employ more than 100 workers (the previous requirement was 50 workers).	Appointing return to work co-ordinators
143E	Employers no longer need to develop and implement return to work and injury management plans within time frames set out in legislation. Employers/insurers must ensure that a return to work plan or injury management plan is prepared for an injured worker within the period specified in their injury management programs approved by the Board.	Injury management/return to work plans
143H	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: Issuing certificates
152	Employers are no longer required to display in their workplace a summary of the Act or details of their workers compensation insurer.	Employer obligation to display act/insurance

Section of the Act	Amendment	Subject
153	<p>Reference to an accredited medical practitioner has been removed from this section as accreditation for medical practitioners wishing to issue workers compensation medical certificates is no longer required.</p> <p>Medical practitioners may be guilty of an offence if they provide a certificate that contains any information that, to their knowledge, is false or misleading.</p>	Medical practitioners: False or misleading information
164BAA	<p>Provides transitional arrangements for changing the Board's existing membership to the new structure.</p> <p>Ensures:</p> <ul style="list-style-type: none"> <li>• anyone accredited under section 77 on the day of these amendments will have their accreditation continue</li> <li>• anyone with an existing licence or permit on the day of these amendments will have their licence or permit continue.</li> </ul>	Membership of the Board
164C	Ensures the Board will not be prevented from amending the October 2011 Guidelines for the assessment of permanent impairment.	Permanent impairment: Validation of guidelines
164D	This is a new section which requires the Minister to ensure that a review of the functionality of the Board is conducted within 3 years of the reconstitution of the Board.	Membership of the Board
Schedule 1	Reflects the amended structure of the Board.	Membership of the Board
Schedule 2	Ensures all Board members are entitled to vote. In the event of an equality of votes the person presiding at a meeting of the Board has a casting vote.	Membership of the Board
Schedule 4	Removes the current list of diseases with a presumptive cause; it is no longer required due to amendments to section 26.	Diseases with a presumptive cause