

Workers' Compensation and Rehabilitation and Other Acts Amendment Bill 2005

Explanatory Notes

General Outline

Short Title

The short title of the Bill is the *Workers' Compensation and Rehabilitation and Other Acts Amendment Bill 2005*.

Policy Objectives of the Legislation

The primary objectives of the Bill are to:

- give effect to the outcomes of a Review of Certain Aspects of the *Workers' Compensation and Rehabilitation Act 2003*;
- enhance workers' compensation benefits for injured workers and their families;
- protect the WorkCover Queensland scheme from the impacts of employers exiting to the Commonwealth self-insurance scheme; and
- give effect to aspects of the *National Standard for Construction Work* and the *National Standard for Plant* as declared by the National Occupational Health and Safety Commission (NOHSC).

Reasons for the Bill

The Bill is required to implement the recommendations of the Review of Certain Aspects of the *Workers' Compensation and Rehabilitation Act 2003* undertaken in 2005. The review recommended greater flexibility in the self-insurance licensing and workplace rehabilitation requirements and a greater focus on return to work in the legislation.

In addition, the Bill increases benefits for injured workers and their families. This builds on the scheme's focus of providing enhanced

compensation to more seriously injured workers and to minimise immediate financial hardship on families if a worker is fatally injured as a result of a work-related injury.

As a result of the Federal Government's decision to allow eligible corporations to self-insure nationally, the Bill is required to protect WorkCover Queensland and employers in general from the impacts of employers exiting the WorkCover Queensland scheme.

Amendments are required to the *Workplace Health and Safety Act 1995* to align the regulatory requirements for construction work with the *National Standard for Construction Work* [NOHSC: 1016 (2005)] and align certain plant-related regulatory requirements with the *National Standard for Plant* [NOHSC: 1010 (1994)]. In addition, amendments are required to provide for prescribed activities (demolition work and asbestos removal work) as these will now form part of construction work, and to facilitate the implementation of the *National Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC: 2018 (2005)] and the revised *National Code of Practice for the Safe Removal of Asbestos*, 2nd Edition [NOHSC: 2002 (2005)] in the *Workplace Health and Safety Regulation 1997*.

At the same time the Bill makes necessary minor and technical amendments to ensure the continued efficient and effective operation of Queensland's workers' compensation and workplace health and safety arrangements.

Achieving the Objectives

Workers' Compensation

The proposed Bill will achieve its objectives for the workers' compensation scheme primarily by:

- changing the self-insurance licensing criteria to allow flexibility in relation to prudential matters and occupational health and safety performance as recommended by the Review of Certain Aspects of the *Workers' Compensation and Rehabilitation Act 2003*;
- enhancing the focus on return to work by clarifying rehabilitation terminology and definitions;
- extending the provisions for security of employment after injury in the *Industrial Relations Act 1999* from 6 months to 12 months;

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- improving workers' benefits through increasing statutory lump sum payments, extending the step-down in benefits for injured workers from 39 to 52 weeks, increasing compensation payable to dependent family members on death of a worker and introducing new benefits for totally dependent spouses and non-dependent family members;
- providing greater certainty on the payment of workers' compensation for latent onset injuries and aligning the calculation of these benefits with the method used by the Courts;
- addressing the impact of employers exiting to the Commonwealth scheme by providing for a contribution towards funding ongoing workplace health and safety services, requiring access to data from exiting employers, and providing for the payment of outstanding liabilities for pre-exit claims of exiting employers;
- ensuring fair and effective review and appeal processes by clarifying timeframes for applying for a review of a decision and arrangements for appeals to be heard before the Queensland Industrial Relations Commission; and
- facilitating flexibility in the composition of medical assessment tribunals.

Workplace Health and Safety

The proposed Bill will achieve its objectives for workplace health and safety primarily by:

- aligning the regulatory requirements for construction work with the National Standard for Construction Work in extending workplace health and safety obligations to persons with responsibility for construction work such as the client and the project manager in addition to existing obligations on designers and principal contractors, and by amending the definition of "construction work";
- aligning certain plant-related regulatory requirements with the National Standard for Plant;
- consolidating obligation provisions for employers and self-employed persons to remove unnecessary complexity and duplication;
- promoting the use of the hierarchy of control by obligation holders; and

- transferring the 'prescribed activity' provisions from the *Workplace Health and Safety Regulation 1997* to the *Workplace Health and Safety Act 1995*.

A majority of the construction related amendments will take effect on proclamation. Amendments relating to asbestos will have staggered commencements.

Administrative Costs

There are no anticipated increases in costs for government arising from this legislation. The amendments to the *Workers' Compensation and Rehabilitation Act 2003* are able to be achieved within the current financial state of the workers' compensation scheme.

Fundamental Legislative Principles

The Bill has been drafted with regard to the fundamental legislative principles prescribed by the *Legislative Standards Act 1992* and is considered to comply with these principles.

Consultation

The Department of Industrial Relations has consulted with a number of government agencies and statutory bodies in the preparation of the Bill. This includes the Department of the Premier and Cabinet, Treasury Department, Department of Education and the Arts, Queensland Police Service, Office of the Queensland Parliamentary Counsel, Q-COMP and WorkCover Queensland.

In addition, the Department of Industrial Relations has consulted with the following stakeholders:

Unions

The Queensland Council of Unions

The Australian Workers Union (Queensland)

Construction, Forestry, Mining and Energy, Industrial Union of Employees

Employer Groups

Australian Industry Group

Commerce Queensland

Housing Industry Association

Queensland Master Builders Association

National Retail Association

Insurers

Queensland Workers' Compensation Self-Insurance Association

Local Government Association of Queensland

The University of Queensland

Queensland Rail

Brambles Industries Limited

Xstrata Queensland Limited

Brisbane City Council

Australian Meat Holdings

Legal Professionals

The Australian Lawyers Alliance (Queensland)

Queensland Law Society

Other

The Workplace Health and Safety Board established under the *Workplace Health and Safety Act 1995*

Notes on Provisions

Part 1 Preliminary

Short Title

Clause 1 sets out the short title of the Act as the *Workers' Compensation and Rehabilitation and Other Acts Amendment Bill 2005*.

Commencement

Clause 2 provides that the Act will commence on its assent, other than certain sections which will commence at various later dates or on proclamation.

