

# **Proclamation – *Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024***

Explanatory notes for SL 2024 No. 239

Made under the

*Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024*

## **General outline**

### **Short title**

Proclamation commencing the remaining provisions of the *Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024*.

### **Authorising law**

Section 2(2) of the *Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024*.

### **Policy objectives and the reasons for them**

The proclamation commences the remaining provisions of the *Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024* (Amendment Act). The Amendment Act gives effect to the Queensland Government’s response to recommendations from the 2023 Review of the operation of the Queensland workers’ compensation scheme (Review).

Section 2(2) of the Amendment Act provides that particular provisions commence on a day to be fixed by Proclamation.

Certain provisions commenced by the proclamation (sections 24, 26 and 59) amend the *Workers’ Compensation and Rehabilitation Act 2003* (WCR Act) to enable a regulation extending workers’ compensation coverage to be made in response to a minimum standards order, minimum standards guideline, or relevant collective agreement made or registered by the Fair Work Commission under new provisions of the *Fair Work Act 2009* (Cth).

These sections of the WCR Act enable a regulation to prescribe regulated workers and regulated businesses covered by such instruments, or to whom such instruments apply, as a 'worker' and 'employer' for the WCR Act. They were introduced to implement the Government's preferred approach in the *Decision Impact Analysis Statement in relation to regulatory proposals to extend workers' compensation coverage to gig workers and bailee taxi and limousine drivers* (Decision IAS) as noted in the Explanatory Notes for the Amendment Act.

Noting the new provisions of the *Fair Work Act 2009* (Cth) commenced on 26 August 2024 it is appropriate for sections 24, 26 and 59 to commence as soon as possible.

The remaining provisions commenced by proclamation (sections 29, 34 and 64) amend the WCR Act and *Workers' Compensation and Rehabilitation Regulation 2014* by requiring information statements about the workers' compensation scheme to be given to workers (by their employer) and workers and employers (by the insurer) on commencement of employment and on lodgement of a workers' compensation claim, respectively. The information statements will contain information on the respective rights and obligations of workers and employers in the scheme with a view to assisting them to navigate the scheme. The prospective start date of 1 January 2025 provides adequate lead in time for insurers and employers to be in a position to disseminate the required statement and provides certainty for when this obligation commences.

## **Achievement of policy objectives**

The policy objective is achieved by fixing:

- 27 September 2024 as the commencement date for the provisions of the Amendment Act enabling workers' compensation coverage to be extended by regulation (sections 24, 26 and 59); and
- 1 January 2025 as the commencement date for the remaining provisions of the Amendment Act relating to information statements (sections 29, 34 and 64).

## **Consistency with policy objectives of authorising law**

The proclamation is consistent with the policy objectives of the Amendment Act.

## **Inconsistency with policy objectives of other legislation**

The proclamation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The proclamation is the only effective means of achieving the policy objective.

## **Benefits and costs of implementation**

A full assessment of the benefits and costs of implementation of the amendments was undertaken in the related Summary Impact Analysis Statement and the Decision IAS as noted in the Explanatory Notes for the Amendment Act.

Fixing a date for the commencement of the remaining provisions is machinery in nature and does not result in any change to regulatory policy or new impacts on business, government or the community.

## **Consistency with fundamental legislative principles**

The proclamation is consistent with fundamental legislative principles.

## **Consultation**

Extensive consultation occurred with key scheme stakeholders during the Review and drafting of the WCR Act, including on the commencement provisions. Key scheme stakeholders included registered industrial organisations, medical and allied health groups, and the legal profession.

The Office of Industrial Relations commits to consulting key scheme stakeholders on the draft information statements prior to them being finalised.