

Queensland



**WORKERS'  
COMPENSATION  
AMENDMENT BILL 1993**

Queensland



**WORKERS' COMPENSATION  
AMENDMENT BILL 1993**

**TABLE OF PROVISIONS**

| Section                              | Page     |
|--------------------------------------|----------|
| 1 Short title .....                  | 4        |
| 2 Commencement .....                 | 4        |
| 3 Amended Act .....                  | 4        |
| 4 Amendment of s.4.1(The Fund) ..... | 4        |
| <b>SCHEDULE</b> .....                | <b>6</b> |

**MINOR AMENDMENTS**



**1993**

---

**A BILL**

**FOR**

***An Act to amend the Workers' Compensation Act 1990***

---

|                                                                                                                                                        |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>The Parliament of Queensland enacts—</b>                                                                                                            | 1              |
| <b>Short title</b>                                                                                                                                     | 2              |
| <i>Clause1.</i> This Act may be cited as the <i>Workers' Compensation Amendment Act 1993</i> .                                                         | 3<br>4         |
| <b>Commencement</b>                                                                                                                                    | 5              |
| <i>Clause2.</i> Section 4(2) is taken to have commenced on 1 January 1991.                                                                             | 6              |
| <b>Amended Act</b>                                                                                                                                     | 7              |
| <i>Clause3.</i> The <i>Workers' Compensation Act 1990</i> is amended as set out in this Act.                                                           | 8<br>9         |
| <b>Amendment of s.4.1(The Fund)</b>                                                                                                                    | 10             |
| <i>Clause4.(1)</i> Section 4.1(1A)—                                                                                                                    | 11             |
| omit ‘, manage and control’, insert ‘and manage’.                                                                                                      | 12             |
| <b>(2)</b> Section 4.1(3)—                                                                                                                             | 13             |
| omit, insert—                                                                                                                                          | 14             |
| <b>‘(3)</b> Amounts standing to the credit of the Fund are to be applied in making—                                                                    | 15<br>16       |
| (a) payments in relation to policies, whether of accident insurance or other insurance business under this Act; and                                    | 17<br>18       |
| (b) payments in relation to the administration of accident insurance business or other insurance business undertaken by or on behalf of the Board; and | 19<br>20<br>21 |
| (c) payments for purposes that the Board considers will assist in—                                                                                     | 22             |
| (i) the treatment or alleviation of injury suffered by workers; or                                                                                     | 23             |
| (ii) the recognition or prevention of injury to workers; and                                                                                           | 24             |

(d) payments required under this Act to be made from the Fund.

**‘(4)** A payment of the kind mentioned in subsection (3)(c) may be made only with the Minister’s approval.’.

1

2

3

4

|                                                                                                                                            |    |
|--------------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>SCHEDULE</b>                                                                                                                            | 1  |
| <b>MINOR AMENDMENTS</b>                                                                                                                    | 2  |
| section 3                                                                                                                                  | 3  |
| <b>1. Section 1.2(3)—</b>                                                                                                                  | 4  |
| <i>omit.</i>                                                                                                                               | 5  |
| <b>2. Section 1.9(3)—</b>                                                                                                                  | 6  |
| <i>omit</i> ‘relict’, <i>insert</i> ‘surviving spouse’.                                                                                    | 7  |
| <b>3. Section 2.1(1) (definition “relict”)—</b>                                                                                            | 8  |
| <i>omit.</i>                                                                                                                               | 9  |
| <b>4. Section 2.1(1)—</b>                                                                                                                  | 10 |
| <i>insert—</i>                                                                                                                             | 11 |
| ‘ “commencement of this Act” means the day appointed under section 1.2(2);’.                                                               | 12 |
|                                                                                                                                            | 13 |
| <b>5. Section 2.1(1) (definition “medical treatment”, paragraph (a)(viii))—</b>                                                            | 14 |
| <i>omit, insert—</i>                                                                                                                       | 15 |
| ‘(viii)a registered speech pathologist;’.                                                                                                  | 16 |
|                                                                                                                                            | 17 |
| <b>6. Section 2.1(1) (definitions “jockey” and “public hospital”)—</b>                                                                     | 18 |
| <i>omit, insert—</i>                                                                                                                       | 19 |
| ‘ “jockey” means a person who is licensed as a jockey under the <i>Racing and Betting Act 1980</i> by the Queensland Principal Club or the | 20 |
|                                                                                                                                            | 21 |

