



Queensland

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015



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2015

A Bill

for

An Act to amend the *Electrical Safety Act 2002*, the *Workers' Compensation and Rehabilitation Act 2003* and the *Work Health and Safety Act 2011* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015*. 4
5

Clause 2 Commencement 6

(1) Part 2, divisions 1 and 2 are taken to have commenced on 31 7
January 2015. 8

(2) Part 2, division 3 is taken to have commenced on the day the 9
Bill for this Act was introduced into the Legislative Assembly. 10

(3) Part 2, division 5 commences on a day to be fixed by 11
proclamation. 12

Part 2 Amendment of Workers' Compensation and Rehabilitation Act 2003 13
14
15

Division 1 Preliminary 16

Clause 3 Act amended 17

This part amends the *Workers' Compensation and Rehabilitation Act 2003*. 18
19

Division 2	Amendments commencing on 31 January 2015	1 2
Clause 4	Amendment of s 132A (Applying for assessment of DPI before applying for compensation)	3 4
	(1) Section 132A, heading, 'before applying'—	5
	<i>omit, insert—</i>	6
	if no application made	7
	(2) Section 132A—	8
	<i>insert—</i>	9
	(6) The insurer must, within 40 business days after an application under subsection (2) is made, decide to allow or reject the application.	10 11 12
	(7) The insurer may reject the application only if satisfied the worker—	13 14
	(a) was not a worker when the injury was sustained; or	15 16
	(b) has not sustained an injury.	17
	(8) The insurer must notify the worker of its decision on the application.	18 19
	(9) If the insurer rejects the application, the insurer must also, when giving the worker notice of its decision, give the worker written reasons for the decision and the information prescribed by regulation.	20 21 22 23 24
	(10) If the worker is aggrieved by the insurer's decision on the application, the worker may have the decision reviewed under chapter 13.	25 26 27
	(11) If the insurer does not decide the application within the time stated in subsection (6)—	28 29

[s 5]

- (a) the insurer must, within 5 business days after the end of the time stated in subsection (6), notify the worker—
 - (i) of its reasons for not deciding the application; and
 - (ii) that the worker may have the insurer's failure to decide the application reviewed under chapter 13; and
 - (b) the worker may have the insurer's failure to decide the application reviewed under chapter 13.
- (12) To remove any doubt, it is declared that a decision of the insurer to allow the application does not entitle the worker to compensation for the injury.

Clause 5 Insertion of new s 132B 16

After section 132A— 17

insert— 18

132B Applying for certificate of dependency 19

- (1) This section applies to a person who—
 - (a) wishes to seek damages as a dependant of a deceased worker; and
 - (b) has not made an application under section 132.
- (2) The person may apply to the insurer for the issue of a certificate stating the person is a dependant of the deceased worker for the purpose of section 237(1)(b)(ii).
- (3) An application under subsection (2) must be—
 - (a) lodged with the insurer; and
 - (b) in the approved form; and

-
- | | | |
|------|---|----|
| (c) | accompanied by— | 1 |
| (i) | a certificate in the approved form given | 2 |
| | by a doctor who attended the deceased | 3 |
| | worker; and | 4 |
| (ii) | any other evidence or particulars | 5 |
| | prescribed by regulation. | 6 |
| (4) | The insurer must, within 40 business days after | 7 |
| | the application is made, decide to allow or reject | 8 |
| | the application. | 9 |
| (5) | The insurer may reject the application only if | 10 |
| | satisfied— | 11 |
| (a) | the person is not a dependant of the | 12 |
| | deceased worker; or | 13 |
| (b) | the deceased worker was not a worker when | 14 |
| | the injury was sustained; or | 15 |
| (c) | the deceased worker did not sustain an | 16 |
| | injury; or | 17 |
| (d) | the injury did not result in the worker's | 18 |
| | death. | 19 |
| (6) | The insurer must notify the person of its decision | 20 |
| | on the application. | 21 |
| (7) | If the insurer rejects the application, the insurer | 22 |
| | must also, when giving the person notice of its | 23 |
| | decision, give the person written reasons for the | 24 |
| | decision and the information prescribed by | 25 |
| | regulation. | 26 |
| (8) | If the person is aggrieved by the insurer's | 27 |
| | decision on the application, the person may have | 28 |
| | the decision reviewed under chapter 13. | 29 |
| (9) | If the insurer does not decide the application | 30 |
| | within the time stated in subsection (4)— | 31 |
| (a) | the insurer must, within 5 business days | 32 |
| | after the end of the time stated in subsection | 33 |
| | (4), notify the person— | 34 |

