

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

Information for medical practitioners

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 (the Board) will be updated to reflect these amendments and any consequent processes or procedures that are affected.

Summary of changes

If you are a medical practitioner:

- currently approved by the Board to issue workers compensation medical certificates
- currently accredited by the Board to assess whole person impairment
- not previously accredited by the Board for either of these options

You may find the following summary of the amendments useful.

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

You can find a copy of the amended Act at www.legislation.tas.gov.au.

Accreditation/whole person impairment assessment

- Medical practitioners are no longer required to be accredited by the Board to issue workers compensation medical certificates.
- 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 you are accredited by the Board when the amendments take effect, you will remain accredited unless you surrender it, or it is revoked or suspended by the Board.
- 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'.
- Medical practitioners are not required to be accredited to diagnose undulant fever (also known as brucellosis).

Medical certification

- 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.
- Dependents no longer need to provide a death certificate.
- Medical practitioners are no longer required to be accredited to issue certificates about the extent of a workers recovery.

Return to work and injury management

- Employers are no longer required to develop and implement return to work and injury management plans within time frames specified in legislation. Time frames for plans will need to 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.
- Workplace rehabilitation providers are no longer required to be accredited by the Board if they are only providing 'advice in relation to job seeking' or 'advice or assistance in arranging vocational training'.
- Employers are required to appoint a return to work co-ordinator if they employ more than 100 workers (the previous requirement was 50 workers).

General

- '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.
- 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.
- 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.
- 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.
- If you were previously accredited, or have not previously been accredited and are unfamiliar with the workers compensation scheme and the vital role that medical practitioners play, we suggest you read the following online guides and information (currently being updated to reflect the legislative changes) at www.workcover.tas.gov.au:
 - The role of the primary treating medical practitioner (search for GB257)
 - How to complete workers compensation medical certificates correctly (search for GB266)
 - Accreditation guidance (search for 'how to become accredited')
 - Certifying for workers compensation claims (search for 'certifying workplace injuries').

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.