Part 2 Amendment of Workers' Compensation and Rehabilitation Act 2003

Act amended in pt 2 and sch

Clause 3 provides that Part 2 and the schedule of the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005* amends the *Workers' Compensation and Rehabilitation Act 2003*.

Insertion of new s 3A

Clause 4 inserts a new section to provide that notes contained in this amending Act are considered part of the Act.

Amendment of s 5 (Workers' compensation scheme)

Clause 5 amends s 5 which establishes a workers' compensation scheme and outlines the provisions and objects for the scheme. The clause allows for the Act to also provide for assessment of injuries that are not related to the workers' compensation scheme.

Insertion of new ch 1, pt 4, div 6, sdiv 3A

Clause 6 introduces a new subdivision into Chapter 1, part 4 to establish the date of injury for latent onset injuries as the date of diagnosis by a medical practitioner of the latent onset injury. For deciding whether a claimant is entitled to compensation or damages the insurer must apply the relevant tests applicable at the time that the event occurred. These tests may be in a former Act. The current Act will apply to the other elements of the claim such as provisions for application for compensation and review/appeal rights.

For example, a person is diagnosed with pleural plaques on 2 January 1996. At the time, the doctor states that, given the person's history of exposure to

asbestos, the person may develop asbestosis. On 2 February 2006 the person is diagnosed with asbestosis, and advised that this disease will develop to the point where it will significantly affect their life. The relevant date of injury for the purposes of the proposed s 36A is 2 February 2006. For the purposes of determining whether the person is entitled to compensation the insurer must apply the legislation in force at the time of the person's exposure to the asbestos fibres.

Replacement of s 40 (Meaning of *rehabilitation*)

Clause 7 amends s 40 which defines rehabilitation. The clause amends this definition to have a greater focus on returning an injured worker to work.

Replacement of s 41 (Meaning of *rehabilitation coordinator*)

Clause 8 replaces s 41 which defines rehabilitation coordinator. The clause renames *rehabilitation coordinator* as *rehabilitation and return to work coordinator*. The clause also provides for the criteria for becoming a *rehabilitation and return to work coordinator* and the functions of this role to be prescribed under a regulation.

Amendment of s 42 (Meaning of *suitable duties*)

Clause 9 amends s 42 which defines suitable duties. The clause amends this definition to rename *rehabilitation plan* as *rehabilitation and return to work plan* to have a greater focus on returning an injured worker to work.

Amendment of s 71 (Issue or renewal of licence to a single employer)

Clause 10 amends s 71 which outlines the criteria used to establish if a single employer's self-insurance licence can be issued or renewed. The clause amends this provision to allow a self-insurer to outsource the role of rehabilitation and return to work coordinator to a service provider who is in Queensland. This amendment also enables a self-insurance licence to be renewed for a two-year period if the self-insurer's net tangible assets are at least \$90M; the self-insurer is able to demonstrate an effective strategy to increase their net tangible assets to \$100M in the short term; and the self-insurer meets all of the other criteria under this provision.

Amendment of s 72 (Issue or renewal of a licence to a group employer)

Clause 11 amends s 72 which outlines the criteria used to establish if a group employer's self-insurance licence can be issued or renewed. The clause amends this provision to allow a group self-insurer to outsource the role of rehabilitation and return to work coordinator to a service provider who is in Queensland. This amendment also enables a self-insurance licence to be renewed for a two-year period if the group self-insurer's net tangible assets are at least \$90M; the group self-insurer is able to demonstrate an effective strategy to increase their net tangible assets to \$100M in the short term; and the group self-insurer meets all of the other criteria under this provision.

Replacement of s 78 (Duration of licence)

Clause 12 replaces s 78 which outlines the period for which a licence issued to a self-insurer will be valid. This amendment retains the standard licence period of two years but gives the Workers' Compensation Regulatory Authority the ability to renew a licence for a period up to four years in cases where the Authority is satisfied that the self-insurer is performing to a high standard.

Amendment of s 92 (Powers of self-insurers)

Clause 13 amends s 92 which allows for self-insurers to have those same functions and powers of WorkCover Queensland that will enable them to manage statutory and common law claims. This clause amends this provision to enable a self-insurer to outsource the administrative aspects of the claims management process to a claims management service provider that has claims managers located in Queensland. The clause lists the provisions relating to the self-insurer's liability and responsibility that cannot be outsourced.

Insertion of new ch 2, pt 5, divs 6 and 7

Clause 14 inserts new divisions which provide the process for when a Queensland self-insurer or member of a group self-insurer exits the Queensland scheme and becomes a national self-insurer under the Commonwealth legislation (non-scheme employer).

The new s 105A provides the process for a non-scheme employer to notify the Workers' Compensation Regulatory Authority that a licence has been granted under the Commonwealth legislation.

The new s 105B provides for the Queensland self-insurance licence of the non-scheme employer to continue to operate for a period of 12 months after the Commonwealth licence is granted (exit date). This allows for the non-scheme employer to continue to manage claims for injuries that arose from events occurring before the exit date. In addition, the non-scheme employer continues to hold the functions and powers of a self-insurer under s 92 to manage claims for compensation and damages for all injuries sustained by a worker that arise from an event happening or ending during the period when the self-insurer held a licence under Chapter 2, Part 4.

The provisions relating to self-insurance licences will continue to apply to self-insurance licences issued under this section. To avoid any doubt a non-scheme employer will be required to pay for each financial year, or part of a financial year, the annual levy payable under section 81. The levy is required to cover the administrative costs incurred by the Workers' Compensation Regulatory Authority to monitor the non-scheme employers for compliance with their obligations for rehabilitation. In addition, during the 12 month period non-scheme employers will continue to access services of the medical assessment tribunals and the review unit.

The new s 105C clarifies that the non-scheme employer continues to have obligations for the rehabilitation for all injuries incurred prior to the exit date.

The new s 105D provides that the Workers' Compensation Regulatory Authority may impose conditions on the continued licence.

The new s 105E provides that the continued licence ceases to operate 12 months from the exit date.

The new s 105F provides the process for transfer of the non-scheme employer's liability to WorkCover Queensland as at the date of cancellation of the continued licence.

The new s 105G provides for circumstances where it may be appropriate for the non-scheme employer to continue to perform the functions and powers of a self-insurer as approved by the Workers' Compensation Regulatory Authority after the licence has been cancelled.