[s 6]

	(i) of its reasons for not deciding the application; and	1 2
	(ii) that the person may have the insurer's failure to decide the application reviewed under chapter 13; and	3 4 5
	(b) the person may have the insurer's failure to decide the application reviewed under chapter 13.	6 7 8
(10)	To remove any doubt, it is declared that a decision of the insurer to allow the application does not entitle the person to compensation for the injury.	9 10 11 12
Clause 6	Amendment of s 237 (General limitation on persons entitled to seek damages)	13 14
	Section 237(1)—	15
	<i>omit, insert</i> —	16
(1)	The following are the only persons entitled to seek damages for an injury sustained by a worker—	17 18 19
(a)	the worker, if the worker—	20
(i)	has received a notice of assessment from the insurer for the injury; or	21 22
(ii)	has not received a notice of assessment for the injury, but—	23 24
(A)	has received a notice of assessment for any injury resulting from the same event (the <i>assessed injury</i>); and	25 26 27 28
(B)	for the assessed injury, the worker has a DPI of 20% or more or, under section 239, has elected to seek damages; or	29 30 31 32
(iii)	has a terminal condition;	33

-
- (b) a dependant of the deceased worker, if the injury results in the worker's death and—
 - (i) compensation for the worker's death has been paid to, or for the benefit of, the dependant under chapter 3, part 11; or
 - (ii) a certificate has been issued by the insurer to the dependant under section 132B.

Clause 7	Insertion of new s 239A	10
	Chapter 5, part 2, division 1—	11
	<i>insert—</i>	12
	239A Worker with more than 1 injury from an event	13
	(1) This section applies to a claimant who is a worker mentioned in section 237(1)(a)(ii).	14 15
	(2) The claimant can not have, and the insurer can not decide to have, the injury assessed under chapter 3, part 10 to decide if the claimant has sustained a DPI.	16 17 18 19
	(3) The insurer can not decide the claimant's notice of claim does not comply with section 275 only because the claimant has not received a notice of assessment for the injury.	20 21 22 23
	(4) However, the claimant may seek damages for the injury only if the insurer decides the claimant has sustained an injury.	24 25 26
	(5) The insurer must make a decision for subsection (4) within 40 business days after—	27 28
	(a) the claimant gives, or is taken to have given, a complying notice of claim; or	29 30
	(b) the claimant gives a notice of claim for which the insurer waives compliance with	31 32

[s 8]

	the requirements of section 275 with or without conditions; or	1 2
	(c) a court makes a declaration under section 297.	3 4
(6)	The insurer must—	5
	(a) notify the claimant of its decision for subsection (4); and	6 7
	(b) if the insurer decides the claimant has not sustained an injury—give the claimant written reasons for the decision; and	8 9 10
	(c) if the insurer is WorkCover—also give the information mentioned in paragraphs (a) and (b) to the claimant's employer.	11 12 13
(7)	If the insurer does not make a decision for subsection (4) within the time stated in subsection (5)—	14 15 16
	(a) the insurer must, within 5 business days after the end of the time stated in subsection (5), notify the claimant—	17 18 19
	(i) of its reasons for not making the decision; and	20 21
	(ii) that the claimant may have the insurer's failure to make the decision reviewed under chapter 13; and	22 23 24
	(b) the claimant may have the insurer's failure to make the decision reviewed under chapter 13.	25 26 27
(8)	A person aggrieved by the insurer's decision may have the decision reviewed under chapter 13.	28 29
Clause 8	Amendment of s 296 (Claimant to have given complying notice of claim or insurer to have waived compliance)	30 31
	Section 296(a), 'or (c)'—	32

