



Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2024



Queensland

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the Industrial Relations Act 2016, the Labour Hire Licensing Act 2017, the Workers' Compensation and Rehabilitation Act 2003 and the Workers' Compensation and Rehabilitation Regulation 2014 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 2024*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by proclamation— 7
8

(a) sections 24 and 26; 9

(b) section 29, to the extent it inserts section 46B; 10

(c) section 34; 11

(d) sections 59 and 64. 12

Part 2 Amendment of Industrial Relations Act 2016 13
14

Clause 3 Act amended 15

This part amends the *Industrial Relations Act 2016*. 16

Clause 4 Amendment of s 21 (Meaning of Queensland Employment Standards) 17
18

(1) Section 21(2)— 19

insert— 20

(la) superannuation contributions—division 21
13A; 22

-
- (2) Section 21(2)(la) and (m)— 1
renumber as section 21(2)(m) and (n). 2

- Clause 5 Amendment of ch 2, pt 3, div 8, hdg (Parental leave)** 3
Chapter 2, part 3, division 8, heading, after 'Parental'— 4
insert— 5
and related 6

- Clause 6 Amendment of s 78 (Cancelling parental leave)** 7
(1) Section 78(4), after paragraph (a)— 8
insert— 9
(aa) late term pregnancy leave under section 10
85AA; or 11
(2) Section 78(4)(aa) to (c)— 12
renumber as section 78(4)(b) to (d). 13

- Clause 7 Insertion of new s 85AA** 14
After section 85— 15
insert— 16
85AA Late term pregnancy leave 17
(1) A pregnant employee is entitled to unpaid leave 18
(*late term pregnancy leave*) for a period 19
immediately before the employee starts 20
birth-related leave. 21
(2) Late term pregnancy leave cannot start earlier 22
than 6 weeks before the expected date of birth. 23
(3) The employee must, before starting the leave, 24
give the employer at least 4 weeks written notice 25
of intention to take the leave. 26
(4) The employee may withdraw the notice of 27

[s 8]

	intention to take late term pregnancy leave by written notice to the employer before the leave starts.	1 2 3
(5)	Subject to subsection (6), late term pregnancy leave must be taken as a single continuous period continuing until the employee starts birth-related leave.	4 5 6 7
(6)	Late term pregnancy leave may be interrupted by special pregnancy-related leave or sick leave under section 85.	8 9 10
(7)	If, while an employee is taking late term pregnancy leave, the pregnancy ends other than by the birth of a living child, the employee is entitled to resume work at a time nominated by the employer within 2 weeks after the day on which the employee gives the employer a written notice stating—	11 12 13 14 15 16 17
	(a) that the employee intends to resume work; and	18 19
	(b) the reason for the resumption.	20
Clause 8	Amendment of s 87B (Flexible parental leave)	21
(1)	Section 87B(1)(b), ‘, if any,’—	22
	<i>omit, insert—</i>	23
	, and any late term pregnancy leave the employee has taken under section 85AA,	24 25
(2)	Section 87B(2)—	26
	<i>omit, insert—</i>	27
(2)	The maximum number of days of unpaid flexible parent leave the employee is entitled to in relation to the child is—	28 29 30
	(a) 100 days; or	31

	(b) if a greater number of days is prescribed by regulation, the prescribed number of days.	1 2
(3)	Section 87B(3)(a)(i), after 'child'—	3
	<i>insert—</i>	4
	under subdivision 2 and any late term pregnancy leave the employee has taken under section 85AA	5 6
Clause 9	Insertion of new ch 2, pt 3, div 13A	7
	Chapter 2, part 3—	8
	<i>insert—</i>	9
	Division 13A Superannuation contributions	10 11
	127A Employer's obligation to make superannuation contributions	12 13
	An employer must make contributions to a superannuation fund for the benefit of an employee so the employer is not liable to pay superannuation guarantee charge under the <i>Superannuation Guarantee Charge Act 1992</i> (Cwlth) in relation to the employee.	14 15 16 17 18 19
	127B Reduction of employer's liability to the extent of superannuation charge payments	20 21
	(1) The obligation to make contributions for an employee under section 127A does not apply to an employer to the extent that—	22 23 24
	(a) a charge payment has been made by or on behalf of the employer in respect of the employee under part 8 of the SGA Act; and	25 26 27
	(b) the employee is a benefiting employee; and	28

[s 10]

	(c) the commissioner is required to pay, or otherwise deal with, a shortfall component for the benefit of the employee under part 8 of the SGA Act.	1 2 3 4
	(2) A term used in this section that is defined in part 8 of the SGA Act has the meaning given under that part.	5 6 7
	(3) In this section— <i>commissioner</i> means the Commissioner of Taxation under the SGA Act, section 6(1). <i>SGA Act</i> means the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cwlth).	8 9 10 11 12
Clause 10	Amendment of s 386 (Recovery of unpaid wages)	13
	Section 386(2)(a), ‘\$50,000’— <i>omit, insert—</i> \$100,000	14 15 16
Clause 11	Amendment of s 476 (Requirements for application)	17
	Section 476(1), ‘\$50,000’— <i>omit, insert—</i> \$100,000	18 19 20
Clause 12	Amendment of s 531 (Decisions of the commission and magistrates)	21 22
	Section 531(6), definition <i>relevant amount</i> , paragraph (a), ‘\$50,000’— <i>omit, insert—</i> \$100,000	23 24 25 26

Clause 13	Amendment of s 554 (Appeal from court or commission in certain circumstances)	1 2	
	Section 554(1) and (2), ‘the president and 2 or more other members’—	3 4	
	<i>omit, insert—</i>	5	
	at least 1 member who is a presidential member	6	
Clause 14	Amendment of s 557 (Appeal from commission)	7	
	Section 557(5), definition <i>commission</i> , ‘the president and 2 or more other members’—	8 9	
	<i>omit, insert—</i>	10	
	at least 1 member who is a presidential member	11	
Clause 15	Insertion of new ch 18, pt 7	12	
	Chapter 18—	13	
	<i>insert—</i>	14	
	Part 7	Transitional provision for Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024	15 16 17 18 19 20
	1103 Entitlement to late term pregnancy leave and increased period of flexible parental leave	21 22	
	(1) Section 85AA as in force from the commencement applies in relation to a pregnant employee regardless of whether the pregnancy started before or after the commencement.	23 24 25 26	
	(2) Section 87B as in force from the commencement applies in relation to an employee regardless of	27 28	