The new s 105H provides the process to allow WorkCover to recover the cost of managing claims from a self-insurer who has become a non-scheme employer. These costs are a debt due to WorkCover by the non-scheme

employer. The clause also provides the circumstances under which the debt can be recovered from the unconditional bank guarantee or cash deposit. These costs include payment for compensation and/or damages and the associated costs for managing these claims.

The new s 105I outlines the process to be followed after a self-insurer's licence is cancelled. This process includes the actuarial assessment of the non-scheme employer's liability for all injuries incurred prior to the exit date. In addition the clause specifies that the non-scheme employer's bank guarantee or cash deposit is to be held by the Workers' Compensation Regulatory Authority until the liability is finalised.

The new s 105J provides the process whereby a non-scheme employer may recover their bank guarantee or cash deposit from the Workers' Compensation Regulatory Authority.

The new s 105K provides that division 7 applies to a member of a group self-insurer that becomes a non-scheme employer.

The new s 105L provides the process for when a member of a group self-insurer becomes a non-scheme employer.

The new s 105M provides that the member is considered to remain part of the group self-insurer for a period of 12 months after the Commonwealth licence is granted (exit date).

The new s 105N clarifies that the non-scheme member continues to have obligations for the rehabilitation for all injuries incurred prior to the exit date.

The new s105O provides that 12 months after the exit date the member's liability returns to WorkCover Queensland with the liability to be assessed under a regulation.

Amendment of s 109 (Who must pay compensation)

Clause 15 amends s 109 which obligates an employer who is a self-insurer to pay the compensation and provides that WorkCover must pay the compensation for all other claims. Section 109 provides that an employer may pay an amount of entitled compensation payable by WorkCover Queensland if the employer has reported the injury to WorkCover Queensland and the worker has made an application for compensation. The clause clarifies that an employer can only pay this amount until WorkCover Queensland has accepted the claimant's application for compensation.

Insertion of new ch 3, pt 3, div 5

Clause 16 inserts a new division which provides for the compensation payable to workers with terminal conditions that are latent onset injuries.

Clause 16 provides that a worker who has a terminal condition that is a latent onset injury is entitled to compensation regardless of when the worker was exposed to the conditions that caused the latent onset injury. The worker is entitled to lump sum compensation. This is made up of:

- a lump sum payment of compensation of \$200,000;
- a lump sum payment of compensation for gratuitous care of 10% of \$200,000; and
- additional compensation of up to \$200,000 calculated under a regulation. The maximum rate is payable to workers who are under 70 years of age at the date of diagnosis. This amount will reduce between the age of 70 and 80 years to nil.

A worker will also be entitled to compensation under Chapter 4 Part 2 until they have received payment under this new division. The clause also provides for the reduction of the amount of compensation payable if weekly payments of compensation, a redemption payment, lump sum payments or payment of compensation or damages under another law or jurisdiction have been made for the injury sustained.

Amendment of s 140 (Maximum entitlement)

Clause 17 amends s 140 which specifies the maximum amount of compensation payable for weekly compensation and lump sum compensation (other than the additional lump sum under part 9 of this chapter) for any one event. This clause increases the maximum amount of weekly compensation payable and lump sum compensation payable to \$200,000. In addition, the clause clarifies that this provision does not apply to the payment of compensation for workers with terminal conditions that are latent onset injuries which are provided for under clause 16.

Amendment of s 150 (Total incapacity—workers whose employment is governed by an industrial instrument)

Clause 18 amends s 150 which specifies the amount of weekly payment to a totally incapacitated worker whose employment is governed by an industrial instrument. The clause increases the amount of compensation payable to injured workers by increasing the rate of compensation payable

from the end of the first 39 weeks until the end of the first 52 weeks of incapacity.

Amendment of s 151 (Total incapacity—workers whose employment is not governed by industrial instrument)

Clause 19 amends s 151 which specifies the amount of weekly payment to a totally incapacitated worker whose employment is *not* governed by an industrial instrument. The clause aligns weekly compensation for all workers by increasing the percentage of Queensland Ordinary Time Earnings (QOTE) payable to workers whose employment is not covered by an industrial instrument to align with workers whose employment is covered by an industrial instrument. In addition, the clause also increases the amount of compensation payable to injured workers by increasing the rate of compensation payable from the end of the first 39 weeks until the end of the first 52 weeks of incapacity.

Amendment of s 152 (Total incapacity—certain contract workers)

Clause 20 amends s 152 which specifies the amount of weekly payment to a totally incapacitated contract worker as defined in this clause. The clause aligns weekly compensation for all workers by increasing the percentage of QOTE payable to workers whose employment is not covered by an industrial instrument to align with workers whose employment is covered by an industrial instrument. In addition, the clause also increases the amount of compensation payable to injured workers by increasing the rate of compensation payable from the end of the first 39 weeks until the end of the first 52 weeks of incapacity.

Amendment of s 157 (Total incapacity)

Clause 21 amends s 157 which specifies the amount of weekly payment to a totally incapacitated person who is entitled to compensation other than a worker, student or eligible person. The clause aligns weekly compensation for all workers by increasing the percentage of QOTE payable to workers whose employment is not covered by an industrial instrument to align with workers whose employment is covered by an industrial instrument. In addition, the clause also increases the amount of compensation payable to injured workers by increasing the rate of compensation payable from the end of the first 39 weeks until the end of the first 52 weeks of incapacity.

Amendment of s 159 (Total incapacity)

Clause 22 amends s 159 which specifies the amount of weekly payment to an eligible person. The clause aligns weekly compensation for all workers by increasing the percentage of QOTE payable to workers whose employment is not covered by an industrial instrument to align with workers whose employment is covered by an industrial instrument. In addition, the clause also increases the amount of compensation payable to injured workers by increasing the rate of compensation payable from the end of the first 39 weeks until the end of the first 52 weeks of incapacity.

Amendment of s 192 (Additional lump sum compensation for certain workers)

Clause 23 amends s 192 which prescribes the amount of additional lump sum compensation payable to certain workers. The clause updates the prescribed compensation payable with the actual compensation payable from 1 July 2005.

Amendment of s 193 (Additional lump sum compensation for gratuitous care)

Clause 24 amends s 193 which specifies a worker's entitlement for additional lump sum compensation for gratuitous care. The clause updates the prescribed compensation payable with the actual compensation payable from 1 July 2005.