omit. 1

Clause 9 Amendment of s 302 (Alteration of period of limitation) 2

Section 302(1)— 3

omit, insert— 4

- (1) A claimant may bring a proceeding for damages for a personal injury— 5
 - (a) within the period of limitation (the *general limitation period*) allowed for bringing a proceeding for damages for personal injury under the *Limitations of Actions Act 1974*; 7
 - or 8
 - 10
 - 11
 - (b) if schedule 5 provides for a different period for bringing the proceeding—within the period mentioned in schedule 5. 12
 - 13
 - 14

Clause 10 Amendment of s 540 (Application of pt 2) 15

(1) Section 540(1)(a)— 16

insert— 17

(viii) to allow or reject an application under section 132A or 132B; or 18
19

(xiii) for section 239A(4) that a claimant has or has not sustained an injury; 20
21

(2) Section 540(1)(b)— 22

insert— 23

(ia) to allow or reject an application under section 132A or 132B; or 24
25

(vii) for section 239A(4) that a claimant has or has not sustained an injury; 26
27

(3) Section 540(1)(c)— 28

omit, insert— 29

[s 11]

	(c) a failure by WorkCover or a self-insurer to make a decision—	1 2
	(i) on an application under section 132A, 132B or 134 within the time stated in the section; or	3 4 5
	(ii) for section 239A(4) within the time stated in section 239A(5).	6 7
Clause 11	Insertion of new ch 32	8
	After chapter 31—	9
	<i>insert—</i>	10
	Chapter 32 Transitional provisions for Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015	11 12 13 14 15 16 17 18
	Part 1 Preliminary	19
	707 Definitions for ch 32	20
	In this chapter—	21
	<i>amendment Act</i> means the <i>Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015</i> .	22 23 24

former, for a provision, means the provision as in 1
force from time to time before the repeal or 2
amendment of the provision by the amendment 3
Act. 4

Part 2 Amendments 5 **commencing on 31** 6 **January 2015** 7

708 Definitions for pt 2 8

In this part— 9

pre-amended Act means this Act as in force 10
before 31 January 2015. 11

transitional period means the period starting on 12
31 January 2015 and ending on the date of assent 13
of the amendment Act. 14

709 Injuries sustained before 31 January 2015 15

(1) This section applies if a worker sustained an 16
injury before 31 January 2015. 17

(2) The pre-amended Act continues to apply in 18
relation to the injury as if the amendment Act had 19
not been enacted. 20

(3) Without limiting subsection (2)— 21

(a) the amount of compensation payable in 22
relation to the injury must be worked out 23
under the pre-amended Act; and 24

(b) chapter 5 of the pre-amended Act applies in 25
relation to damages, or a proceeding for 26
damages, for the injury. 27

(4) Also, if an insurer made a decision on an 28
application in relation to the injury under former 29

[s 11]

section 132A during the transitional period, a 1
worker aggrieved by the decision may apply to 2
have the decision reviewed under chapter 13. 3

**710 Application under s 132A during transitional 4
period 5**

- (1) This section applies if, during the transitional 6
period— 7
- (a) an injury was sustained by a worker; and 8
 - (b) an application was made under section 9
132A to have the worker's injury assessed 10
under section 179 to decide if the worker's 11
injury has resulted in a DPI. 12
- (2) Former section 132A applies to the application, 13
despite its amendment by the amendment Act. 14
- (3) However, if the worker is aggrieved by the 15
insurer's decision on the application, the worker 16
may apply to have the decision reviewed under 17
chapter 13. 18
- (4) Nothing in this section affects another provision 19
of this Act about deciding— 20
- (a) whether a person was a worker; or 21
 - (b) whether a worker sustained an injury; or 22
 - (c) the date an injury was sustained. 23

711 Decision under s 189 not affected 24

- (1) This section applies if— 25
- (a) a decision was made, or taken to have been 26
made, by a worker under section 189 before 27
the date of assent of the amendment Act; 28
and 29
 - (b) the injury to which the decision relates was 30
sustained during the transitional period. 31

