



Queensland

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015

Includes amendments agreed during Consideration



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Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015

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2015

A Bill

for

An Act to amend the *Electrical Safety Act 2002*, the *Industrial Relations Act 1999*, the *Industrial Relations (Tribunals) Rules 2011*, the *Trading (Allowable Hours) Act 1990*, the *Workers' Compensation and Rehabilitation Act 2003* and the *Work Health and Safety Act 2011* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015*.

2 Commencement

- (1) Part 2, divisions 1 and 2 are taken to have commenced on 31 January 2015.
- (2) Part 2, division 3 is taken to have commenced on the day the Bill for this Act was introduced into the Legislative Assembly.
- (3) Part 2, division 5 commences on a day to be fixed by proclamation.

Part 2 Amendment of Workers' Compensation and Rehabilitation Act 2003

Division 1 Preliminary

3 Act amended

This part amends the *Workers' Compensation and Rehabilitation Act 2003*.

Division 2 Amendments commencing on 31 January 2015

4 Amendment of s 132A (Applying for assessment of DPI before applying for compensation)

- (1) Section 132A, heading, 'before applying'—

omit, insert—

if no application made

- (2) Section 132A—

insert—

- (6) The insurer must, within 40 business days after an application under subsection (2) is made, decide to allow or reject the application.
- (7) The insurer may reject the application only if satisfied the worker—
 - (a) was not a worker when the injury was sustained; or
 - (b) has not sustained an injury.
- (8) The insurer must notify the worker of its decision on the application.
- (9) If the insurer rejects the application, the insurer must also, when giving the worker notice of its decision, give the worker written reasons for the decision and the information prescribed by regulation.
- (10) If the worker is aggrieved by the insurer's decision on the application, the worker may have the decision reviewed under chapter 13.
- (11) If the insurer does not decide the application within the time stated in subsection (6)—

[s 5]

- (a) the insurer must, within 5 business days after the end of the time stated in subsection (6), notify the worker—
 - (i) of its reasons for not deciding the application; and
 - (ii) that the worker may have the insurer's failure to decide the application reviewed under chapter 13; and
 - (b) the worker may have the insurer's failure to decide the application reviewed under chapter 13.
- (12) To remove any doubt, it is declared that a decision of the insurer to allow the application does not entitle the worker to compensation for the injury.

5 Insertion of new s 132B

After section 132A—

insert—

132B Applying for certificate of dependency

- (1) This section applies to a person who—
 - (a) wishes to seek damages as a dependant of a deceased worker; and
 - (b) has not made an application under section 132.
- (2) The person may apply to the insurer for the issue of a certificate stating the person is a dependant of the deceased worker for the purpose of section 237(1)(b)(ii).
- (3) An application under subsection (2) must be—
 - (a) lodged with the insurer; and
 - (b) in the approved form; and

- (c) accompanied by—
 - (i) a certificate in the approved form given by a doctor who attended the deceased worker; and
 - (ii) any other evidence or particulars prescribed by regulation.
- (4) The insurer must, within 40 business days after the application is made, decide to allow or reject the application.
- (5) The insurer may reject the application only if satisfied—
 - (a) the person is not a dependant of the deceased worker; or
 - (b) the deceased worker was not a worker when the injury was sustained; or
 - (c) the deceased worker did not sustain an injury; or
 - (d) the injury did not result in the worker's death.
- (6) The insurer must notify the person of its decision on the application.
- (7) If the insurer rejects the application, the insurer must also, when giving the person notice of its decision, give the person written reasons for the decision and the information prescribed by regulation.
- (8) If the person is aggrieved by the insurer's decision on the application, the person may have the decision reviewed under chapter 13.
- (9) If the insurer does not decide the application within the time stated in subsection (4)—
 - (a) the insurer must, within 5 business days after the end of the time stated in subsection (4), notify the person—

[s 6]

- (i) of its reasons for not deciding the application; and
 - (ii) that the person may have the insurer's failure to decide the application reviewed under chapter 13; and
- (b) the person may have the insurer's failure to decide the application reviewed under chapter 13.
- (10) To remove any doubt, it is declared that a decision of the insurer to allow the application does not entitle the person to compensation for the injury.