## SCHEDULE (continued)

|                                                                           |    |
|---------------------------------------------------------------------------|----|
| Queensland Harness Racing Board;                                          | 1  |
| <b>“public hospital”</b> means a hospital controlled by a Regional Health | 2  |
| Authority established under the <i>Health Services Act 1991</i> ;         | 3  |
| <b>7. Section 2.1(4)—</b>                                                 | 4  |
| omit.                                                                     | 5  |
| <b>8. Section 3.2(a)—</b>                                                 | 6  |
| omit ‘nominated by the Minister’.                                         | 7  |
| <b>9. Section 3.2(b), (d) and (e)—</b>                                    | 8  |
| omit ‘nominated by the Minister,’.                                        | 9  |
| <b>10. Section 3.2(c)—</b>                                                | 10 |
| omit, insert—                                                             | 11 |
| ‘(c) a medical practitioner who is an officer of the department that      | 12 |
| deals with matters under the <i>Health Act 1937</i> ;                     | 13 |
| <b>11. Section 3.4(2)—</b>                                                | 14 |
| omit, insert—                                                             | 15 |
| ‘(2) A person appointed as a deputy of a member of the Board is entitled  | 16 |
| to act as a member of the Board in the member’s absence.’.                | 17 |
| <b>12. Section 3.4(3)—</b>                                                | 18 |
| omit ‘is to be made on the nomination of the Minister and as far as       | 19 |
| practicable such nomination must’,                                        | 20 |
| insert ‘must, as far as practicable,’.                                    | 21 |

## SCHEDULE (continued)

|                                                                               |    |
|-------------------------------------------------------------------------------|----|
| <b>13. Section 3.6(1A)—</b>                                                   | 1  |
| <i>omit.</i>                                                                  | 2  |
| <b>14. Section 3.16—</b>                                                      | 3  |
| <i>omit.</i>                                                                  | 4  |
| <b>15. Section 3.21—</b>                                                      | 5  |
| <i>omit, insert—</i>                                                          | 6  |
| <b>‘General Manager’s power of delegation</b>                                 | 7  |
| ‘3.21 The General Manager may delegate the General Manager’s powers           | 8  |
| under this Act to an officer of the Board.’.                                  | 9  |
| <b>16. Section 4.5(3)—</b>                                                    | 10 |
| <i>omit, insert—</i>                                                          | 11 |
| ‘(3) The Governor in Council may approve a scheme for the distribution        | 12 |
| of an amount available for distribution under subsection (1).                 | 13 |
| ‘(4) If a scheme is approved by the Governor in Council, the amount           | 14 |
| available for distribution is to be distributed in accordance with the scheme | 15 |
| among holders of policies in force at any time during the year to which the   | 16 |
| report furnished under subsection (1) relates.’.                              | 17 |
| <b>17. Section 5.2(3)(c)—</b>                                                 | 18 |
| <i>omit</i> ‘in accordance with the <i>Oaths Act 1867</i> ’.                  | 19 |
| <b>18. Section 5.5—</b>                                                       | 20 |
| <i>insert—</i>                                                                | 21 |
| ‘(3) Compensation under this Act is not payable in respect of injury          | 22 |
| suffered by a jockey if the injury relates to a horse race or trotting race   | 23 |