[s 16]

	whether the employee became entitled to the parental leave under chapter 2, part 3, division 8, subdivision 2 mentioned in that section before or after the commencement.	1 2 3 4
Clause 16	Amendment of sch 5 (Dictionary)	5
	Schedule 5—	6
	<i>insert</i> —	7
	<i>late term pregnancy leave</i> , for chapter 2, part 3, division 8, see section 85AA(1).	8 9
Part 3	Amendment of Labour Hire Licensing Act 2017	10 11
Clause 17	Act amended	12
	This part amends the <i>Labour Hire Licensing Act 2017</i> .	13
Clause 18	Amendment of s 69 (Power to require reasonable help)	14
	Section 69(4)—	15
	<i>omit</i> .	16
Clause 19	Relocation and renumbering of s 71 (Power to require information or attendance)	17 18
	Section 71—	19
	<i>relocate</i> to part 6, division 3A as inserted by this Act and <i>renumber</i> as section 84A.	20 21
Clause 20	Insertion of new pt 6, div 3A, hdg	22
	Part 6—	23
	<i>insert</i> —	24

	Division 3A	Power to require	1
		information or attendance	2
Clause 21	Insertion of new s 107A		3
	After section 107—		4
	<i>insert—</i>		5
	107A Service of documents		6
	(1) This section applies if a provision of this Act		7
	requires or permits a document to be given to a		8
	person by the chief executive or an inspector.		9
	(2) For the <i>Acts Interpretation Act 1954</i> , section 39,		10
	the address of the person's place of residence or		11
	business includes the person's postal address.		12
	(3) Without limiting the <i>Acts Interpretation Act 1954</i> ,		13
	section 39, the document may—		14
	(a) be sent by email to the person's email		15
	address last notified to the chief executive		16
	by the person; or		17
	(b) be made available to the person or given in a		18
	way prescribed by regulation.		19
	(4) The document is taken to be given—		20
	(a) if sent by email—on the day the email is		21
	sent; or		22
	(b) if made available to the person or given in a		23
	way prescribed by regulation—on the day		24
	prescribed by regulation.		25
	(5) However, if the document is given after 5p.m. on		26
	a particular day, the document is taken to be given		27
	to the person on the next business day.		28

[s 22]

Part 4 **Amendment of Workers' Compensation and Rehabilitation Act 2003** 1
2
3

Clause 22 Act amended 4
This part amends the *Workers' Compensation and Rehabilitation Act 2003*. 5
6
Note— 7
See also the amendments in schedule 1. 8

Clause 23 Amendment of s 5 (Workers' compensation scheme) 9
(1) Section 5— 10
insert— 11
(4A) It is also intended that workers and employers 12
understand that they may, as they consider 13
appropriate, seek advice and support in relation to 14
the scheme from a lawyer or a registered 15
industrial organisation. 16
(2) Section 5(4A) and (5)— 17
renumber as section 5(5) and (6). 18

Clause 24 Amendment of s 11 (Who is a worker) 19
Section 11(1)— 20
omit, insert— 21
(1) A **worker** is— 22
(a) a person who— 23
(i) works under a contract; and 24
(ii) in relation to the work, is an employee 25
for the purpose of assessment of PAYG 26
withholding under the *Taxation* 27

	<i>Administration Act 1953</i> (Cwlth),	1
	schedule 1, chapter 2, part 2-5; or	2
	(b) a person who is a regulated worker under	3
	the <i>Fair Work Act 2009</i> (Cwlth) if—	4
	(i) a minimum standards order, minimum	5
	standards guideline or collective	6
	agreement applies to, or covers, the	7
	person under chapter 3A of that Act;	8
	and	9
	(ii) the person is prescribed by regulation	10
	to be a worker.	11
Clause 25	Amendment of s 12 (Entitlements of persons mentioned in sdiv 1)	12
	Section 12(1), before paragraph (a)—	13
	<i>insert</i> —	14
	(aa) an entitlement to a basic weekly payment	15
	under chapter 3, part 9, division 2A; and	16
		17
Clause 26	Amendment of s 30 (Who is an employer)	18
	Section 30(4), after ‘section’—	19
	<i>insert</i> —	20
	and schedule 3	21
Clause 27	Amendment of s 36E (Deciding number of years)	22
	(1) Section 36E(2)(a), ‘firefighting’—	23
	<i>omit, insert</i> —	24
	performing duties that included relevant duties	25
	(2) Section 36E(2)(b), ‘attended fires’—	26
	<i>omit, insert</i> —	27
	performed relevant duties	28

[s 28]

- (3) Section 36E(4)— 1
omit, insert— 2
- (4) In this section— 3
relevant duties means duties that involve— 4
- (a) extinguishing, controlling or preventing the 5
spread of fires; or 6
- (b) exposure to substances used in, or other 7
hazards arising from, extinguishing, 8
controlling or preventing the spread of fires. 9

Clause 28 Amendment of ch 2, pt 1, hdg (Employer's legal liability) 10
Chapter 2, part 1, heading, after 'liability'— 11
insert— 12
and preliminary obligations 13

Clause 29 Insertion of new ss 46A and 46B 14
After section 46— 15
insert— 16

**46A Employer must not take action to avoid 17
compensation process** 18

(1) An employer must not give a benefit or cause 19
detriment to a person if the reason is to influence 20
a worker who has sustained an injury to refrain 21
from— 22

(a) making an application for compensation for 23
the injury; or 24

(b) otherwise pursuing an entitlement to 25
compensation for the injury. 26

Maximum penalty—500 penalty units. 27

(2) It does not matter if the reason is the only or main 28
reason, as long as it is a substantial reason. 29

-
- (3) An employer gives a benefit to a person if the employer— 1
2
(a) gives or offers to give the worker or another 3
person a financial or other benefit; or 4
(b) causes or permits someone else to give or 5
offer to give the worker or another person a 6
financial or other benefit. 7
(4) An employer causes detriment to a person if the 8
employer causes detriment to the worker or 9
another person. 10

**46B Employer must give worker information 11
statement 12**

- (1) An employer must, before or as soon as 13
practicable after a worker starts employment, give 14
the worker a statement providing information 15
about the workers' compensation scheme. 16
Maximum penalty—50 penalty units. 17
(2) However, an employer need not give the 18
statement to a worker if the statement has been 19
given to the worker by the employer within the 20
previous 12 months. 21
(3) The statement, and the way in which it is given, 22
must comply with any requirements prescribed by 23
regulation. 24

**Clause 30 Amendment, relocation and renumbering of s 47 25
(WorkCover's liability confined to compensation) 26**

- (1) Section 47, heading, from 'WorkCover's' to 27
'compensation'— 28
omit, insert— 29

**Liability to pay compensation does not make 30
WorkCover an employer 31**

[s 31]

(2) Section 47— 1
relocate to chapter 1, part 4, division 5 and *renumber* as 2
section 30A. 3

Clause 31 Amendment of s 51 (Offence of contravening general obligation to insure) 4
5
Section 51(1), penalty— 6
omit, insert— 7
Maximum penalty—500 penalty units. 8

Clause 32 Amendment of s 52 (Offence to charge worker for compensation or damages for injury) 9
10
Section 52, penalty— 11
omit, insert— 12
Maximum penalty—300 penalty units. 13

Clause 33 Amendment of s 109 (Who must pay compensation) 14
15
Section 109(3) and (4)— 15
insert— 16
Maximum penalty—300 penalty units. 17