Amendment of s 200 (Total dependency)

Clause 25 amends s 200 which prescribes the amount of compensation payable to a worker's dependents. The clause increases the compensation payable to dependent members of the worker's family to \$374,625. It also increases the compensation payable to dependent members of a worker's family where a worker has a totally dependent spouse to \$20,000 and increases the weekly compensation payable if a worker has left dependent members or a child of the worker's spouse who was totally dependent on the worker's earnings to 10% of QOTE.

In addition, this clause introduces a new entitlement to decrease the immediate financial hardship on dependent spouses if a worker dies because of an injury. Under the clause a totally dependent spouse is entitled to a lump sum payment of \$10,000 plus if the dependent spouse has

children under school age they will also be entitled to a weekly payment of 8% of QOTE while the dependent member is under school age.

Insertion of new s 201A (Worker with non-dependent spouse, issue or next of kin)

Clause 26 introduces a new benefit for non-dependents including spouse, children or next of kin equivalent to 10% of the maximum death benefit lump sum compensation. This clause only applies where a worker does not have dependents and is payable to the deceased worker's estate.

Amendment of s 202 (Workers under 21)

Clause 27 amends s 202 which prescribes the amount of compensation payable to a parent of a worker who has been fatally injured at work under the age of 21. This clause increases the amount of compensation payable to \$22,500.

Amendment of s 205 (Variation of payments for injuries)

Clause 28 amends s 205 which allows for a variation in the dollar amounts referenced in the parts specified in the clause (eg. maximum statutory compensation) when QOTE is varied. The clause is amended to provide for payments under the new chapter 3, part 3, division 5 to be varied in line with QOTE.

Amendment of s 220 (Insurer's responsibility for worker's rehabilitation)

Clause 29 amends s 220 which specifies an insurer's responsibility to ensure the rehabilitation of injured workers. The amendment clarifies that the insurer is responsible for coordinating the development and maintenance of a rehabilitation and return to work plan in consultation with the injured worker, the employer and the treating medical practitioner.

Amendment of s 221 (Authority's responsibility for rehabilitation)

Clause 30 amends s 221 which specifies the authority's responsibilities in regard to rehabilitation. The clause removes subsection (b) which relates to workplace rehabilitation courses. A similar subsection is to be inserted into a regulation to give Workers' Compensation Regulatory Authority the

authority to approve or provide courses until such time as the transition to the VET sector has been given effect.

Amendment of s 226 (Employer's obligation to appoint rehabilitation coordinator)

Clause 31 replaces s 226 which specifies the criteria for the appointment of a rehabilitation coordinator. The clause provides for the criteria for the appointment of a rehabilitation coordinator to be prescribed by a regulation. An employer may continue to appoint a rehabilitation and return to work coordinator even though the employer may not be required to appoint a rehabilitation and return to work coordinator under the new criteria.

Amendment of s 227 (Employer's obligation to have workplace rehabilitation policy and procedures)

Clause 32 amends s 227 which specifies the criteria for having a workplace rehabilitation policy and procedures. The clause amends this provision to provide for the criteria for having a workplace rehabilitation policy and procedures to be prescribed by a regulation.

Amendment of s 228 (Employer's obligation to assist or provide rehabilitation)

Clause 33 amends s 228 which specifies that all employers must take reasonable steps to help or provide a worker with rehabilitation for the period for which compensation is payable and that if the employer is unable to provide suitable duties, that the employer provide evidence to the insurer that suitable duties are not practicable. This amendment provides that the employer must provide such evidence in writing.

Amendment of s 238 (Worker with terminal condition)

Clause 34 amends s 238 which identifies those provisions of Chapter 5 (Access to damages) that do not apply to a worker with a terminal condition. The clause exempts persons with a terminal latent onset injury from requiring a notice of assessment in order to access damages under Chapter 5.

Amendment of s 240 (Consequences, to costs, of seeking damages)

Clause 35 amends s 240 which provides which particular cost provisions under the Bill apply to:

- a worker with a WRI of 20% or more; and
- a worker with a WRI of 20% or less, or one who has an injury that does not result in any WRI; and
- a claimant who is a dependant.

The clause provides that the provisions applying to a worker with a WRI of 20% or more also apply to a worker with a terminal latent onset injury.

Replacement of s 310 (Application of Div 1)

Clause 36 amends s 310 which provides that division 1 applies only:

- if the claimant is a worker, if the worker's WRI is 20% or more; or
- a dependant.

The clause provides that this division also applies to a worker with a terminal latent onset injury.

Amendment of s 453 (WorkCover's capital adequacy)

Clause 37 amends s 453 which provides the requirements WorkCover must meet to be considered fully funded. The clause removes reference to obsolete terminology as a consequence of amendments made in the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2004*.

Amendment of s 458 (Reserves)

Clause 38 amends s 458 which provides for the establishment of reserves. The clause removes reference to obsolete terminology as a consequence of amendments made in the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2004*.

Replacement of ss 490—497

Clause 39 replaces ss 490—497 which provide the details for an independent system of medical review and assessment of injury and impairment sustained by workers.

The new s 490 recreates the previous s 490 but now provides for not only an independent assessment of medical review and assessment for injury and impairment sustained by workers, but also non-work related injury or impairment sustained by a person under other Acts prescribed by regulation.

The new s 491 clarifies that persons who are entitled to compensation under this Act or another Act prescribed under a regulation are considered workers for the purposes of chapter 11.

The new s 492 provides that there are to be maintained for the Act and other prescribed Acts such medical assessment tribunals as prescribed by the regulation. The regulation will be able to prescribe other Acts under which a medical assessment tribunal may perform its functions and exercise its powers. These functions and powers can be prescribed for the tribunal by the Act or the other Act. A medical tribunal will only be able to consider those matters referred to it under Acts detailed in the regulation to ensure that adequate controls are maintained over the type of matters able to be considered by the tribunal.

The new s 493 provides that the panel of doctors designated to a tribunal may be appointed by the Governor-in-Council by gazette notice for a specified period of not more than 3 years. Each appointee will be appointed as a specialist, and must be a specialist in the specialty for which the appointment is made. The Governor-in-Council may also by gazette notice appoint an appointee to be chairperson of a tribunal and at least 2 or more appointees as deputy chairpersons of a tribunal.