6 **Amendment of s 237 (General limitation on persons entitled to seek damages)**

Section 237(1)—

omit, insert—

- (1) The following are the only persons entitled to seek damages for an injury sustained by a worker—
 - (a) the worker, if the worker—
 - (i) has received a notice of assessment from the insurer for the injury; or
 - (ii) has not received a notice of assessment for the injury, but—
 - (A) has received a notice of assessment for any injury resulting from the same event (the ***assessed injury***); and
 - (B) for the assessed injury, the worker has a DPI of 20% or more or, under section 239, has elected to seek damages; or
 - (iii) has a terminal condition;

- (b) a dependant of the deceased worker, if the injury results in the worker's death and—
 - (i) compensation for the worker's death has been paid to, or for the benefit of, the dependant under chapter 3, part 11; or
 - (ii) a certificate has been issued by the insurer to the dependant under section 132B.

7 Insertion of new s 239A

Chapter 5, part 2, division 1—

insert—

239A Worker with more than 1 injury from an event

- (1) This section applies to a claimant who is a worker mentioned in section 237(1)(a)(ii).
- (2) The claimant can not have, and the insurer can not decide to have, the injury assessed under chapter 3, part 10 to decide if the claimant has sustained a DPI.
- (3) The insurer can not decide the claimant's notice of claim does not comply with section 275 only because the claimant has not received a notice of assessment for the injury.
- (4) However, the claimant may seek damages for the injury only if the insurer decides the claimant has sustained an injury.
- (5) The insurer must make a decision for subsection (4) within 40 business days after—
 - (a) the claimant gives, or is taken to have given, a complying notice of claim; or
 - (b) the claimant gives a notice of claim for which the insurer waives compliance with

[s 8]

- the requirements of section 275 with or without conditions; or
- (c) a court makes a declaration under section 297.
- (6) The insurer must—
 - (a) notify the claimant of its decision for subsection (4); and
 - (b) if the insurer decides the claimant has not sustained an injury—give the claimant written reasons for the decision; and
 - (c) if the insurer is WorkCover—also give the information mentioned in paragraphs (a) and (b) to the claimant's employer.
- (7) If the insurer does not make a decision for subsection (4) within the time stated in subsection (5)—
 - (a) the insurer must, within 5 business days after the end of the time stated in subsection (5), notify the claimant—
 - (i) of its reasons for not making the decision; and
 - (ii) that the claimant may have the insurer's failure to make the decision reviewed under chapter 13; and
 - (b) the claimant may have the insurer's failure to make the decision reviewed under chapter 13.
- (8) A person aggrieved by the insurer's decision may have the decision reviewed under chapter 13.

8 Amendment of s 296 (Claimant to have given complying notice of claim or insurer to have waived compliance)

Section 296(a), 'or (c)'—

omit.

9 Amendment of s 302 (Alteration of period of limitation)

Section 302(1)—

omit, insert—

- (1) A claimant may bring a proceeding for damages for a personal injury—
 - (a) within the period of limitation (the ***general limitation period***) allowed for bringing a proceeding for damages for personal injury under the *Limitations of Actions Act 1974*; or
 - (b) if schedule 5 provides for a different period for bringing the proceeding—within the period mentioned in schedule 5.

10 Amendment of s 540 (Application of pt 2)

(1) Section 540(1)(a)—

insert—

(viii) to allow or reject an application under section 132A or 132B; or

(xiii) for section 239A(4) that a claimant has or has not sustained an injury;

(2) Section 540(1)(b)—

insert—

(ia) to allow or reject an application under section 132A or 132B; or

(vi) for section 239A(4) that a claimant has or has not sustained an injury;

(3) Section 540(1)(c)—

omit, insert—

[s 11]

- (c) a failure by WorkCover or a self-insurer to make a decision—
 - (i) on an application under section 132A, 132B or 134 within the time stated in the section; or
 - (ii) for section 239A(4) within the time stated in section 239A(5).