	(2) The enactment of the amendment Act does not affect the decision.	1 2
Clause 12	Insertion of new sch 5	3
	After schedule 4—	4
	<i>insert—</i>	5
	Schedule 5	
	Period of limitation	6
	section 302(1)(b)	7
	1 Worker who requests or is given notice of assessment	8 9
	(1) This section applies if—	10
	(a) less than 6 months before the end of the general limitation period, an insurer gives a worker a notice of assessment for an injury; or	11 12 13 14
	(b) before the end of the general limitation period—	15 16
	(i) a worker asks an insurer to have the worker's injury assessed to decide if the injury has resulted in a DPI; and	17 18 19
	(ii) the insurer has not given the worker a notice of assessment for the injury.	20 21
	(2) A proceeding for damages for the injury may be brought—	22 23
	(a) within 6 months after the insurer gives the notice of assessment for the injury; or	24 25
	(b) if, before the end of the period mentioned in paragraph (a), the worker advises the insurer that the worker does not agree with the DPI	26 27 28

[s 12]

stated in the notice of assessment for the 1
injury—within 6 months after a tribunal 2
decides the DPI. 3

**2 Application for compensation subject to 4
review or appeal 5**

- (1) This section applies if, before the end of the 6
general limitation period— 7
- (a) a claimant lodges an application for 8
compensation for an injury; and 9
 - (b) the application is or has been the subject of a 10
review or appeal under chapter 13; and 11
 - (c) the application has not been accepted. 12
- (2) A proceeding for damages for the injury may be 13
brought— 14
- (a) within 6 months after the claimant's 15
application is accepted; or 16
 - (b) if, before the end of the period mentioned in 17
paragraph (a), the claimant asks the insurer 18
to have the injury assessed to decide if the 19
injury has resulted in a DPI— 20
 - (i) within 6 months after the insurer gives 21
a notice of assessment for the injury; or 22
 - (ii) if, before the end of the period 23
mentioned in subparagraph (i), the 24
worker advises the insurer that the 25
worker does not agree with the DPI 26
stated in the notice of assessment for 27
the injury—within 6 months after a 28
tribunal decides the DPI. 29

3 Application for certificate of dependency 30

- (1) This section applies if, before the end of the 31
general limitation period, a claimant applies for a 32

	certificate under section 132B stating the claimant is a dependant of a deceased worker.	1 2
	(2) A proceeding for damages for the deceased worker's injury may be brought by the claimant within 6 months after the insurer issues the certificate.	3 4 5 6
	(3) Subsection (2) applies whether or not the certificate is issued following a review or appeal under chapter 13.	7 8 9
Clause 13	Amendment of sch 6 (Dictionary)	10
	Schedule 6—	11
	<i>insert</i> —	12
	<i>general limitation period</i> see section 302(1)(a).	13
Division 3	Amendments commencing on introduction	14 15
Clause 14	Amendment of s 12 (Entitlements of persons mentioned in sdiv 1)	16 17
	Section 12(2)—	18
	<i>omit, insert</i> —	19
	(2) The contract must not cover the payment of damages for injury sustained by the person.	20 21
	(2A) However, the contract must cover the payment of damages if the person is a specified volunteer firefighter who sustains an injury that is a specified disease.	22 23 24 25
	<i>Note</i> —	26
	See also section 236A about the application of chapter 5 to specified volunteer firefighters.	27 28

[s 15]