The new s 494 provides the head of power for the composition and constitution of a tribunal which will be prescribed by the regulation. The regulation will provide for a number of different tribunals in addition to the current tribunals, including a tribunal composed of members with specialists chosen by the Workers' Compensation Regulatory Authority in consultation with the Chairperson of the General Medical Assessment Tribunal.

Insertion of new s 511A (Who can attend tribunal)

Clause 40 inserts a new s 511A which clarifies the worker's right of representation at a hearing of the Medical Assessment Tribunal.

Amendment of s 542 (Applying for review)

Clause 41 amends s 542 which relates to the process and procedures for making an application for review. The clause clarifies the timeframes for review in circumstances where an applicant may not receive reasons for a decision or the reasons may not comply with the requirements of the regulation.

Amendment of s 544 (Decision-maker must give information to Authority)

Clause 42 amends s 544 which allows the review unit, by written notice, to require the decision-maker to give information to the unit. The clause allows the Workers' Compensation Regulatory Authority to request from the decision-maker reasons that comply with the requirements of the regulation.

Amendment of s 546 (Notice of review decision)

Clause 43 amends s 546 which requires the Workers' Compensation Regulatory Authority to give written notice of review decisions to specified parties. This clause provides that a decision of the Authority must address matters prescribed by a regulation for the purposes of ensuring consistent decisions across the scheme.

Insertion of new s 552A (Conference)

Clause 44 inserts a new s 552A which clarifies that the Commission may hold a conference to attempt to settle an appeal by conciliation before the hearing of an appeal. Note that all parties to the appeal would be required to attend this conference.

Clause 44 also inserts a new s 552B which provides that a party or person may be represented by a lawyer at the hearing of an appeal or a conference on an appeal if, and only if all parties consent, or the appeal body gives leave.

Amendment of s 553 (Application of Uniform Civil Procedure Rules and Industrial Relations (Tribunals) Rules)

Clause 45 amends s 553 which provides that chapter 7, pt 2 and chapter 9, pt 4 of the Uniform Civil Procedure Rules 1999 and rules 96 to 98 of the Industrial Relations (Tribunal) Rules 2000 apply in relation to appeals to the industrial magistrate or to the Industrial Court. The clause removes the reference to the *Industrial Relations (Tribunals) Rules 2000* “rules 96 to 98”. The *Industrial Relations (Tribunals) Rules 2000* will apply to a workers' compensation appeal only to the extent that they are specified in those rules as applying.

Amendment of s 567 (Application of div 2)

Clause 46 amends s 567 which lists the Workers' Compensation Regulatory Authority's decisions applicable to this division. The clause inserts a new provision to include refusal to return bank guarantee or cash deposit as collected under clause 105J.

Amendment of s 579 (Summary proceedings for offences other than against ch 8)

Clause 47 amends s 579 which specifies that offences (other than offences under Chapter 8) are to be taken by way of complaint and summons before an industrial magistrate. The clause clarifies that the process for bringing a proceeding against an insurer for the offence of failing to comply with s 486B applies to both self-insurers and WorkCover Queensland.

Amendment of s 625 (Appeals generally)

Clause 48 amends s 625 which incorrectly referred to ‘chapter 3, part 3, division 1’ and replaces it with ‘chapter 13, part 3, division 1’.

Insertion of new ch 18

Clause 49 inserts a new chapter 18 which contains the transitional provisions for the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005*.

The new s 627 defines “amending Act” as the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005*.

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The new ss 628 to 636 provide for the transition of various amendments to the Act made by the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005*.

The new s 628 provides the new chapter 3, part 3, division 5 only applies to those claims made by a worker on or after the commencement of this section.

The new s 629 provides that the amount of compensation payable under the amended section 140 only applies to injuries sustained after the commencement of this section.

The new s 630 provides that the amount of compensation payable under the amended provisions of Chapter 3, part 9, division 4 only applies to injuries sustained after the commencement of this section.

The new s 631 provides that the amount of compensation payable under the amended sections 200, 201A and 202 only applies to injuries sustained after the commencement of this section.

The new s 632 provides for the transition of amendments to the appointment of rehabilitation and return to work coordinators. The clause provides that an employer who meets the new criteria for appointing a rehabilitation and return to work coordinator must appoint a rehabilitation and return to work coordinator on or before 1 July 2006.

The new s 633 provides that a rehabilitation coordinator prior to the commencement of the amending Act, is taken to be a rehabilitation and return to work coordinator.

The new s 634 provides for the transition of amendments in relation to workplace rehabilitation policy and procedures. The clause provides that an employer who meets the new criteria for having workplace rehabilitation policies and procedures must have these policies and procedures in place on or before 1 July 2006.

The new s 635 provides that a medical assessment tribunal in existence prior to the commencement of the amending Act continues to exist as if it were established under Chapter 11 of the Act.

The new s 636 provides that *Industrial Relations (Tribunals) Rules 2000*, rules 96 to 98 continue to apply to an appeal started before the commencement of this section.

The new s 637 provides that the reference to chapter 3, part 3, division 1 in s 625 will be taken as always having referred to chapter 13, part 3, division 1.

Amendment of sch 2 (Who is a worker in particular circumstances)

Clause 50 amends Schedule 2 which outlines who is a worker in particular circumstances. The clause amends Schedule 2, part 2, section 1(d) and removes the current exclusion of a person from the definition of “worker” if they work under a contract of service for a licensed corporation under the Commonwealth scheme.

Amendment of sch 6 (Dictionary)

Clause 51 amends the Act’s dictionary of definitions. The clause:

- removes definitions of *medical assessment tribunal*, *rehabilitation coordinator* and *terminal condition*;
- inserts a new definition of “exit date”, “non-scheme employer”, and “non-scheme member” to support the new sections 105 – 105O (Clause 14);
- inserts a new definition of “latent onset injury” modelled on the current definition in s 31 (meaning of “event”) removed in schedule, clause 1;
- inserts a new definition of “medical assessment tribunal” to support the new sections 490 - 494 (Clause 39);
- inserts a new definition of terminal condition as defined in section 39A;
- inserts a new definition of “rehabilitation and return to work coordinator” to support the new section 41 (Clause 8); and
- inserts a new definition of “rehabilitation and return to work plan” to support the amendment of section 220 (Clause 29).

Part 3 Amendment of Workplace Health and Safety Act 1995

Act amended in pt 3 and sch

Clause 52 provides that Part 3 and the schedule of the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005* amends the *Workplace Health and Safety Act 1995*.

