

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

## Information for employers

### 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're an employer, you may find the following summary of the amendments useful.

You can find 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).

### Insurance

- Employers are now required to provide information to their licensed insurer when their policy is terminated and when it 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. As an employer, you should seek further information from your insurer.

### Notice of right to claim

- 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'.
- 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.

## Insurers

- Licenced and self insurers are no longer required to renew licences and permits. If there is a licence or permit in place immediately before the amendments, these will continue unless revoked by the Board or surrendered by the insurer. For a full list of licensed and self-insurers in Tasmania go to [www.workcover.tas.gov.au](http://www.workcover.tas.gov.au).

## Medical practitioners

- Medical practitioners are no longer required to be accredited by the Board to issue workers compensation medical certificates. Workers compensation medical certificates can now be provided by a person registered under the Health Practitioner Regulation National Law. The definition has also been amended to address medical practitioners authorised under the law of another country.
- Medical practitioners who wish to assess the degree of a worker's whole person impairment must still be accredited by the Board.
- 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.

## 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. An injury management program is a program approved by the Board which outlines the method an insurer will apply to manage claims.
- 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.
- 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'.
- 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

- 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.
- 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.
- Employers are no longer required to display in their workplace a summary of the Act or details of their workers compensation insurer.

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.