Clause 15	Amendment of s 14 (Rural fire brigade member)	1
	Section 14—	2
	<i>insert—</i>	3
	(4) However, a person covered by the contract is also entitled to compensation if the person is a specified volunteer firefighter who sustains an injury that is a specified disease.	4 5 6 7
	(5) Subsections (3) and (4) do not limit section 12(2A).	8 9
Clause 16	Amendment of s 15 (Volunteer fire fighter or volunteer fire warden)	10 11
	Section 15—	12
	<i>insert—</i>	13
	(4) However, a person covered by the contract is also entitled to compensation if the person is a specified volunteer firefighter who sustains an injury that is a specified disease.	14 15 16 17
	(5) Subsections (3) and (4) do not limit section 12(2A).	18 19
Clause 17	Amendment of s 36A (Date of injury)	20
	Section 36A—	21
	<i>insert—</i>	22
	(2A) However, subsection (2)(b) does not apply if the latent onset injury is a specified disease and section 36D applies to the person.	23 24 25
Clause 18	Insertion of new ch 1, pt 4, div 6, sdiv 3B	26
	Chapter 1, part 4, division 6—	27
	<i>insert—</i>	28

Subdivision 3B Injuries sustained by firefighters	1 2
36B Definitions for sdiv 3B	3
In this subdivision—	4
<i>employ</i> includes engage.	5
<i>firefighter</i> means—	6
(a) a fire officer under the <i>Fire and Emergency Services Act 1990</i> ; or	7 8
(b) a member of a rural fire brigade registered under the <i>Fire and Emergency Services Act 1990</i> , section 79; or	9 10 11
(c) a volunteer fire fighter or volunteer fire warden engaged by the authority responsible for the management of the State's fire services.	12 13 14 15
<i>specified disease</i> means a disease mentioned in schedule 4A, column 1.	16 17
<i>volunteer firefighter</i> means a person mentioned in the definition <i>firefighter</i> , paragraph (b) or (c).	18 19
36C Meaning of <i>exposure incident</i>	20
For this subdivision, a firefighter attends an <i>exposure incident</i> if—	21 22
(a) the firefighter attends a location; and	23
(b) a fire is burning at the location; and	24
(c) the firefighter participates in extinguishing, controlling or preventing the spread of the fire at the location.	25 26 27

[s 18]

Examples for paragraph (b)—

- a fire started by arson 2
- a controlled burn 3

36D Presumption of injury 4

- (1) This section applies to a person who— 5
 - (a) is diagnosed by a doctor for the first time as 6
having a specified disease; and 7
 - (b) at any time before the diagnosis, was 8
employed as a firefighter for at least the 9
number of years mentioned in schedule 4A, 10
column 2 opposite the specified disease; and 11
 - (c) if the person was a volunteer firefighter for 12
any period of the person's employment 13
mentioned in paragraph (b)—has attended at 14
least 150 exposure incidents. 15
- (2) For the purposes of an entitlement to 16
compensation, the specified disease is taken to be 17
an injury. 18
- (3) However, this section does not apply if it is 19
proved that— 20
 - (a) the specified disease did not arise out of, or 21
in the course of, the person's employment as 22
a firefighter; or 23
 - (b) the person's employment as a firefighter is 24
not a significant contributing factor to the 25
specified disease. 26

36E Deciding number of years 27

- (1) This section applies for deciding the number of 28
years of the person's employment as a firefighter 29
for section 36D(1)(b). 30

-
- (2) The number of years may only include periods during which the person is required, as part of the person's employment as a firefighter, to attend exposure incidents. 1
2
3
4
- (3) However, the number of years may be made up by taking into account— 5
6
- (a) more than 1 period of employment; or 7
- (b) periods of employment as more than 1 type of firefighter. 8
9

Example 1— 10

A person is a member of a rural fire brigade for 5 years and attends over 150 exposure incidents during that time. The person subsequently works in an administrative role for the brigade for 5 years. The person is later employed as a fire officer and attends exposure incidents for another 10 years. For section 36D(1)(b), the person is employed as a firefighter for 15 years. 11
12
13
14
15
16
17
18

Example 2— 19

A person is a fire officer who attends exposure incidents for 10 years. The person subsequently works in administrative and management roles for another 20 years. For section 36D(1)(b), the person is employed as a firefighter for 10 years. 20
21
22
23
24

36F Deciding number of exposure incidents attended 25 26

- (1) This section applies for deciding the number of exposure incidents attended by a volunteer firefighter for section 36D(1)(c). 27
28
29
- (2) The firefighter is taken to attend only 1 exposure incident on a single day if— 30
31
- (a) the firefighter attends more than 1 exposure incident on the day; and 32
33

[s 19]

- (b) the fire at the first exposure incident was started by a particular thing happening (the *igniting event*); and
- (c) each later exposure incident on the day is connected to, or happened as a result of, the igniting event.