11 Insertion of new ch 32

After chapter 31—

insert—

Chapter 32 Transitional provisions for Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015

Part 1 Preliminary

707 Definitions for ch 32

In this chapter—

amendment Act means the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015*.

former, for a provision, means the provision as in force from time to time before the repeal or amendment of the provision by the amendment Act.

Part 2 Amendments commencing on 31 January 2015

708 Definitions for pt 2

In this part—

pre-amended Act means this Act as in force before 31 January 2015.

transitional period means the period starting on 31 January 2015 and ending on the date of assent of the amendment Act.

709 Injuries sustained before 31 January 2015

- (1) This section applies if a worker sustained an injury before 31 January 2015.
- (2) The pre-amended Act continues to apply in relation to the injury as if the amendment Act had not been enacted.
- (3) Without limiting subsection (2)—
 - (a) the amount of compensation payable in relation to the injury must be worked out under the pre-amended Act; and
 - (b) chapter 5 of the pre-amended Act applies in relation to damages, or a proceeding for damages, for the injury.
- (4) Also, if an insurer made a decision on an application in relation to the injury under former

[s 11]

section 132A during the transitional period, a worker aggrieved by the decision may apply to have the decision reviewed under chapter 13.

710 Application under s 132A during transitional period

- (1) This section applies if, during the transitional period—
 - (a) an injury was sustained by a worker; and
 - (b) an application was made under section 132A to have the worker's injury assessed under section 179 to decide if the worker's injury has resulted in a DPI.
- (2) Former section 132A applies to the application, despite its amendment by the amendment Act.
- (3) However, if the worker is aggrieved by the insurer's decision on the application, the worker may apply to have the decision reviewed under chapter 13.
- (4) Nothing in this section affects another provision of this Act about deciding—
 - (a) whether a person was a worker; or
 - (b) whether a worker sustained an injury; or
 - (c) the date an injury was sustained.

711 Decision under s 189 not affected

- (1) This section applies if—
 - (a) a decision was made, or taken to have been made, by a worker under section 189 before the date of assent of the amendment Act; and
 - (b) the injury to which the decision relates was sustained during the transitional period.

- (2) The enactment of the amendment Act does not affect the decision.

12 Insertion of new sch 5

After schedule 4—

insert—

Schedule 5 Period of limitation

section 302(1)(b)

1 Worker who requests or is given notice of assessment

- (1) This section applies if—
- (a) less than 6 months before the end of the general limitation period, an insurer gives a worker a notice of assessment for an injury; or
 - (b) before the end of the general limitation period—
 - (i) a worker asks an insurer to have the worker's injury assessed to decide if the injury has resulted in a DPI; and
 - (ii) the insurer has not given the worker a notice of assessment for the injury.
- (2) A proceeding for damages for the injury may be brought—
- (a) within 6 months after the insurer gives the notice of assessment for the injury; or
 - (b) if, before the end of the period mentioned in paragraph (a), the worker advises the insurer that the worker does not agree with the DPI

[s 12]

stated in the notice of assessment for the injury—within 6 months after a tribunal decides the DPI.

2 Application for compensation subject to review or appeal

- (1) This section applies if, before the end of the general limitation period—
 - (a) a claimant lodges an application for compensation for an injury; and
 - (b) the application is or has been the subject of a review or appeal under chapter 13; and
 - (c) the application has not been accepted.
- (2) A proceeding for damages for the injury may be brought—
 - (a) within 6 months after the claimant's application is accepted; or
 - (b) if, before the end of the period mentioned in paragraph (a), the claimant asks the insurer to have the injury assessed to decide if the injury has resulted in a DPI—
 - (i) within 6 months after the insurer gives a notice of assessment for the injury; or
 - (ii) if, before the end of the period mentioned in subparagraph (i), the worker advises the insurer that the worker does not agree with the DPI stated in the notice of assessment for the injury—within 6 months after a tribunal decides the DPI.