Omission of ss 5 and 6

Clause 53 deletes ss 5 and 6 which set out the places and people to whom the Act applies. These provisions were considered superfluous.

Amendment of s 7 (Objective of Act)

Clause 54 amends s 7 which provides the overall objective of the Act. For the sake of completeness, the clause includes 'relevant workplace area' and 'plant and substances for use at a workplace' in the category of matters dealt with by the Act.

The clause deletes the objective of assisting industry to develop its own codes of practice and introduces the following two new objectives:

- the development of accredited training programs and the assessment of competence by accredited providers and through the Vocational Education and Training (VET) sector; and
- the provision for the collection of a workplace health and safety contribution and for the collection of statistical data from employers and self-insurers exiting the State workers' compensation scheme to the Commonwealth national self-insurance scheme.

Replacement of s 13 (Who is the principal contractor?)

Clause 55 replaces s 13 in order to make the provision easier to read.

Replacement of s 13 (Who is the principal contractor for construction work)

Clause 56 will commence on proclamation and replaces s 13 to provide for the introduction of a number of provisions in line with the National Standard for Construction Work.

The new s 12A inserts a definition for a 'client' for construction work. The definition does not apply if the construction work:

- is for the construction of Class 1A buildings under the Building Code of Australia, namely stand alone homes and low rise cluster housing; or
- is not a prescribed activity and the estimated final price is \$80000 or less.

The new s 12B inserts a definition for a 'project manager' for construction work. This is a person appointed by the client.

The new s 13 inserts an amended definition of 'principal contractor' as a person appointed by the client, rather than the owner of the workplace.

Replacement of ss 13A and 14

Clause 57 replaces ss 13A (What is construction work?) with a new and expanded definition of 'construction work' in s 14. At the same time, the current definition and concept of a 'construction workplace' is being repealed.

The new definition of 'construction work' includes elements of the former definition of 'building work' (which is being repealed as a consequential amendment) and the components of the definition from the National Standard for Construction Work and also includes prescribed activities (demolition work and asbestos removal work).

The definition also incorporates reference to a new definition of a 'structure' (found in the dictionary), which includes elements of the former definition of 'civil construction work' (which is being repealed as a consequential amendment) and the components of the definition from the National Standard for Construction Work.

The definition also specifies when construction work is deemed to have ceased. Namely, when the construction work has finished and where applicable, possession of the workplace is returned to the owner.

Amendment of s 15A (Meaning of *relevant workplace area*)

Clause 58 amends s 15A which defines a "relevant workplace area". The clause removes reference to building or other structure and replaces it with the more general term 'place'.

Omission of s 17 (When is a self-employed person performing work?)

Clause 59 removes section 17 which is no longer relevant as a result of changes made by the *Workplace Health and Safety and Another Act Amendment Act 2002*.

Replacement of s 22 (Ensuring workplace health and safety)

Clause 60 amends s 22 by:

removing subsections 2, 3 and 4 which are re-enacted into a new section (Clause 67); and

including 'relevant workplace area' and 'plant and substances for use at a workplace' for the sake of completeness of the matters covered by the Act.

Amendment of s 23 (Obligations for workplace health and safety)

Clause 61 amends s 23, which is a listing of the persons who have workplace health and safety obligations under the Act, to reflect the "roll up" of obligations relating to persons who conduct a business or undertaking, employers and self-employed persons which is given effect by clause 68 of the Bill and to reflect the extension of the obligation on owners of 'specified high risk plant' in s 35 of the Act to the owners of plant generally, effected by Clause 73 of the Bill.

Replacement of s 23 (Obligations for workplace health and safety)

Clause 62, which commences on proclamation, replaces s 23 to provide for the inclusion of new obligation holders in relation to construction work, which is given effect by Clause 70 of the Bill.

Amendment of s 24 (Discharge of obligations)

Clause 63 amends s 24 which provides that a person who has a workplace health and safety obligation under this part must discharge the obligation. The clause deals with circumstances where more than one person has a workplace health and safety obligation for a matter. Where more than one person has an obligation, each person retains responsibility for their obligation for the matter; and each person must discharge their obligation

to the extent that the matter is within their control. In addition, each person must co-operate with all other persons who have an obligation for the matter.

Amendment of s 24A (Charges for offences against s 24)

Clause 64 omits s 24A as a consequence of amalgamating the obligations of persons who conduct a business or undertaking, employers and self-employed persons (Clause 68).

Amendment of s 26 (How obligations can be discharged if regulation etc. made)

Clause 65 amends s 26 by replacing the words 'may discharge' with the expression 'discharges' and omits s 26(3)(b) and inserts a new subsection which clarifies how a person discharges their obligation if a regulation exists.

Amendment of s 27 (How obligations can be discharged if no regulation etc. made)

Clause 66 amends s 27 in the same way that clause 65 amends s 26.

Insertion of new s 27A (Managing exposure to risks)

Clause 67 inserts a new s 27A which provides that a person must manage exposure to risk by using the risk management methodology.

In addition, the clause emphasises the use of the hierarchy of control, which is instrumental to the management of workplace health and safety, in determining the most appropriate and practicable control measure and combination of control measures in any given situation. Under the hierarchy of control a person should first try to eliminate the hazard. Where this is not possible, the person should prevent or minimise exposure to the risk through substitution or isolation or engineering out the hazard or risk. As a last resort, the person should introduce administrative controls and use appropriate personal protective equipment. This amendment is designed to remind obligation holders that they need to work through the hierarchy of control in order to arrive at the most appropriate control measure to prevent or minimise a person's exposure to any workplace risk. The clause re-enacts some parts deleted from section 22 (Clause 60).

Replacement of ss 28—29B

Clause 68 omits ss 28 – 29B which impose obligations on employers, self-employed persons and persons conducting a business or undertaking and re-enacts them as a single s 28. These sections are very similar, in that the Act ensures that the party who generates the risk (i.e. employer, self-employed person or person conducting a business or undertaking) has the workplace health and safety obligation to ensure that they, their workers, or any other person are not exposed to health and safety risks. There is no need for three separate provisions given that employers and self-employed persons are captured under the broader category of persons who conduct a business or undertaking. The clause consolidates and simplifies these provisions which do not change the policy intention or their current legal status.