## SCHEDULE (continued)

|                                                                                                                             |          |
|-----------------------------------------------------------------------------------------------------------------------------|----------|
| conducted at a place at which the jockey is not authorised under the <i>Racing and Betting Act 1980</i> to ride or drive.’. | 1<br>2   |
| <b>19. Section 5.8(7)—</b>                                                                                                  | 3        |
| omit ‘of the Department of Community Services and Health’.                                                                  | 4        |
| <b>20. Section 6.2(3)—</b>                                                                                                  | 5        |
| omit ‘on which the subsection so waived does not apply to the application’.                                                 | 6<br>7   |
| <b>21. Section 7.3(3)—</b>                                                                                                  | 8        |
| omit ‘or the <i>State Service Superannuation Act 1972</i> , or any Act passed in substitution’,                             | 9<br>10  |
| insert ‘, the <i>State Service Superannuation Act 1972</i> or the <i>Superannuation (State Public Sector) Act 1990</i> ’.   | 11<br>12 |
| <b>22. Section 7.6—</b>                                                                                                     | 13       |
| omit ‘relict’, insert ‘surviving spouse’.                                                                                   | 14       |
| <b>23. Section 7.6—</b>                                                                                                     | 15       |
| omit ‘relict’s’, insert ‘surviving spouse’s’.                                                                               | 16       |
| <b>24. Section 7.14(1) and (2)—</b>                                                                                         | 17       |
| omit ‘relict’, insert ‘surviving spouse’.                                                                                   | 18       |
| <b>25. Section 8.1(1) (Table, Column 1, paragraph (b)(ii))—</b>                                                             | 19       |
| omit ‘or college of advanced education’.                                                                                    | 20       |

## SCHEDULE (continued)

|                                                                                                |    |
|------------------------------------------------------------------------------------------------|----|
| <b>26. Section 8.1(1) (Table, Column 1, paragraph (b)(iv))—</b>                                | 1  |
| <i>omit, insert—</i>                                                                           | 2  |
| ‘(iv) by a Regional Health Authority established under the <i>Health Services Act 1991</i> ;’. | 3  |
|                                                                                                | 4  |
| <b>27. Section 8.1(1) (Table, Column 2, opposite paragraph (f) in Column 1)—</b>               | 5  |
|                                                                                                | 6  |
| <i>omit ‘widow’s’, insert ‘class B widow’.</i>                                                 | 7  |
| <b>28. Section 8.7(1)—</b>                                                                     | 8  |
| <i>omit ‘for the time being, by order in council’, insert ‘by regulation’.</i>                 | 9  |
| <b>29. Section 8.7(2)—</b>                                                                     | 10 |
| <i>omit ‘An order in council’, insert ‘A regulation’.</i>                                      | 11 |
| <b>30. Section 8.7(3)—</b>                                                                     | 12 |
| <i>omit ‘order in council’, insert ‘regulation’.</i>                                           | 13 |
| <b>31. Section 8.7(3)(a) and (b)—</b>                                                          | 14 |
| <i>omit ‘order’, insert ‘regulation’.</i>                                                      | 15 |
| <b>32. Section 8.11—</b>                                                                       | 16 |
| <i>omit ‘order in council’, insert ‘regulation’.</i>                                           | 17 |
| <b>33. Section 8.13(1) (Table, Column 1, paragraph (c))—</b>                                   | 18 |
| <i>omit ‘relict’, insert ‘surviving spouse’.</i>                                               | 19 |

## SCHEDULE (continued)

|                                                                                  |    |
|----------------------------------------------------------------------------------|----|
| <b>34. Section 8.15(1) (Table, Column 1, paragraph (a) and (b))—</b>             | 1  |
| <i>omit</i> ‘relict’, <i>insert</i> ‘surviving spouse’.                          | 2  |
| <b>35. Section 8.24(3)—</b>                                                      | 3  |
| <i>omit</i> ‘accepted as reasonable, on which the Board is liable to pay the fee | 4  |
| or cost as so increased in that particular case’.                                | 5  |
| <b>36. Section 8.27(1)(a)—</b>                                                   | 6  |
| <i>omit</i> ‘Transport Brigade’, <i>insert</i> ‘Service’.                        | 7  |
| <b>37. Section 8.27(4)—</b>                                                      | 8  |
| <i>omit, insert—</i>                                                             | 9  |
| ‘(4) If—                                                                         | 10 |
| (a) a worker is not entitled under subsection (3)(a) to be recouped by           | 11 |
| the Board for travelling expenses; and                                           | 12 |
| (b) in a period of 7 consecutive days, the worker incurs travelling              | 13 |
| expenses in reasonably travelling at least 150 km to and from a                  | 14 |
| place for the purpose of seeking medical or hospital treatment for               | 15 |
| an injury suffered by the worker;                                                | 16 |
| the Board is liable to recoup the worker for the expenses.’.                     | 17 |
| <b>38. Section 8.28(4)—</b>                                                      | 18 |
| <i>omit, insert—</i>                                                             | 19 |
| ‘(4) Within 60 days after receiving written notice of the suspension of the      | 20 |
| entitlement to compensation, the worker may, by written notice given to the      | 21 |
| Board, require the General Manager to refer the suspension to an Industrial      | 22 |
| Magistrate.                                                                      | 23 |
| ‘(5) If the Board receives a notice under subsection (4), the General            | 24 |
| Manager must immediately refer the suspension to an Industrial Magistrate.       | 25 |