Clause 34 Insertion of new s 132AA 18
19
After section 132— 19
insert— 20
132AA Insurer must give worker and employer information statement 21
22
(1) The insurer must, as soon as practicable after an 23
application for compensation for an injury 24
sustained by a worker is lodged— 25

	(a) give the worker a statement providing information about the workers' compensation scheme relevant to workers; and	1 2 3 4
	(b) give the worker's employer a statement providing information about the workers' compensation scheme relevant to employers.	5 6 7 8
	Maximum penalty—50 penalty units.	9
	(2) The statements, and the way in which they are given, must comply with any requirements prescribed by regulation.	10 11 12
Clause 35	Insertion of new ch 3, pt 9, div 2A	13
	Chapter 3, part 9—	14
	<i>insert—</i>	15
	Division 2A Commencement of weekly payments	16 17
	146A Employer to provide necessary information to WorkCover	18 19
	(1) This section applies if—	20
	(a) an application for compensation for an injury sustained by a worker is lodged with WorkCover; and	21 22 23
	(b) WorkCover does not have the information necessary to calculate the weekly payment of compensation to which the worker will be entitled if the application is allowed.	24 25 26 27
	(2) WorkCover must, before or immediately after allowing the application for compensation, give a written notice to the worker's employer requesting the necessary information.	28 29 30 31

[s 35]

- (3) The notice must state— 1
- (a) that the employer must give WorkCover the 2
necessary information stated in the notice 3
within 5 business days after receiving the 4
notice; and 5
 - (b) that it is an offence to fail to comply with 6
the notice without reasonable excuse; and 7
 - (c) that a penalty may be imposed by 8
WorkCover for failure to comply with the 9
notice. 10
- (4) The employer must comply with the notice, 11
unless the employer has a reasonable excuse. 12
- Maximum penalty—300 penalty units. 13
- (5) WorkCover may require the employer to pay 14
WorkCover an amount by way of penalty if— 15
- (a) the employer fails to comply with the 16
notice; and 17
 - (b) WorkCover pays the worker an amount of 18
compensation as a basic weekly payment 19
under section 146B. 20
- (6) The amount of the penalty is equal to the 21
difference between the following— 22
- (a) the amount of weekly payments of 23
compensation to which the worker is 24
entitled for the period— 25
 - (i) commencing 5 business days after the 26
notice requiring the employer to give 27
the necessary information to 28
WorkCover is received by the 29
employer; and 30
 - (ii) ending on the last day for which the 31
worker is paid a basic weekly payment 32
under section 146B; and 33

-
- (b) the amount of compensation that is paid as a basic weekly payment under section 146B to the worker for the same period. 1
2
3
- (7) WorkCover may recover the amount from the employer— 4
5
- (a) as a debt; or 6
- (b) as an addition to a premium payable by the employer. 7
8
- (8) The employer may apply to WorkCover in writing to waive or reduce the penalty because of extenuating circumstances. 9
10
11
- (9) The application must specify the extenuating circumstances and the reasons the penalty should be waived or reduced in the particular case. 12
13
14
- (10) WorkCover must consider the application and may— 15
16
- (a) waive or reduce the penalty; or 17
- (b) refuse to waive or reduce the penalty. 18
- (11) If the employer is dissatisfied with WorkCover's decision, the employer may have the decision reviewed under chapter 13. 19
20
21

146B Requirement to pay basic weekly payment while waiting for information 22
23

- (1) This section applies if the insurer— 24
- (a) makes a decision to allow a worker's application for compensation; and 25
26
- (b) does not have the information necessary to calculate the weekly payment of compensation to which the worker is entitled. 27
28
29
30
- (2) This section applies whether or not the insurer advances amounts to the worker under section 31
32

[s 35]

146. 1
- (3) The insurer must commence making a basic 2
weekly payment of compensation to the worker 3
on the later of the following— 4
- (a) the expiry of 5 business days after the day 5
the decision to allow the worker's 6
application for compensation is made; 7
- (b) the expiry of the excess period in relation to 8
the worker. 9
- Maximum penalty—300 penalty units. 10
- (4) If the worker is engaged in full-time work, the 11
basic weekly payment of compensation must 12
be— 13
- (a) an amount equal to 55% of QOTE; or 14
- (b) if a different amount is prescribed by 15
regulation—that amount. 16
- (5) If the worker is not engaged in full-time work, the 17
basic weekly payment of compensation must be 18
an amount— 19
- (a) not greater than the amount that would be 20
payable for a worker engaged in full-time 21
work; and 22
- (b) calculated— 23
- (i) as prescribed by regulation; or 24
- (ii) if a method of calculation is not 25
prescribed by regulation—on a pro rata 26
basis having regard to the hours usually 27
worked by the worker in the preceding 28
4 weeks or a reasonable estimate of 29
those hours. 30
- (6) The basic weekly payment of compensation must 31
continue until the insurer is able to commence 32
paying the weekly payment of compensation to 33
which the worker is entitled. 34

146C Commencing full weekly payment

The insurer must, as soon as practicable after making a decision to allow a worker's application for compensation, commence making the weekly payment of compensation to which the worker is entitled.

Clause 36 Amendment of s 179 (Assessment of permanent impairment)

(1) Section 179(1), after 'impairment'—

insert—

(a *DPI*)

(2) Section 179(2), 'degree of permanent impairment'—

omit, insert—

DPI

(3) Section 179(3)—

omit, insert—

(3) The assessment must be made as required by the scheme directions and the DPI must be expressed as a percentage.

(3A) A report of the assessment must be prepared and given to the insurer as required by the scheme directions.

(4) Section 179(4)(a) and (b), 'degree of permanent impairment'—

omit, insert—

DPI

(5) Section 179—

insert—

(5) A regulation may—

[s 37]

	(a)	prescribe additional requirements that must be met for an audiologist, a member of the medical assessment tribunal or a doctor to be authorised to make a DPI assessment; and	1 2 3 4 5
	(b)	provide for the suspension or cancellation of an authorisation mentioned in paragraph (a); and	6 7 8
	(c)	establish a process for the review of a DPI assessment or decision; and	9 10
	(d)	provide for any other matter affecting a DPI assessment or decision.	11 12
	(6)	Section 179(3A) to (5)— <i>renumber</i> as section 179(4) to (6).	13 14
Clause 37		Omission of s 183 (Guidelines for assessing a worker's degree of permanent impairment and deciding DPI)	15 16
		Section 183— <i>omit</i> .	17 18
Clause 38		Replacement of ch 4, pt 1 (Application)	19
		Chapter 4, part 1— <i>omit, insert—</i>	20 21
		Part 1 Introduction	22
		208 Objects of ch 4	23
		The objects of this chapter are to ensure—	24
	(a)	injured workers receive appropriate medical treatment, hospitalisation and rehabilitation; and	25 26 27