The new section 29 re-enacts section 29B, which specifies the key elements to meeting the obligation outlined in the previous sections 28-29A. Specification of the key elements of the obligation within the Act is considered an appropriate and effective means of increasing employers' understanding of their obligation to workers. The amendment includes the provision of a safe and healthy work environment, providing and maintaining safe plant, enabling the safe use, handling, storage and transport of substances, ensuring safe systems of work, and the provision of information, instruction, training and supervision. The amendment does not alter current legal obligations, but clarifies how these obligations can be met.

Amendment of s 31 (Obligations of principal contractors)

Clause 69 amends s 31 by deleting reference to the former definition of 'construction workplace' and replacing it with the new definition of 'construction work' and strengthens the obligation of a principal contractor in relation to other persons who are breaching their workplace health and safety obligations for the construction work.

Replacement of s 31 (Obligations of principal contractors)

Clause 70, which commences on proclamation, replaces s 31 with a suite of obligations on various persons in relation to 'construction work'.

The new s 30A imposes an obligation on a person who commissions construction work (the 'client') to consult with:

- the designer about how construction work in connection with the design can be undertaken in a way that prevents or minimises all risks to health and safety; and
- the project manager about how construction work can be planned and managed in a way that prevents or minimises all risks to health and safety; and
- the principal contractor about how construction work can be undertaken in a way that prevents or minimises all risks to health and safety.

If the client has any information regarding hazards and risks at the workplace where the construction work will be performed then these must be made known to the other respective relevant parties.

The new s 30B re-enacts and amends the existing s 34B in relation to designers of structures. The designer has an obligation to ensure that all persons for whom the structure will be a workplace and, when constructed, is being used for the purpose for which it was designed, will not be exposed to risk to their health and safety arising out of the design of the structure. In discharging the obligation, the designer must report to the client on the health and safety aspects of the design prior to the commencement of the construction work.

The new s 30C introduces an obligation on a person in control of the planning and management of construction work (the 'project manager'). A project manager has an obligation to ensure that the construction work is planned and managed in such a way that risks to the health and safety of all persons undertaking the construction work and of all persons at or near the workplace during the construction work, are prevented or minimised. In discharging the obligation the project manager must report to the client on the health and safety aspects of the work prior to commencement.

The new s 31 amends a principal contractor's obligation in order to align it with that specified in the National Standard for Construction Work.

Amendment of s 34B (Obligation of designer of building or other structure used as a workplace)

Clause 71 amends s 34B by referring to the new definition of 'structure'.

Omission of s 34B (Obligation of designer of building or other structure used as a workplace)

Clause 72, which takes effect on proclamation, omits s 34B, as the designer's obligation is now covered in s 30B introduced by Clause 70.

Replacement of s 35 (Obligations of owners of specified high risk plant)

Clause 73 replaces s 35 which imposes an obligation on an owner of 'specified high risk plant' to ensure that the plant is maintained in a condition that ensures the plant is safe, and without risk to health, when used properly. The clause extends this obligation to owners of all plant and is designed to make the Act consistent with the National Standard for Plant.

Amendment of s 36 (Obligations of workers and other persons at a workplace)

Clause 74 amends s 36 which imposes obligations on workers and other persons at work. The clause removes reference to 'construction workplace' as it is no longer used in the Act, as a result of adopting the National Standard for Construction Work.

Amendment of s 38 (Regulations)

Clause 75 amends s 38 which provides for the regulation making power of the Act. The clause simplifies s 38 and also amends the provision to provide the Governor with the power to prescribe fees for 'registrable plant designs'. This amendment ensures consistency with the requirement to pay a fee for registrable plant designs introduced in the *Workplace Health and Safety Regulation 1997* in 2004.

Amendment of s 42C (Ministerial notices in urgent circumstances)

Clause 76 amends s 42C to include the making of a notice for a situation that creates (or likely to create) a risk of a 'work caused illness' or a 'dangerous event occurring' in addition to a situation creating a risk of 'serious bodily injury'.

Amendment of s 87 (Membership of committee)

Clause 77 amends s 87 to remove reference to 'construction workplace' as it is no longer used in the Act, as a result of adopting the National Standard for Construction Work.

Amendment of s 94 (Appointment of workplace health and safety officer by principal contractor)

Clause 78 amends s 94 to remove reference to 'construction workplace' as it is no longer used in the Act, as a result of adopting the National Standard for Construction Work.

Amendment of s 96 (Functions of workplace health and safety officers)

Clause 79 amends s 96 which specifies the functions of a workplace health and safety officer. Among other things, these involve telling the employer or principal contractor about health and safety matters at the workplace. The clause amends s 96 to provide that the workplace health and safety officer must report in writing to the employer or principal contractor any hazard or unsafe or unsatisfactory workplace health and safety practice identified during inspections.

Replacement of s 97 (Employer and principal contractor to help workplace health and safety officer etc.)

Clause 80 amends s 97 which specifies the ways in which an employer or principal contractor must seek to assist a workplace health and safety officer. The clause emphasises that an employer or principal contractor must undertake each of the actions specified by the section and introduces a penalty for failure to do any one. In addition, the expressions 'relevant workplace area', 'work activities' and 'plants and substances for use at a workplace' are included for the sake of completeness.

Amendment of s 104 (Entry to places)

Clause 81 amends s 104 to provide workplace health and safety inspectors a right of entry to any place where a prescribed activity (demolition work or asbestos removal work) is being undertaken. While these will be workplaces in most cases, there may be instances (particularly involving asbestos removal work) where the place may not fall under the definition of

a workplace. In these instances, because the activity is one prescribed by the Act, inspectors will be able to enter the place where the activity is being undertaken in order to monitor and enforce compliance with the Act.

The clause also amends the section to provide a reference to 'relevant workplace areas' for the sake of completeness.

Amendment of s 108 (General powers after entry)

Clause 82 amends s 108 to include a reference to relevant workplace areas for the sake of completeness.

Replacement of s 110 (Inspector's power to seize dangerous places and things)

Clause 83 amends s 110 to include a reference to relevant workplace areas for the sake of completeness.

Amendment of s 122 (Power to require production of certain documents)

Clause 84 amends s 122 which provides that an inspector may require any person to make available or produce for inspection, at a reasonable time and place nominated by the inspector, a document issued to the person under the Act or required to be kept by the person under the Act. The clause gives inspectors the ability to access documents held by a third party; for example, maintenance records or a document relating to design specifications held by a mechanic or designer, rather than the obligation holder.