## SCHEDULE (continued)

|                                                                                                                                                                                                                             |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| '(6) The Industrial Magistrate is to review the suspension and may confirm or revoke the General Manager's decision.'                                                                                                       | 1<br>2         |
| <b>39. Section 8.32—</b>                                                                                                                                                                                                    | 3              |
| <i>omit, insert—</i>                                                                                                                                                                                                        | 4              |
| <b>'Variation of payments for mining diseases</b>                                                                                                                                                                           | 5              |
| <b>'8.32 If—</b>                                                                                                                                                                                                            | 6              |
| (a) the prescribed base rate; or                                                                                                                                                                                            | 7              |
| (b) the amount of age, invalid or class B widow pension payable under the <i>Social Security Act 1991</i> of the Commonwealth;                                                                                              | 8<br>9         |
| is varied, the Governor in Council may, by regulation, vary any payment or amount to which a person is entitled under the <i>Workers' Compensation Act 1916</i> in respect of the disease silicosis or anthraco-silicosis.' | 10<br>11<br>12 |
| <b>40. Section 9.2(2)—</b>                                                                                                                                                                                                  | 13             |
| <i>omit, insert—</i>                                                                                                                                                                                                        | 14             |
| '(2) The Governor in Council, by Gazette notice, is to appoint, for a specified period of not more than 3 years, a panel of 16 medical practitioners as members of the General Medical Assessment Tribunal.'                | 15<br>16<br>17 |
| <b>41. Section 9.2(4) and (5)—</b>                                                                                                                                                                                          | 18             |
| <i>omit, insert—</i>                                                                                                                                                                                                        | 19             |
| '(4) The Governor in Council, by Gazette notice, may appoint an alternate panel of members for a specified period of not more than 3 years.'                                                                                | 20<br>21       |
| <b>42. Section 9.2(6)—</b>                                                                                                                                                                                                  | 22             |
| <i>renumber</i> as subsection (5).                                                                                                                                                                                          | 23             |

## SCHEDULE (continued)

|                                                                                                                                                                                      |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>43. Section 9.3(1)—</b>                                                                                                                                                           | 1              |
| <i>omit</i> 'order in council', <i>insert</i> 'Gazette notice'.                                                                                                                      | 2              |
| <b>44. Section 9.3(2)—</b>                                                                                                                                                           | 3              |
| <i>omit</i> 'order in council', <i>insert</i> 'Gazette notice'.                                                                                                                      | 4              |
| <b>45. Section 9.4(1)—</b>                                                                                                                                                           | 5              |
| <i>omit</i> 'order in council by which the panel is appointed, or by another<br>such order, or other such orders',                                                                   | 6<br>7         |
| <i>insert</i> 'Gazette notice'.                                                                                                                                                      | 8              |
| <b>46. Section 9.4(2)—</b>                                                                                                                                                           | 9              |
| <i>omit, insert—</i>                                                                                                                                                                 | 10             |
| '(2) If the chairperson is not available to attend to the business of the<br>General Medical Assessment Tribunal, a deputy chairperson is to act as<br>chairperson of the Tribunal.' | 11<br>12<br>13 |
| <b>47. Section 9.6(3) and (4)—</b>                                                                                                                                                   | 14             |
| <i>omit, insert—</i>                                                                                                                                                                 | 15             |
| '(3) Each member of a specialty medical assessment tribunal is to be<br>appointed by the Governor in Council by Gazette notice.                                                      | 16<br>17       |
| '(4) The Governor in Council may appoint not more than 25 alternate<br>members of a specialty medical assessment tribunal.                                                           | 18<br>19       |
| '(4A) A member or alternate member is to be appointed for a term of not<br>more than 3 years specified in the Gazette notice making the appointment.'                                | 20<br>21       |
| <b>48. Section 9.7 and 9.8—</b>                                                                                                                                                      | 22             |
| <i>omit, insert—</i>                                                                                                                                                                 | 23             |