Example of circumstances in which a firefighter attends only 1 exposure incident—

A firefighter attends a fire that starts in 1 location in bushland. Before the fire can be controlled, the fire spreads to 2 other locations in the bushland. The firefighter attends the 3 locations during the day. For section 36D(1)(c), the firefighter has attended 1 exposure incident on the day.

Example of circumstances in which a firefighter attends more than 1 exposure incident—

A firefighter attends a fire that starts in 1 location in bushland. The firefighter subsequently goes to an unrelated house fire at a different location on the same day. For section 36D(1)(c), the firefighter has attended 2 exposure incidents on the day.

Clause 19	Insertion of new s 236A	22
	Chapter 5, part 1—	23
	<i>insert—</i>	24
	236A Application of ch 5 to specified volunteer firefighter	25
	(1) This chapter applies to a specified volunteer firefighter who—	27
	(a) is covered by a contract entered into with WorkCover for chapter 1, part 4, division 3, subdivision 1; and	29
	(b) sustains an injury that is a specified disease; and	32
	(c) is entitled to seek damages.	34

-
- (2) For applying this chapter to the specified volunteer firefighter—
- (a) the firefighter is taken to be a worker; and
 - (b) the activity covered by the contract mentioned in subsection (1)(a) is taken to be the firefighter's employment; and
 - (c) the party with whom WorkCover entered the contract is taken to be the firefighter's employer; and
 - (d) an amount paid to the firefighter under the contract as compensation is taken to be compensation paid to the firefighter under chapter 3; and
 - (e) a document given, or a thing done, under the contract in relation to the payment of compensation to the firefighter is, to the extent chapter 3 provides for an equivalent document or thing, taken to have been given or done under chapter 3.
- Examples for subsection (2)(e)—*
- a notice of assessment given to the firefighter
 - an election made by the firefighter to seek damages
 - the acceptance by the firefighter of an offer of lump sum compensation
 - an assessment of the injury to decide if the injury has resulted in a DPI

Clause 20	Insertion of new ch 32, pt 3	27
	Chapter 32, as inserted by this Act—	28
	<i>insert—</i>	29

[s 21]

Part 3	Amendments	1
	commencing on	2
	introduction	3
712	Firefighter diagnosed with specified disease before commencement	4
		5
	Section 36D, as inserted by the amendment Act, does not apply to a person who was diagnosed by a doctor for the first time with a specified disease before the commencement.	6
		7
		8
		9
713	Particular WorkCover contracts covering volunteers	10
		11
(1)	This section applies to a contract of insurance entered into with WorkCover for chapter 1, part 4, division 3, subdivision 1 that—	12
		13
		14
(a)	was in force at any time during the transitional period; and	15
		16
(b)	covered a volunteer firefighter.	17
(2)	The contract is taken to have covered the payment of damages to a specified volunteer firefighter who, during the transitional period, sustained an injury that was a specified disease.	18
		19
		20
		21
(3)	In this section—	22
	<i>introduction day</i> means the day the Bill for the amendment Act was introduced into the Legislative Assembly.	23
		24
		25
	<i>transitional period</i> means the period starting on the introduction day and ending on the date of assent of the amendment Act.	26
		27
		28
Clause 21	Insertion of new sch 4A	29
	After schedule 4—	30

insert—

1

Schedule 4A Specified diseases

2

sections 36B and 36D

3

Column 1	Column 2
Disease	Minimum number of years
primary site brain cancer	5 years
primary site bladder cancer	15 years
primary site kidney cancer	15 years
primary non-Hodgkins lymphoma	15 years
primary leukaemia	5 years
primary site breast cancer	10 years
primary site testicular cancer	10 years
multiple myeloma	15 years
primary site prostate cancer	15 years
primary site ureter cancer	15 years
primary site colorectal cancer	15 years
primary site oesophageal cancer	25 years

Clause 22 Amendment of sch 6 (Dictionary)

4

Schedule 6—

5

insert—

6

employ, for chapter 1, part 4, division 6, subdivision 3B, see section 36B.