Amendment of s 147A (Definitions for pt 11)

Clause 85 amends s 147A to clarify which decision applies to division 1 and which applies to division 2 for appeal purposes. Division 1 refers to the original decision of the inspector with division 2 referring to the original decision of the chief executive.

Insertion of new pt 14, div 1B

Clause 86 inserts a new division for the purposes of establishing funding support for activities of the department for the provision of workplace health and safety regulation and related education and prevention services in relation to non-scheme employers.

Clause 86 provides the definitions of exit date and non-scheme employer for this division.

Clause 86 requires each non-scheme employer to pay the chief executive a workplace health and safety contribution for each financial year.

Clause 86 requires the non-scheme employer to pay the workplace health and safety contribution in keeping with the workplace health and safety contribution notice given by the chief executive. The clause also describes what a workplace health and safety contribution notice must state. The clause requires the chief executive for each financial year to work out the amount payable by each non-scheme employer. The workplace health and safety contribution must not be paid before the start of the financial year, but must be paid within 14 days of the non-scheme employer receiving the workplace health and safety contribution notice.

Clause 86 provides that a regulation may prescribe the operating arrangements for payment of the workplace health and safety contribution. The clause outlines certain things a regulation may do, including requirements for working out the amount payable by each non-scheme employer each financial year.

The clause also specifies that the size of a non-scheme employer's workplace health and safety contribution must be based on the number of workers of the non-scheme employer in Queensland.

The clause also provides the head of power for the Commissioner of State Revenue to disclose certain information to the chief executive. Information obtained from the Commissioner of State Revenue is not to be disclosed by an official unless the disclosure is made to another official in the administration of this Act, or in a proceeding for an offence against this Act.

The clause does not extend or limit, the Governor in Council's power to make regulations under the Bill.

Replacement of s 184A (Appointment of principal contractors)

Clause 87 replaces s 184A by providing a new provision which replaces references to a 'construction workplace' with a reference to 'construction work'.

Amendment of s 184A (Appointment of principal contractors)

Clause 88, which commences on proclamation, amends s 184A by providing for the appointment of a principal contractor by the client rather than the owner, in line with the National Standard for Construction Work.

Insertion of new ss 185A—185C

Clause 89 inserts a new s 185A to provide for the chief executive to access documents including documents held by a third party to be consistent with the amendments made to s 122 (Clause 84).

The new s 185B also provides that an employer under this Act must provide information to the chief executive regarding statistical or other information relating to its activities as an employer or in relation to a workplace health and safety matter in the approved form.

The new s 185C provides that information acquired under s 122 or s 185A must not be disclosed by an official unless the disclosure is made with the consent of the person who provided the information, for the administration of the Act, or in a proceeding under the Act.

Insertion of new part 17, division 3 (Transitional provisions) and sch 1 (Prescribed activities)

Clause 90 inserts transitional provisions for the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005*. The new s 192 provides that any prosecution for a breach of ss 24A and 28 to 29B of the *Workplace Health and Safety Act 1995* that were in force prior to the commencement of this section still apply to a prosecution.

Clause 90 also inserts a new schedule which outlines what are the prescribed activities for the Act and sets out associated definitions. This schedule has been shifted to the Act from the *Workplace Health and Safety Regulation 1997*.

Amendment of sch 3 (Dictionary)

Clause 91 omits, amends and inserts various definitions. In particular, the clause:

- removes the definitions of 'building work', 'civil construction work', 'construction work', 'construction workplace', 'demolition work', 'owner' and 'principal contractor';

- inserts new definitions of 'structure', 'client', 'project manager', 'prescribed activity', 'BCA', 'Building Code of Australia', 'class 1A building' and 'workplace health and safety contribution notice';
- inserts amended definitions of 'construction work', 'principal contractor', 'demolition work' and 'owner'; and
- inserts new and amended definitions (transferred from the *Workplace Health and Safety Regulation 1997*) relating to 'asbestos', 'asbestos materials', 'asbestos containing material', 'asbestos removal work', 'friable asbestos containing material', 'bonded asbestos containing material', 'unbonded asbestos containing material; and 'asbestos fibre'.

The clause also makes a number of consequential amendments and additions to the dictionary as a result of other amendments made by this Bill.

Part 4 Amendment of Industrial Relations Act 1999

Act amended in pt 4

Clause 92 provides that Part 4 of the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005* amends the *Industrial Relations Act 1999*.

Amendment of s 93 (Dismissal of injured employees only after 6 months)

Clause 93 amends s 93 which provides that it is an offence for the employer to dismiss an employee within six months of the employee becoming injured under the *Workers' Compensation and Rehabilitation Act 2003*, solely or mainly because the employee is not fit for employment in a position because of the injury. The clause extends the period of time that the employer must provide employment security to 12 months.

Omission of s 95 (Reinstatement of injured employees)

Clause 94 omits s 95 which provides for the reinstatement of an employee after they have been dismissed because they are not fit for duty. This provision is no longer necessary due to the extension of employment security under s 93.

Amendment of s 267 (Commission's jurisdictions is exclusive)

Clause 95 amends s 267 which establishes that the commission's original and appellate jurisdiction is exclusive unless otherwise prescribed by the *Industrial Relations Act 1999*. The clause amends s267 to insert after "under this Act" the words "or another Act" as this was overlooked in the previous amendments to this section.

Insertion of new ch 20, pt 4

Clause 96 inserts a transitional provision that provides that s 95 continues to apply for those employees dismissed under s 93 before the commencement of the *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2005*.

Schedule Minor Amendments

Workers' Compensation and Rehabilitation Act 2003

The schedule, clauses 1 – 19, makes minor amendments to various provisions of the *Workers' Compensation and Rehabilitation Act 2003*. This includes:

- consequential amendments as a result of inserting a new division which provides for the compensation payable to workers with terminal conditions that are latent onset injuries (Clause 16); and
- correction of a number of grammatical and typographical errors identified in the *Workers' Compensation and Rehabilitation Act 2003*.

Workplace Health and Safety Act 1995

The schedule, clauses 1 – 19, makes minor amendments to various provisions of the *Workplace Health and Safety Act 1995*. This includes:

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- updating a number of relevant examples in the Act as a result of other amendments made by this Act; and
- making a number of consequential amendments as a result of other amendments made by this Act.