## SCHEDULE (continued)

|                                                                                                                                                  |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>‘Vacation of office as member or alternate member of specialty medical assessment tribunal</b>                                                | 1<br>2   |
| <b>‘9.7</b> A person is taken to have vacated the office of member or alternate member of a specialty medical assessment tribunal if the person— | 3<br>4   |
| (a) dies; or                                                                                                                                     | 5        |
| (b) resigns that office by signed notice given to the Minister; or                                                                               | 6        |
| (c) becomes incapable of discharging the duties of the office; or                                                                                | 7        |
| (d) if the General Manager nominated the person under section 9.6(2)—becomes an employee of the Board.                                           | 8<br>9   |
| <b>‘Constitution of specialty medical assessment tribunal in absence of members</b>                                                              | 10<br>11 |
| <b>‘9.8</b> If—                                                                                                                                  | 12       |
| (a) a member of a specialty medical assessment tribunal is unavailable to attend to the business of the tribunal; or                             | 13<br>14 |
| (b) there is a vacancy in the membership of a specialty medical assessment tribunal;                                                             | 15<br>16 |
| an alternate member for the tribunal designated by the General Manager is to act as a member of the tribunal.’.                                  | 17<br>18 |
| <b>49. Section 9.15(2)(a)—</b>                                                                                                                   | 19       |
| omit ‘Director-General of Health and Medical Services’,                                                                                          | 20       |
| insert ‘Chief Health Officer within the meaning of the <i>Health Act 1937</i> ’.                                                                 | 21       |
| <b>50. Section 9.15(3)—</b>                                                                                                                      | 22       |
| omit ‘by the Director-General’, insert ‘under subsection (2)(a)’.                                                                                | 23       |

## SCHEDULE (continued)

|                                                                                     |    |
|-------------------------------------------------------------------------------------|----|
| <b>51. Section 11.9(1)—</b>                                                         | 1  |
| <i>omit, insert—</i>                                                                | 2  |
| ‘(b) the Director, an inspector or another officer concerned in the                 | 3  |
| administration of the <i>Workplace Health and Safety Act 1989</i> ;’.               | 4  |
| <b>52. Part 12 (Heading)—</b>                                                       | 5  |
| <i>omit ‘AND ORDERS IN COUNCIL’.</i>                                                | 6  |
| <b>53. Section 12.1(u)—</b>                                                         | 7  |
| <i>omit, insert—</i>                                                                | 8  |
| ‘(u) contraventions of a regulation and fixing a penalty for a                      | 9  |
| contravention of a fine of not more than 4 penalty units;’.                         | 10 |
| <b>54. Section 12.3—</b>                                                            | 11 |
| <i>omit.</i>                                                                        | 12 |
| <b>55. Sections 3.2(a), 3.2(b), 3.8(2), 3.9(1A), 3.9(2), 3.11(1), (1A), (2) and</b> | 13 |
| <b>(6), 3.12(1), 3.13(1) and (1B), 3.15, 9.2(1), 9.4(1), (2A) and (3), 9.5(1),</b>  | 14 |
| <b>(1A), (2), (2A) and (3), 9.9(1) and (2), 9.15(3), 9.16(3) and (4),</b>           | 15 |
| <b>9.20(2)—</b>                                                                     | 16 |
| <i>omit ‘chairmember’, insert ‘chairperson’.</i>                                    | 17 |
| <b>56. Section 9.4(1)—</b>                                                          | 18 |
| <i>omit ‘chairmembers’, insert ‘chairpersons’.</i>                                  | 19 |
| <b>57. Section 9.4 (heading)—</b>                                                   | 20 |
| <i>omit, insert—</i>                                                                | 21 |

## SCHEDULE (continued)

**‘Chairperson and deputy chairperson of General Medical Assessment Tribunal’.**

1  
2

**58. Section 9.4(2A)—**

3

*omit ‘chairmember’s’, insert ‘chairperson’s’.*

4

**59. Section 9.9 (heading)—**

5

*omit ‘Chairmember’, insert ‘Chairperson’.*

6

7