7

8

exposure incident, for chapter 1, part 4, division 6, subdivision 3B, see section 36C.

9

10

firefighter see section 36B.

11

specified disease see section 36B.

12

[s 23]

specified volunteer firefighter means a person to whom section 36D applies, if the person was a volunteer firefighter for any period of the person's employment as a firefighter mentioned in section 36D(1)(b).
volunteer firefighter see section 36B.

Division 4 **Amendments commencing on assent**

- Clause 23** **Amendment of s 43 (Meaning of *workplace rehabilitation*)**
Section 43, 'accredited by the Regulator'—
omit.
- Clause 24** **Amendment of s 44 (Meaning of *workplace rehabilitation policy and procedures*)**
Section 44, 'that are accredited by the Regulator'—
omit.
- Clause 25** **Amendment of s 186 (Worker's disagreement with assessment of permanent impairment)**
Section 186(6), after 'medical assessment'—
insert—
 tribunal
- Clause 26** **Amendment of s 192 hdg (Additional lump sum compensation for certain workers)**
Section 192, heading, 'certain workers'—
omit, insert—
 workers with DPI of 30% or more

Clause 27	Amendment of s 327 (Functions of the Regulator)	1
	(1) Section 327—	2
	<i>insert—</i>	3
	(ma) to conduct and defend proceedings under this Act before a court or tribunal;	4 5
	(2) Section 327(ma) and (n)—	6
	<i>renumber</i> as section 327(n) and (o).	7
	(3) Section 327—	8
	<i>insert—</i>	9
	(2) To remove any doubt, it is declared that proceedings mentioned in subsection (1)(n) may be taken by or against the Regulator in the name 'the Workers' Compensation Regulator'.	10 11 12 13
Clause 28	Amendment of s 542 (Applying for review)	14
	Section 542(2), 'within the 3 months mentioned in the subsection'—	15 16
	<i>omit, insert—</i>	17
	at any time but not more than once	18
Clause 29	Amendment of s 550 (Procedure for appeal)	19
	Section 550(3)—	20
	<i>omit, insert—</i>	21
	(3) However, the appellant may ask the respondent to allow further time to appeal.	22 23
Clause 30	Omission of s 571D (Prospective employer entitled to obtain particular documents)	24 25
	Section 571D—	26
	<i>omit.</i>	27

[s 31]

Clause 31	Insertion of new ch 32, pt 4	1
	Chapter 32, as inserted by this Act—	2
	<i>insert</i> —	3

Part 4	Amendments	4
	commencing on assent	5

714 Review or appeal of existing decisions	6
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- | | | | |
|-----|---|----|----|
| (1) | This section applies if, during the relevant period— | 7 | 8 |
| | (a) a decision mentioned in former section 540(1) was made; or | 9 | 10 |
| | (b) a decision mentioned in former section 548 was made. | 11 | 12 |
| (2) | Section 542, as amended by the amendment Act, applies to the decision mentioned in subsection (1)(a). | 13 | 14 |
| | | 15 | |
| (3) | Section 550, as amended by the amendment Act, applies to the decision mentioned in subsection (1)(b). | 16 | 17 |
| | | 18 | |
| (4) | In this section— | 19 | |
| | <i>relevant period</i> means the period starting on 28 April 2015 and ending immediately before the commencement. | 20 | 21 |
| | | 22 | |

715 Existing applications under former s 571D	23
--	----

- | | | | | | | |
|-----|--|----|----|----|----|----|
| (1) | This section applies to an application for a copy of a prospective worker's claims history summary that was made to the Regulator under former section 571D but not decided before the commencement. | 24 | 25 | 26 | 27 | 28 |
|-----|--|----|----|----|----|----|