3 Application for certificate of dependency

- (1) This section applies if, before the end of the general limitation period, a claimant applies for a

certificate under section 132B stating the claimant is a dependant of a deceased worker.

- (2) A proceeding for damages for the deceased worker's injury may be brought by the claimant within 6 months after the insurer issues the certificate.
- (3) Subsection (2) applies whether or not the certificate is issued following a review or appeal under chapter 13.

13 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

general limitation period see section 302(1)(a).

Division 3 Amendments commencing on introduction

14 Amendment of s 12 (Entitlements of persons mentioned in sdiv 1)

Section 12(2)—

omit, insert—

- (2) The contract must not cover the payment of damages for injury sustained by the person.
- (2A) However, the contract must cover the payment of damages if the person is a specified volunteer firefighter who sustains an injury that is a specified disease.

Note—

See also section 236A about the application of chapter 5 to specified volunteer firefighters.

[s 15]

15 Amendment of s 14 (Rural fire brigade member)

Section 14—

insert—

- (4) However, a person covered by the contract is also entitled to compensation if the person is a specified volunteer firefighter who sustains an injury that is a specified disease.
- (5) Subsections (3) and (4) do not limit section 12(2A).

16 Amendment of s 15 (Volunteer fire fighter or volunteer fire warden)

Section 15—

insert—

- (4) However, a person covered by the contract is also entitled to compensation if the person is a specified volunteer firefighter who sustains an injury that is a specified disease.
- (5) Subsections (3) and (4) do not limit section 12(2A).

17 Amendment of s 36A (Date of injury)

Section 36A—

insert—

- (2A) However, subsection (2)(b) does not apply if the latent onset injury is a specified disease and section 36D applies to the person.

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

Chapter 1, part 4, division 6—

insert—

Subdivision 3B Injuries sustained by firefighters

36B Definitions for sdiv 3B

In this subdivision—

employ includes engage.

firefighter means—

- (a) a fire officer under the *Fire and Emergency Services Act 1990*; or
- (b) a member of a rural fire brigade registered under the *Fire and Emergency Services Act 1990*, section 79; or
- (c) a volunteer fire fighter or volunteer fire warden engaged by the authority responsible for the management of the State's fire services; or
- (d) a person appointed or employed under the repealed *Fire Brigades Act 1964*, section 24; or
- (e) a person appointed or employed under the repealed *Rural Fires Act 1946*, section 9.

specified disease means a disease mentioned in schedule 4A, column 1.

36D Presumption of injury

- (1) This section applies to a person who—
 - (a) is diagnosed by a doctor for the first time as having a specified disease; and
 - (b) at any time before the diagnosis, was employed as a firefighter for at least the number of years mentioned in schedule 4A, column 2 opposite the specified disease.

[s 18]

- (2) For the purposes of an entitlement to compensation, the specified disease is taken to be an injury.
- (3) However, this section does not apply if it is proved that—
 - (a) the specified disease did not arise out of, or in the course of, the person's employment as a firefighter; or
 - (b) the person's employment as a firefighter is not a significant contributing factor to the specified disease.

36E Deciding number of years

- (1) This section applies for deciding the number of years of the person's employment as a firefighter for section 36D(1)(b).
- (2) A period of 12 months may be included only if, throughout the period, the person—
 - (a) was employed for the purpose of firefighting; and
 - (b) attended fires to the extent reasonably necessary to fulfil the purpose of the person's employment.
- (3) However, the number of years may be made up by taking into account—
 - (a) more than 1 period of employment; or
 - (b) periods of employment as more than 1 type of firefighter.

Example—

A person was employed for firefighting and attended fires for 10 years before working in administrative and management roles for another 20 years. For section 36D(1)(b), the person was employed as a firefighter for 10 years.

(4) In this section—

firefighting means extinguishing, controlling or preventing the spread of fires.