	(b) workers who have sustained psychiatric or psychological injuries receive support as early as possible; and	1 2 3
	(c) workers who have sustained physical injuries and who are at risk of sustaining a psychiatric or psychological injury arising from the physical injury receive services to minimise the risk.	4 5 6 7 8
	208A Application of pts 2–5	9
	(1) Parts 2 to 5 apply if a worker sustains an injury for which compensation under chapter 3 is payable.	10 11
	(2) Part 2, division 4 also applies if part 5A or 5B applies in relation to the worker.	12 13
	208B Rights of worker in relation to medical treatment	14 15
	If a worker sustains an injury, the insurer and the worker's employer must not interfere in, or act in a manner inconsistent with, the worker's right to choose—	16 17 18 19
	(a) the registered person who will provide medical treatment for the injury; and	20 21
	(b) who is present during medical treatment for the injury.	22 23
Clause 39	Amendment of s 219 (Extent of liability for travelling expenses)	24 25
	Section 219(1)—	26
	<i>insert—</i>	27
	(e) receiving services provided under part 5A or 5B.	28 29

[s 40]

Clause 40	Amendment of s 220 (Insurer's responsibility for rehabilitation and return to work)	1 2
(1)	Section 220(1), penalty— <i>omit, insert—</i> Maximum penalty—1,000 penalty units.	3 4 5
(2)	Section 220— <i>insert—</i> (1A) The steps must include, but are not limited to, the steps prescribed by this section and sections 221 and 221A.	6 7 8 9 10
(3)	Section 220(5)— <i>omit.</i>	11 12
(4)	Section 220(7)— <i>omit.</i>	13 14
(5)	Section 220(1A) to (4)— <i>renumber</i> as section 220(2) to (5).	15 16
Clause 41	Insertion of new ss 221 and 221AA	17
	After section 220— <i>insert—</i>	18 19
	221 Steps for rehabilitation and return to work—rehabilitation and return to work plan	20 21
(1)	In securing the worker's rehabilitation and early return to suitable duties, the insurer must ensure there is a written plan (a <i>rehabilitation and return to work plan</i>) for the worker that outlines—	22 23 24 25
	(a) the rehabilitation objectives for the worker; and	26 27
	(b) the steps required to achieve the objectives.	28
(2)	The rehabilitation and return to work plan must be in place within 10 business days after the	29 30

worker's application for compensation is allowed. 1

(3) The insurer must ensure the rehabilitation and 2
return to work plan— 3

(a) is reviewed and modified as further 4
information becomes available, the worker's 5
progress against the plan is assessed and 6
decisions are made; and 7

(b) is prepared and reviewed in consultation 8
with the worker, the worker's employer and 9
registered persons treating the worker, to the 10
extent that it is reasonably practicable to do 11
so. 12

**221AA Steps for rehabilitation and return to 13
work—provider of workplace rehabilitation 14
services 15**

(1) In securing the worker's rehabilitation and early 16
return to suitable duties, the insurer must ensure 17
that each provider of workplace rehabilitation 18
services meets the requirements prescribed by the 19
scheme directions. 20

(2) Without limiting the requirements that may be 21
prescribed by scheme directions, the scheme 22
directions may prescribe requirements for 23
providers of workplace rehabilitation services 24
relating to— 25

(a) service delivery; and 26

(b) competency and professional standards. 27

(3) If requirements are prescribed by scheme 28
directions or the prescribed requirements change, 29
a provider of workplace rehabilitation services 30
must meet the new or changed requirements as 31
soon as practicable. 32

(4) If a worker is dissatisfied with a provider of 33
workplace rehabilitation services, the worker may 34

[s 42]

request the insurer to secure services for the 1
worker from a different provider chosen by the 2
worker. 3

- (5) The insurer must accommodate the request if it is 4
practicable to do so and it would not, in the 5
opinion of the insurer, be likely to adversely affect 6
the worker's rehabilitation and early return to 7
suitable duties. 8

**Clause 42 Amendment of s 228 (Employer's obligation to assist or 9
provide rehabilitation) 10**

(1) Section 228(1) to (4)— 11

omit, insert— 12

(1) The employer of a worker who has sustained an 13
injury must— 14

(a) take the action required by the scheme 15
directions to be taken to assist or provide the 16
worker with rehabilitation during the 17
prescribed period for the worker; and 18

(b) take all other reasonable steps to assist or 19
provide the worker with rehabilitation 20
during the prescribed period for the worker; 21
and 22

(c) cooperate with the insurer by taking all 23
reasonable steps to support the insurer to 24
meet the insurer's obligations under section 25
220. 26

Maximum penalty—500 penalty units. 27

(2) If the employer forms the opinion that it is not 28
practicable to provide the worker with 29
rehabilitation in the form of a suitable duties 30
program, the employer must give the insurer a 31
written notice stating the evidence relied on to 32
support the opinion. 33

	Maximum penalty—100 penalty units.	1
(3)	The insurer must, as soon as practicable after receiving the employer's notice—	2 3
(a)	consider the evidence and form the insurer's own opinion; and	4 5
(b)	if the insurer is not satisfied by the evidence provided—	6 7
(i)	inform the employer of that opinion and the reasons for it; and	8 9
(ii)	give the employer a reasonable opportunity to make submissions and provide further evidence.	10 11 12
	Maximum penalty—100 penalty units.	13
(2)	Section 228(5)—	14
	<i>renumber</i> as section 228(4).	15
Clause 43	Insertion of new ch 4, pt 4A	16
	Chapter 4—	17
	<i>insert</i> —	18
	Part 4A	
	Obligation of person to whom labour hire worker supplied	19 20 21
	229A Obligation of person to whom labour hire worker supplied	22 23
(1)	If a worker sustains an injury as a labour hire worker supplied to another person, the person to whom the worker is supplied must cooperate with the worker's employer by taking all reasonable steps to support the employer to meet the employer's obligations under section 228.	24 25 26 27 28 29

[s 44]

	Maximum penalty—300 penalty units.	1
	(2) In this section—	2
	<i>labour hire worker</i> means a worker mentioned in	3
	schedule 2, part 1, item 5.	4
Clause 44	Amendment of s 232AB (Insurer's responsibility for providing support to worker)	5
	Section 232AB(1), penalty—	6
	<i>omit, insert—</i>	7
	Maximum penalty—500 penalty units.	8
Clause 45	Amendment of s 232B (Dismissal of injured worker only after 12 months)	9
	Section 232B(1), penalty—	10
	<i>omit, insert—</i>	11
	Maximum penalty—500 penalty units.	12
Clause 46	Insertion of new ch 4, pt 5B	13
	Chapter 4—	14
	<i>insert—</i>	15
	Part 5B	16
	Minimising risk of psychological harm	17
	232AC Minimising risk of psychological harm	18
	(1) This section applies if an insurer allows an application for compensation for a physical injury sustained by the worker.	19
	(2) The insurer must take all reasonable steps to minimise the risk of the worker sustaining a psychiatric or psychological injury arising from	20
		21
		22
		23
		24
		25
		26