-
- (2) The application may continue to be decided by the Regulator under former section 571D as if it had not been repealed. 1
2
3
- (3) To remove any doubt, it is declared that the Regulator may refuse the application under former section 571D. 4
5
6

716 Saving of former s 571D(3) 7

- (1) This section applies if the Regulator provides or has provided a copy of a worker's claims history summary to a prospective employer under former section 571D, including that section as continued in effect under section 715. 8
9
10
11
12
- (2) Former section 571D(3) continues to apply, despite its repeal by the amendment Act, to the prospective employer. 13
14
15

Division 5 **Amendments commencing by proclamation** 16
17

- Clause 32** **Amendment of s 185 (Insurer to give notice of assessment of permanent impairment)** 18
19
- Section 185(3)(c) and (d)— 20
- omit, insert—* 21
- (c) if the worker is entitled to additional lump sum compensation under chapter 3, part 10, division 4—the worker's entitlement. 22
23
24

- Clause 33** **Insertion of new s 193A** 25
- Chapter 3, part 10, division 4— 26
- insert—* 27

[s 34]

193A Additional lump sum compensation for particular workers	1
	2
(1) This section applies to a worker who sustained an injury on or after 15 October 2013 and before 31 January 2015, if—	3
	4
	5
(a) the worker's injury—	6
(i) results in a DPI of 5% or less; and	7
(ii) is not a terminal condition; and	8
(b) the worker has not accepted or rejected an offer of lump sum compensation from an insurer under section 189.	9
	10
	11
(2) The worker is entitled to additional lump sum compensation for the injury—	12
	13
(a) up to an amount prescribed by regulation; and	14
	15
(b) subject to the conditions prescribed by regulation.	16
	17
(3) A regulation may provide for the establishment of a panel of appropriately qualified persons to review a decision of an insurer about whether a worker is entitled to additional lump sum compensation under this section.	18
	19
	20
	21
	22

Clause 34 Amendment of s 548 (Application of div 1)	23
(1) Section 548(b)—	24
<i>omit, insert—</i>	25
(b) a decision by an insurer under chapter 3 or 4, other than—	26
	27
(i) a decision mentioned in section 540(1); or	28
	29
(ii) a decision about an entitlement to additional lump sum compensation under section 193A.	30
	31
	32

	(2) Section 548—	1	
	<i>insert—</i>	2	
	(2) A decision mentioned in subsection (1)(b) to which this division applies is a <i>non-reviewable decision</i> .	3 4 5	
Clause 35	Insertion of new ch 32, pt 5	6	
	Chapter 32, as inserted by this Act—	7	
	<i>insert—</i>	8	
	Part 5	Amendments	9
		commencing by	10
		proclamation	11
	717 Application of s 193A		12
	Despite section 709, section 193A applies to an injury sustained by a worker on or after 15 October 2013 and before 31 January 2015.		13 14 15
	Part 3	Other amendments	16
	Division 1	Amendment of Electrical Safety Act 2002	17 18
Clause 36	Act amended		19
	This division amends the <i>Electrical Safety Act 2002</i> .		20

[s 37]

Clause 37	Amendment of s 122 (Functions of regulator)	1
	Section 122—	2
	<i>insert—</i>	3
	(3) To remove any doubt, it is declared that	4
	proceedings mentioned in subsection (1)(h) may	5
	be taken by or against the regulator in the name	6
	'the regulator under the <i>Electrical Safety Act</i>	7
	<i>2002</i> '.	8
Division 2	Amendment of Work Health and	9
	Safety Act 2011	10
Clause 38	Act amended	11
	This division amends the <i>Work Health and Safety Act 2011</i> .	12
Clause 39	Amendment of s 152 (Functions of regulator)	13
	Section 152—	14
	<i>insert—</i>	15
	(2) To remove any doubt, it is declared that	16
	proceedings mentioned in subsection (1)(h) may	17
	be taken by or against the regulator in the name	18
	'the regulator under the <i>Work Health and Safety</i>	19
	<i>Act 2011</i> '.	20