

Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill 2017

Explanatory Notes

**For an amendment to be moved during consideration in detail by
The Honourable Grace Grace MP
Minister for Employment and Industrial Relations
Minister for Racing and
Minister for Multicultural Affairs**

Short title

The short title of the Bill is the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill 2017.

Policy objectives and the reasons for them

The amendment to be moved during consideration in detail supports a fundamental policy underpinning the Bill that is to amend the *Workers' Compensation and Rehabilitation Act 2003* (the Act) to address concerns about former or retired coal workers not undergoing medical testing for Coal Workers' Pneumoconiosis due to the high costs involved.

The amendment acknowledges and responds to an issue arising from consideration of the Bill by the Finance and Administration Committee to better deliver on the Bill's policy objectives. In particular recommendation four of 'Report No. 44, 55th Parliament Finance and Administration Committee August 2017' recommended the Bill be amended to:

- i. provide clarity on who bears responsibility for medical examination costs for miners who demonstrate six months of exposure to coal dust at more than one worksite in Queensland; and
- ii. ensure reasonable travel costs incurred to attend the medical examinations are not borne by the coal worker.

In particular it is not proposed (as per recommendation 4(i)) to provide clarity on who bears the responsibility for medical examination costs for miners. The apportionment of workers' compensation costs between different employers is a complex matter and given this complexity it should continue to be managed administratively within the scheme.

It is proposed that an amendment be made to the Bill consistent with recommendation 4(ii) to clarify that the all necessary and reasonable travel costs incurred to attend the medical examination are not borne by the coal worker. The intention is that insurers should pay for the reasonable travel expenses of former coal workers to attend a medical examination consistent with their obligations under section 219 of the Act to pay for reasonable travel expenses related to obtaining medical treatment, undertaking rehabilitation, attending a medical assessment tribunal or undertaking an examination.

Achievement of policy objectives

The objectives are achieved by amending clause 28 which introduces medical examinations for former coal workers to clarify that an insurer must pay the travelling expenses that the insurer considers are necessary and reasonable, incurred by a person for attending the lung disease examination.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Estimated cost for government implementation

There are no additional costs associated with the amendment to be moved during consideration in detail. Travel expenses were already factored into the costs for the medical examination and these costs were outlined to the Finance and Administration Committee at their public hearing on 10 July this year.

As noted in the existing explanatory notes the cost of these examinations will be included in each employer's premium or borne directly by self-insurers. There will be no cost impact for other employers in the scheme.

Consistency with fundamental legislative principles

The amendment is consistent with fundamental legislative principles.

Consultation

The amendment to be moved during consideration in detail has been informed by stakeholder feedback on the Bill, including through submissions provided to the Finance and Administration Committee as part of the Inquiry into the Bill.

Notes on provisions

Amendment 1 amends clause 28, new section 325D to provide that an insurer must pay the travelling expenses that the insurer considers are necessary and reasonable, incurred by a person for attending the lung disease examination.