

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2010

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Cameron Dick MP, Attorney-General and Minister for Industrial Relations

Title of the Bill

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2010

Objectives of the amendments

The objectives of the amendments are to correct an error and to clarify the courts' discretion to decide damages for loss of future superannuation contributions for workers.

Estimated Cost for Government Implementation

There are no costs to government in implementing the amendments.

Consistency with Fundamental Legislative Principles

The amendment does not raise any fundamental legislative principles.

Consultation

WorkCover Queensland

Queensland Council of Unions

Australian Lawyers Alliance

Notes on Provisions

Clause 1 amends clause 12 of the Bill to correct an error.

Clause 2 amends clause 21 of the Bill to omit proposed new section 306K, which provides that damages for loss of superannuation entitlements, if awarded, be limited to the nine percent superannuation guarantee charge. Some categories of workers receive more generous employer superannuation contributions. For example, construction workers receive 12.5 percent. Given that these contributions may form a significant portion of damages, courts are to retain the discretion to decide damages for loss of future superannuation contributions for workers.

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