19 Insertion of new s 236A

Chapter 5, part 1—

insert—

236A Application of ch 5 to specified volunteer firefighter

- (1) This chapter applies to a specified volunteer firefighter who—
 - (a) is covered by a contract entered into with WorkCover for chapter 1, part 4, division 3, subdivision 1; and
 - (b) sustains an injury that is a specified disease; and
 - (c) is entitled to seek damages.
- (2) For applying this chapter to the specified volunteer firefighter—
 - (a) the firefighter is taken to be a worker; and
 - (b) the activity covered by the contract mentioned in subsection (1)(a) is taken to be the firefighter's employment; and
 - (c) the party with whom WorkCover entered the contract is taken to be the firefighter's employer; and
 - (d) an amount paid to the firefighter under the contract as compensation is taken to be compensation paid to the firefighter under chapter 3; and
 - (e) a document given, or a thing done, under the contract in relation to the payment of compensation to the firefighter is, to the

[s 20]

extent chapter 3 provides for an equivalent document or thing, taken to have been given or done under chapter 3.

Examples for subsection (2)(e)—

- a notice of assessment given to the firefighter
- an election made by the firefighter to seek damages
- the acceptance by the firefighter of an offer of lump sum compensation
- an assessment of the injury to decide if the injury has resulted in a DPI

20 Insertion of new ch 32, pt 3

Chapter 32, as inserted by this Act—

insert—

Part 3 Amendments commencing on introduction

712 Firefighter diagnosed with specified disease before commencement

Section 36D, as inserted by the amendment Act, does not apply to a person who was diagnosed by a doctor for the first time with a specified disease before the commencement.

713 Particular WorkCover contracts covering volunteers

- (1) This section applies to a contract of insurance entered into with WorkCover for chapter 1, part 4, division 3, subdivision 1 that—

- (a) was in force at any time during the transitional period; and
- (b) covered a volunteer firefighter.
- (2) The contract is taken to have covered the payment of damages to a specified volunteer firefighter who, during the transitional period, sustained an injury that was a specified disease.
- (3) In this section—

introduction day means the day the Bill for the amendment Act was introduced into the Legislative Assembly.

transitional period means the period starting on the introduction day and ending on the date of assent of the amendment Act.

21 Insertion of new sch 4A

After schedule 4—

insert—

Schedule 4A Specified diseases

sections 36B and 36D

Column 1	Column 2
Disease	Minimum number of years
primary site brain cancer	5 years
primary site bladder cancer	15 years
primary site kidney cancer	15 years
primary non-Hodgkins lymphoma	15 years
primary leukaemia	5 years
primary site breast cancer	10 years

[s 22]

Column 1	Column 2
Disease	Minimum number of years
primary site testicular cancer	10 years
multiple myeloma	15 years
primary site prostate cancer	15 years
primary site ureter cancer	15 years
primary site colorectal cancer	15 years
primary site oesophageal cancer	25 years

22 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

employ, for chapter 1, part 4, division 6, subdivision 3B, see section 36B.

firefighter see section 36B.

specified disease see section 36B.

specified volunteer firefighter means a person to whom section 36D applies, if the person was a volunteer firefighter for any period of the person's employment as a firefighter mentioned in section 36D(1)(b).

volunteer firefighter means a person mentioned in section 36B, definition *firefighter*, paragraph (b), (c) or (e).

Division 4 Amendments commencing on assent

23 Amendment of s 43 (Meaning of *workplace rehabilitation*)

Section 43, 'accredited by the Regulator'—

omit.

24 Amendment of s 44 (Meaning of *workplace rehabilitation policy and procedures*)

Section 44, 'that are accredited by the Regulator'—

omit.

25 Amendment of s 186 (Worker's disagreement with assessment of permanent impairment)

Section 186(6), after 'medical assessment'—

insert—

tribunal

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

Section 192, heading, 'certain workers'—

omit, insert—

workers with DPI of 30% or more

27 Amendment of s 327 (Functions of the Regulator)

(1) Section 327—

insert—

(ma)to conduct and defend proceedings under
this Act before a court or tribunal;

(2) Section 327(ma) and (n)—

renumber as section 327(n) and (o).