	the physical injury, including by providing reasonable services to the worker.	1 2
	Maximum penalty—500 penalty units.	3
(3)	The insurer's obligation ends on the day the worker's entitlement to compensation ends.	4 5
(4)	This section does not limit the insurer's other obligations under another part of this chapter, including the obligation to pay for medical treatment for the injury sustained by the worker.	6 7 8 9
	232AD Extent of liability for fees and costs	10
	If medical treatment or other services are provided to a worker under section 232AC, the insurer must pay the following fees or costs—	11 12 13
(a)	for medical treatment or other services provided to the worker to which a table of costs applies—the fees or costs accepted by the insurer to be reasonable, having regard to the relevant table of costs;	14 15 16 17 18
(b)	for services to which a table of costs does not apply—the fees or costs approved by the insurer.	19 20 21
Clause 47	Amendment of s 232K (Meaning of <i>excluded treatment, care or support</i>)	22 23
	Section 232K(4), definition <i>register of providers</i> , 'and made available on the department's website'—	24 25
	<i>omit, insert—</i>	26
	under section 329B	27
Clause 48	Omission of ch 6B, pt 5 (Requirement to report non-compliance with chapter)	28 29
	Chapter 6B, part 5—	30

[s 49]

omit.

1

Clause 49 Insertion of new ss 329A and 329B

2

After section 329—

3

insert—

4

329A Scheme directions

5

(1) The Regulator may, with the approval of the Minister, make the following scheme directions—

6

7

8

(a) scheme directions required or permitted to be made by a provision of this Act;

9

10

(b) scheme directions providing for matters prescribed by regulation.

11

12

(2) Scheme directions are taken to be subordinate legislation that is exempt subordinate legislation.

13

14

329B Scheme registers

15

(1) The Regulator must keep the following registers—

16

17

(a) a register of persons authorised to make DPI assessments under section 179;

18

19

(b) a register of providers of attendant care and support and other services as mentioned in section 232K;

20

21

22

(c) any other register prescribed by regulation.

23

(2) The Regulator may make a register publicly available on the department's website or available to insurers or employers by other means the Regulator considers appropriate.

24

25

26

27

Clause 50 Replacement of s 486A (Code of practice)

28

Section 486A—

29

<i>omit, insert—</i>	1
486A Codes of practice	2
(1) The Minister may make codes of practice under this Act.	3 4
(2) A code of practice may state action to be taken by an insurer, employer or other person in performing functions, exercising powers or complying with obligations under this Act.	5 6 7 8
<i>Examples—</i>	9
A code of practice may state action to be taken in relation to the following—	10 11
(a) training and development for claims managers or other staff or contractors;	12 13
(b) referring workers to early support services for psychiatric or psychological injuries;	14 15
(c) managing complaints against providers of workplace rehabilitation services or employers.	16 17
(3) In particular, a code of practice may prescribe, for a reasonable steps offence, steps that are reasonable steps.	18 19 20
(4) A code of practice is taken to be subordinate legislation that is exempt subordinate legislation.	21 22
(5) The Minister must review a code of practice at least once every 5 years.	23 24
(6) In this section—	25
<i>reasonable steps offence</i> means—	26
(a) an offence against—	27
(i) section 220(1); or	28
(ii) section 228(1)(b) or (c); or	29
(iii) section 229A; or	30
(iv) section 232AC(2); or	31
(b) an offence prescribed by regulation to be a reasonable steps offence.	32 33

[s 51]

Clause 51	Amendment of s 486B (Effect of code of practice)	1
(1)	Section 486B(1), after ‘a code of practice’—	2
	<i>insert—</i>	3
	made under section 486A	4
(2)	Section 486B(1), ‘an insurer’—	5
	<i>omit, insert—</i>	6
	a person	7
(3)	Section 486B(1), ‘its functions, exercise its powers and meets its obligations’—	8
	<i>omit, insert—</i>	9
	the person’s functions, exercise the person’s powers, or comply with the person’s obligations	10
(4)	Section 486B(2)—	11
	<i>omit, insert—</i>	12
(2)	A person to whom a code of practice made under section 486B applies must take the action stated in the code for performing the person’s functions, exercising the person’s powers, or complying with the person’s obligations, under this Act.	13
	Maximum penalty—	14
(a)	for an offence committed in the capacity of an insurer—1,000 penalty units; or	15
(b)	for an offence committed in the capacity of an employer—500 penalty units; or	16
(c)	in any other case—300 penalty units.	17
(3)	Subsection (2) does not apply if the failure to take action stated in the code of practice constitutes an offence against another provision of this Act.	18
(4)	Subsection (5) applies in relation to a prosecution for—	19
(a)	an offence against subsection (2); or	20
		21
		22
		23
		24
		25
		26
		27
		28
		29
		30
		31

	(b) an offence against another provision of this Act that is constituted by a failure to take action stated in a code of practice.	1 2 3
	(5) It is a defence for the defendant to prove that the defendant took action that is as effective as, or more effective than, the action stated in the code of practice.	4 5 6 7
Clause 52	Omission of s 536 (Duty to report fraud or false or misleading information or documents)	8 9
	Section 536—	10
	<i>omit.</i>	11
Clause 53	Insertion of new ch 12, pts 3 and 4	12
	Chapter 12—	13
	<i>insert—</i>	14
	Part 3 Duty to report	15
	537A Duty to report	16
	(1) WorkCover or a self-insurer must—	17
	(a) inform the Regulator if WorkCover or the self-insurer forms a reasonable belief that a category 1 offence is being or has been committed; and	18 19 20 21
	(b) give the Regulator the information WorkCover or the self-insurer has about the grounds for the belief.	22 23 24
	Maximum penalty—50 penalty units.	25
	(2) An employer who is not a self-insurer must—	26
	(a) inform WorkCover if the employer forms a reasonable belief that a category 2 offence is being or has been committed; and	27 28 29

[s 53]

- (b) give WorkCover the information the employer has about the grounds for the belief. 1
2
3
- Maximum penalty—50 penalty units. 4
- (3) A regulation may prescribe how and when information must be given to the Regulator or WorkCover for the purposes of subsection (1) or (2). 5
6
7
8
- (4) Subject to a regulation made for subsection (3), the information must be given to the Regulator or WorkCover without delay. 9
10
11
- (5) In this section— 12
- category 1 offence* means— 13
- (a) an offence against any of the following— 14
- (i) chapter 6B, part 2; 15
- (ii) section 325P; 16
- (iii) section 325R; 17
- (iv) section 325T; 18
- (v) section 533; 19
- (vi) section 534; or 20
- (b) an offence prescribed by regulation to be a category 1 offence. 21
22
- category 2 offence* means— 23
- (a) an offence against— 24
- (i) section 533; or 25
- (ii) section 534; or 26
- (b) an offence prescribed by regulation to be a category 2 offence. 27
28

537B Protection from reprisal

- | | |
|--|----|
| | 1 |
| (1) A person must not cause, or attempt or conspire to | 2 |
| cause, detriment to another person for either of the | 3 |
| following reasons— | 4 |
| (a) the other person has made, or intends to | 5 |
| make, an enforcement disclosure; | 6 |
| (b) the person believes the other person has | 7 |
| made, or intends to make, an enforcement | 8 |
| disclosure. | 9 |
| Maximum penalty—300 penalty units. | 10 |
| (2) For subsection (1)— | 11 |
| (a) an attempt to cause detriment includes an | 12 |
| attempt to induce a person to cause | 13 |
| detriment; and | 14 |
| (b) the reason need not be the only or main | 15 |
| reason for causing the detriment but must be | 16 |
| a substantial reason. | 17 |
| (3) The <i>Public Interest Disclosure Act 2010</i> , chapter | 18 |
| 4 (except section 41) applies in relation to an | 19 |
| enforcement disclosure as if— | 20 |
| (a) the enforcement disclosure were a public | 21 |
| interest disclosure; and | 22 |
| (b) the contravention of this section relating to | 23 |
| the enforcement disclosure were the taking | 24 |
| of a reprisal under that Act; and | 25 |
| (c) the reference in section 43 of that Act to a | 26 |
| contravention of section 40 of that Act were | 27 |
| a reference to the contravention of this | 28 |
| section; and | 29 |
| (d) the provisions were subject to any other | 30 |
| modifications prescribed by regulation for | 31 |
| the purposes of this subsection. | 32 |
| (4) In this section— | 33 |

[s 53]

- enforcement disclosure* means— 1
- (a) giving information to the Regulator or 2
WorkCover under section 537A; or 3
 - (b) giving assistance or further information to 4
the Regulator or WorkCover in relation to 5
information given under section 537A. 6

Part 4 Compliance notices 7

537C Compliance notice 8

- (1) An authorised person appointed by the Regulator 9
may give a person a written notice (a *compliance* 10
notice) requiring the person to take stated action, 11
or to refrain from taking stated action, to prevent 12
a contravention of this Act from continuing or 13
being repeated. 14

Note— 15

If the contravention constitutes an offence, compliance 16
with the compliance notice does not prevent prosecution 17
for the alleged offence. 18

- (2) The authorised person must be satisfied on 19
reasonable grounds that the person— 20
 - (a) has contravened this Act; and 21
 - (b) the contravention is continuing or is likely to 22
be repeated. 23
- (3) The compliance notice must state— 24
 - (a) the name of the person to whom it is given; 25
and 26
 - (b) details of— 27
 - (i) the alleged contravention; and 28
 - (ii) the grounds relied on under subsection 29
(2); and 30

-
- (iii) the facts establishing the grounds; and 1
- (c) the action required to be taken, or refrained 2
from being taken, to prevent the 3
contravention continuing or being repeated; 4
and 5
- (d) the day by which the notice must be 6
complied with; and 7
- (e) that failure to comply with the notice is an 8
offence; and 9
- (f) that the person may, within 10 business days 10
after the day the notice is given to the 11
person, apply to the Regulator for review of 12
the compliance notice; and 13
- (g) that, under section 537D(5), an application 14
for review of the compliance notice stays the 15
operation of the notice. 16
- (4) The action required to be taken, or refrained from 17
being taken— 18
- (a) may be expressed as action that may be 19
chosen by the person from a range of stated 20
measures; and 21
- (b) must be relevant, reasonable and able to be 22
followed. 23
- (5) The day stated as the day by which the notice 24
must be complied with must be reasonable in the 25
circumstances. 26
- (6) An authorised person appointed by the Regulator 27
may, by written notice to the person to whom the 28
compliance notice is given, amend the 29
compliance notice— 30
- (a) by stating a later day by which the notice 31
must be complied with; or 32
- (b) by making a minor change to correct an 33
error or for clarification. 34

[s 53]

- (7) An authorised person cannot amend the compliance notice under subsection (6) after the day by which the notice must be complied with. 1
2
3
- (8) The Regulator may, on the Regulator's own initiative, withdraw the compliance notice at any time by written notice to the person to whom it is given. 4
5
6
7
- (9) A compliance notice is not invalid only because of— 8
9
 - (a) a formal defect or irregularity in the notice unless the defect or irregularity causes or is likely to cause substantial injustice; or 10
11
12
 - (b) a failure to use the correct name or address of the person to whom the notice is given if the notice sufficiently identifies the person and is served on the person. 13
14
15
16

537D Review by Regulator 17

- (1) A person to whom a compliance notice is given may apply to the Regulator for review of the compliance notice. 18
19
20
- (2) The application must be made within 10 business days after the day the compliance notice is given to the person. 21
22
23
- (3) The Regulator may, at any time, extend the time for making the application. 24
25
- (4) The application— 26
 - (a) must be made in the approved form and given to the Regulator; and 27
28
 - (b) must state the grounds on which the applicant seeks review; and 29
30
 - (c) may be accompanied by evidence or information the applicant wants considered in the review. 31
32
33

-
- (5) An application for review has the effect of staying the operation of the compliance notice until the review is decided and the period for appealing against the decision on the review expires. 1
2
3
4
- (6) The Regulator— 5
- (a) must review the decision to issue the notice and the terms of the notice as issued or amended; and 6
7
8
- (b) may ask the applicant to provide further information reasonably necessary for making a decision on the application. 9
10
11
- (7) The Regulator must decide the application within 10 business days after the day the application is made. 12
13
14
- (8) However, the time for making a decision may be extended if, in the opinion of the Regulator, the extension is reasonably necessary— 15
16
17
- (a) to enable the applicant to provide further information; or 18
19
- (b) to consider further information provided by the applicant. 20
21
- (9) In deciding a review, the Regulator has the same powers as an authorised person has to issue a compliance notice. 22
23
24
- (10) The Regulator may— 25
- (a) confirm the compliance notice; or 26
- (b) withdraw the compliance notice; or 27
- (c) withdraw the compliance notice and issue a new compliance notice in a form the Regulator considers appropriate. 28
29
30
- (11) The Regulator must give the applicant written notice of the Regulator's decision as soon as practicable. 31
32
33

[s 53]

- (12) The notice must state the reasons for the decision. 1
- (13) If the Regulator confirms the compliance notice 2
or issues a new compliance notice, the notice must 3
also state— 4
 - (a) that the applicant may appeal against the 5
decision to the industrial commission within 6
20 business days after the day the notice is 7
given; and 8
 - (b) that, under section 537E(4), an appeal 9
against the decision stays the operation of 10
the notice subject to an order of the 11
industrial commission. 12

537E Appeal to industrial commission 13

- (1) An applicant for review of a compliance notice 14
may appeal to the industrial commission against 15
the Regulator's decision on the review. 16
- (2) The appeal must be started by filing a notice of 17
appeal in the industrial registry within 20 business 18
days after notice of the Regulator's decision is 19
given to the person. 20
- (3) The industrial commission may, at any time, 21
extend the time for making the appeal. 22
- (4) An appeal has the effect of staying the operation 23
of the compliance notice until the appeal is finally 24
decided. 25
- (5) However, the industrial commission may, on the 26
application of the Regulator or on its own 27
initiative, make an order lifting the stay on the 28
operation of the compliance notice or a stated part 29
of the compliance notice if satisfied that it is in the 30
interests of justice to do so. 31
- (6) An order under subsection (5) may state a day by 32
which the compliance notice, or the stated part of 33
the compliance notice, to which the order relates 34

-
- must be complied with. 1
- (7) The Regulator and the appellant may be 2
represented by a lawyer in the proceedings. 3
- (8) The Regulator must comply with a request of the 4
industrial commission to give the commission— 5
- (a) documents or things in the Regulator's 6
possession or control that may be relevant to 7
the appeal; or 8
- (b) an additional statement containing stated 9
further particulars relating to the 10
Regulator's reasons for the decision. 11
- (9) In deciding the appeal, the industrial commission 12
has the same powers as the Regulator in deciding 13
the review of the compliance notice. 14
- (10) The *Industrial Relations Act 2016*, section 447(2), 15
does not apply to the appeal. 16
- (11) The industrial commission may— 17
- (a) confirm the Regulator's decision; or 18
- (b) set aside the Regulator's decision and 19
substitute another decision; or 20
- (c) set aside the decision and return the matter 21
to the Regulator with the directions the 22
commission considers appropriate. 23
- (12) The industrial commission must give a written 24
copy of the decision to the Regulator and 25
appellant. 26
- (13) A regulation may prescribe circumstances in 27
which costs are in the industrial commission's 28
discretion. 29

**537F Offence of failure to comply with compliance 30
notice 31**

A person to whom a compliance notice is given 32

[s 54]

	must take action, or refrain from taking action, as stated in the notice.	1 2
	Maximum penalty—300 penalty units.	3
Clause 54	Amendment of s 540 (Application of pt 2)	4
	Section 540(1)(a)(iv), after '109A'—	5
	<i>insert</i> —	6
	, 146A	7
Clause 55	Amendment of s 544 (Decision-maker must give information to Regulator)	8 9
	(1) Section 544—	10
	<i>insert</i> —	11
	(1A) The notice may state the way the information, documents and reasons must be given.	12 13
	(2) Section 544(1A) to (3)—	14
	<i>renumber</i> as section 544(2) to (4).	15
Clause 56	Amendment of s 579 (Summary proceedings for offences other than against ch 8)	16 17
	Section 579(6), definition <i>prescribed offence</i> , paragraph (b), 'part 2'—	18 19
	<i>omit, insert</i> —	20
	part 2, 3 or 4	21
Clause 57	Replacement of s 587 (Service of documents)	22
	Section 587—	23
	<i>omit, insert</i> —	24
	587 Service of documents	25
	(1) This section applies if a provision of this Act	26

	requires or permits a document to be given to a person by the Regulator, WorkCover or an authorised person.	1 2 3
(2)	For the <i>Acts Interpretation Act 1954</i> , section 39, the address of the person's place of residence or business includes the person's postal address.	4 5 6
(3)	Without limiting the <i>Acts Interpretation Act 1954</i> , section 39, the document may—	7 8
	(a) be sent by email to the person's email address last notified to the Regulator or WorkCover by the person; or	9 10 11
	(b) be made available to the person or given in a way prescribed by regulation.	12 13
(4)	The document is taken to be given—	14
	(a) if sent by email—on the day the email is sent; or	15 16
	(b) if made available to the person or given in a way prescribed by regulation—on the day prescribed by regulation.	17 18 19
(5)	However, if the document is given after 5p.m. on a particular day, the document is taken to be given to the person on the next business day.	20 21 22
Clause 58	Insertion of new ch 38	23
	After chapter 37—	24
	<i>insert—</i>	25

[s 58]

Chapter 38	Transitional provisions for Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2024	1 2 3 4 5 6 7 8
748	Definitions for chapter	9
	In this chapter—	10
	<i>former</i> , for a provision of this Act, means the provision in force immediately before the commencement of the provision in which the term is used.	11 12 13 14
	<i>new</i> , for a provision of this Act, means the provision in force from the commencement of the provision in which the term is used.	15 16 17
749	Application of amendments relating to firefighters	18 19
	New section 36E and new schedule 4A apply in relation to—	20 21
	(a) a worker who has made an application for compensation before the commencement if the insurer has not made a decision to allow or reject the application before the commencement; and	22 23 24 25 26
	(b) a worker who makes an application for compensation after the commencement.	27 28

	750 Commencing weekly payments	1
	New sections 146A to 146C apply in relation to an application for compensation made after the commencement, regardless of whether the injury happened before or after the commencement.	2 3 4 5
	751 GEPI taken to be scheme directions	6
	From the commencement, the Guidelines for the Evaluation of Permanent Impairment, as in effect immediately before the commencement under former section 183, are taken to be scheme directions made for new section 179.	7 8 9 10 11
	752 Guideline for rehabilitation to be scheme directions	12 13
	From the commencement, the Guidelines for standard for rehabilitation (second edition), made by the Regulator and prescribed by regulation for former section 228(2), are taken to be scheme directions made for new section 228(1)(a).	14 15 16 17 18
	753 Register of providers	19
	From the commencement, the register kept under former section 232K is taken to be a register kept under new section 329B(1)(b).	20 21 22
Clause 59	Amendment of sch 3 (Who is an employer in particular circumstances)	23 24
	Schedule 3—	25
	<i>insert—</i>	26
	9 A person is the employer of a person who is a worker under section 11(1)(b) if—	27 28
	(a) the person is a regulated business under the <i>Fair Work Act 2009</i> (Cwlth); and	29 30

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- (b) a minimum standards order, minimum standards guideline or collective agreement applies to, or covers, the person under chapter 3A of that Act; and
- (c) the person is prescribed by regulation to be the employer of the worker.

Clause 60 **Amendment of sch 4A (Specified diseases)** 8
Schedule 4A, table— 9
omit, insert— 10

Column 1 Disease	Column 2 Minimum number of years
asbestos related disease	15 years
malignant mesothelioma	15 years
multiple myeloma	15 years
primary site bladder cancer	15 years
primary site brain cancer	5 years
primary site breast cancer	10 years
primary site cervical cancer	10 years
primary site colorectal cancer	15 years
primary site kidney cancer	15 years
primary site leukaemia	5 years
primary site liver cancer	15 years
primary site lung cancer	15 years
primary site non-Hodgkins lymphoma	15 years
primary site oesophageal cancer	15 years

Column 1 Disease	Column 2 Minimum number of years
primary site ovarian cancer	10 years
primary site pancreatic cancer	10 years
primary site penile cancer	15 years
primary site prostate cancer	15 years
primary site skin cancer	15 years
primary site testicular cancer	10 years
primary site thyroid cancer	10 years
primary site ureter cancer	15 years

Clause 61	Amendment of sch 6 (Dictionary)	1
(1)	Schedule 6, definitions <i>DPI</i> , <i>employee organisation</i> , <i>GEPI</i> and <i>workplace</i> —	2
	<i>omit.</i>	3
	<i>omit.</i>	4
(2)	Schedule 6—	5
	<i>insert</i> —	6
	<i>compliance notice</i> see section 537C(1).	7
	<i>DPI</i> see section 179(1).	8
	<i>employee organisation</i> means an organisation of employees that is a registered industrial organisation.	9
		10
		11
	<i>registered industrial organisation</i> means an organisation under—	12
		13
	(a) the <i>Industrial Relations Act 2016</i> ; or	14
	(b) the <i>Fair Work (Registered Organisations) Act 2009</i> (Cwlth).	15
		16
	<i>scheme directions</i> means scheme directions in force under section 329A.	17
		18

[s 62]

<i>provider of workplace rehabilitation services</i>	1
means a person who provides services for the	2
rehabilitation of a worker, but does not include the	3
worker's employer.	4
<i>workplace</i> —	5
(a) means a place where work is, is to be, or is	6
likely to be, performed by a worker or	7
employer and is a place—	8
(i) that is for the time being occupied by	9
the employer or under the control or	10
direction of the worker's employer; or	11
(ii) where the worker is under the control	12
or direction of the worker's employer;	13
and	14
(b) for chapter 12, part 1, includes a place of	15
business of an insurer.	16
(3) Schedule 6, definition <i>table of costs</i> , 'or rehabilitation'—	17
<i>omit, insert</i> —	18
, rehabilitation or other goods or services	19

Part 5	Amendment of Workers'	20
	Compensation and	21
	Rehabilitation Regulation 2014	22

Clause 62	Regulation amended	23
	This part amends the <i>Workers' Compensation and</i>	24
	<i>Rehabilitation Regulation 2014</i> .	25
	<i>Note</i> —	26
	See also the amendments in schedule 1.	27

Clause 63	Omission of s 116 (Standard for rehabilitation—Act, s 228(2))	1 2
	Section 116—	3
	<i>omit.</i>	4
Clause 64	Insertion of new s 144D	5
	After section 144C—	6
	<i>insert—</i>	7
	144D Information statements—Act, ss 46B and 132AA	8 9
	(1) For sections 46B(3) and 132AA(2) of the Act, an information statement must be in the form approved by the Regulator.	10 11 12
	(2) Without limiting the content of an information statement, the statement must include information about the provisions in the workers' compensation scheme for a worker—	13 14 15 16
	(a) to make an application for compensation for an injury sustained by the worker; and	17 18
	(b) to choose the registered person who will provide medical treatment for the injury; and	19 20 21
	(c) to choose who is present during medical treatment for the injury; and	22 23
	(d) to choose a different workplace rehabilitation provider if dissatisfied with a provider chosen by the insurer; and	24 25 26
	(e) to be consulted in the preparation and review of a rehabilitation and return to work plan under section 221 of the Act; and	27 28 29
	(f) to seek advice and support from a lawyer or a registered industrial organisation as the worker considers appropriate.	30 31 32

[s 65]

Part 6 **Other amendments** 1

Clause 65	Legislation amended	2
	Schedule 1 amends the legislation it mentions.	3

Schedule 1	Other amendments	1
	section 65	2
Workers' Compensation and Rehabilitation Act 2003		3
1	Section 42(c), 'section 220(5)'—	4
	<i>omit, insert—</i>	5
	section 221	6
2	Chapter 3, part 9, division 3, heading, 'pt 9'—	7
	<i>omit, insert—</i>	8
	part 9	9
3	Section 186(2)(b)(i), from 'by an entity' to 'section 179(3)'—	10
	<i>omit, insert—</i>	11
	by a different entity agreed to by the worker and the insurer	12
		13
		14
4	Section 220(4)(a) as amended by this Act, 'subsection (2)(b) and (c)'—	15
	<i>omit, insert—</i>	16
	subsection (3)(b) and (c)	17
		18
5	Section 220(4)(b) as amended by this Act, 'subsection (2)(c)'—	19
	<i>omit, insert—</i>	20
	subsection (3)(c)	21
		22

Schedule 1

6	Section 220(5) as amended by this Act, ‘subsection (2)’—	1
	<i>omit, insert—</i>	2
	subsection (3)	3
7	Section 220(6)(a), ‘subsection (3)’—	4
	<i>omit, insert—</i>	5
	subsection (4)	6
8	Section 220(6)(a), ‘subsection (2)(b) or (c)’—	7
	<i>omit, insert—</i>	8
	subsection (3)(b) or (c)	9
9	Section 220(6)(b), ‘subsection (4)’—	10
	<i>omit, insert—</i>	11
	subsection (4)	12
10	Section 305D(3)(b), ‘he or she’—	13
	<i>omit, insert—</i>	14
	the worker	15
11	Section 305D(3)(b), ‘his or her’—	16
	<i>omit, insert—</i>	17
	the worker’s	18
12	Section 325Q(2), examples, before ‘industrial organisation’—	19
	<i>insert—</i>	20
	registered	21
		22

13	Section 325S(2)(b)(ii)—	1
	<i>omit, insert—</i>	2
	(ii) a registered industrial organisation; or	3
		4
14	Section 325S(3), definition <i>industrial organisation</i>—	5
	<i>omit.</i>	6
15	Section 325T(3)(c)(i), before ‘industrial’—	7
	<i>insert—</i>	8
	registered	9
16	Section 325T(5), definition <i>industrial organisation</i>—	10
	<i>omit.</i>	11
17	Section 326(3), ‘his or her other’—	12
	<i>omit, insert—</i>	13
	another	14
18	Section 469(1)(a), ‘his or her’—	15
	<i>omit, insert—</i>	16
	the authorised person’s	17
19	Section 523(2)(a), ‘himself or herself’—	18
	<i>omit, insert—</i>	19
	themselves	20
20	Section 523(3), ‘he or she’—	21
	<i>omit, insert—</i>	22

	the authorised person or assistant	1
21	Section 524(1)(a)—	2
	<i>omit, insert—</i>	3
	(a) produce the authorised person's identity card to that person for inspection; and	4 5
22	Section 540(1)(a)(xiiia) and (1)(b)(viaa), 'section 220(3)—	6
	<i>omit, insert—</i>	7
	section 220(4)	8
23	Section 540(1)(a)(xiiab) and (2)(b)(viab), 'section 220(4)—	9
	<i>omit, insert—</i>	10
	section 220(5)	11
24	Section 586B(3)(e), 'he or she'—	12
	<i>omit, insert—</i>	13
	the employee	14
Workers' Compensation and Rehabilitation Regulation 2014		15 16
1	Section 114(c), 'section 220(5)—	17
	<i>omit, insert—</i>	18
	section 221	19