(3) Section 327—

insert—

(2) To remove any doubt, it is declared that
proceedings mentioned in subsection (1)(n) may

[s 28]

be taken by or against the Regulator in the name
'the Workers' Compensation Regulator'.

28 Amendment of s 542 (Applying for review)

Section 542(2), 'within the 3 months mentioned in the subsection'—

omit, insert—

at any time but not more than once

29 Amendment of s 550 (Procedure for appeal)

Section 550(3)—

omit, insert—

- (3) However, the appellant may ask the respondent to allow further time to appeal.

30 Omission of s 571D (Prospective employer entitled to obtain particular documents)

Section 571D—

omit.

31 Insertion of new ch 32, pt 4

Chapter 32, as inserted by this Act—

insert—

Part 4 Amendments commencing on assent

714 Review or appeal of existing decisions

- (1) This section applies if, during the relevant period—

- (a) a decision mentioned in former section 540(1) was made; or
- (b) a decision mentioned in former section 548 was made.
- (2) Section 542, as amended by the amendment Act, applies to the decision mentioned in subsection (1)(a).
- (3) Section 550, as amended by the amendment Act, applies to the decision mentioned in subsection (1)(b).
- (4) In this section—
relevant period means the period starting on 28 April 2015 and ending immediately before the commencement.

715 Existing applications under former s 571D

- (1) This section applies to an application for a copy of a prospective worker's claims history summary that was made to the Regulator under former section 571D but not decided before the commencement.
- (2) The application may continue to be decided by the Regulator under former section 571D as if it had not been repealed.
- (3) To remove any doubt, it is declared that the Regulator may refuse the application under former section 571D.

716 Saving of former s 571D(3)

- (1) This section applies if the Regulator provides or has provided a copy of a worker's claims history summary to a prospective employer under former section 571D, including that section as continued in effect under section 715.

[s 32]

- (2) Former section 571D(3) continues to apply, despite its repeal by the amendment Act, to the prospective employer.

Division 5 Amendments commencing by proclamation

32 Amendment of s 185 (Insurer to give notice of assessment of permanent impairment)

Section 185(3)(c) and (d)—

omit, insert—

- (c) if the worker is entitled to additional lump sum compensation under chapter 3, part 10, division 4—the worker's entitlement.

33 Insertion of new s 193A

Chapter 3, part 10, division 4—

insert—

193A Additional lump sum compensation for particular workers

- (1) This section applies to a worker who sustained an injury on or after 15 October 2013 and before 31 January 2015, if—
- (a) the worker's injury—
- (i) results in a DPI of 5% or less; and
- (ii) is not a terminal condition; and
- (b) the worker has not accepted or rejected an offer of lump sum compensation from an insurer under section 189.
- (2) The worker is entitled to additional lump sum compensation for the injury—

- (a) up to an amount prescribed by regulation;
and
- (b) subject to the conditions prescribed by
regulation.
- (3) A regulation may provide for the establishment
of a panel of appropriately qualified persons to
review a decision of an insurer about whether a
worker is entitled to additional lump sum
compensation under this section.

34 Amendment of s 548 (Application of div 1)

- (1) Section 548(b)—

omit, insert—

- (b) a decision by an insurer under chapter 3 or
4, other than—
 - (i) a decision mentioned in section 540(1);
or
 - (ii) a decision about an entitlement to
additional lump sum compensation
under section 193A.

- (2) Section 548—

insert—

- (2) A decision mentioned in subsection (1)(b) to
which this division applies is a ***non-reviewable
decision***.

35 Insertion of new ch 32, pt 5

Chapter 32, as inserted by this Act—

insert—

[s 36]

Part 5 Amendments commencing by proclamation

717 Application of s 193A

Despite section 709, section 193A applies to an injury sustained by a worker on or after 15 October 2013 and before 31 January 2015.

Part 3 Other amendments

Division 1 Amendment of Electrical Safety Act 2002

36 Act amended

This division amends the *Electrical Safety Act 2002*.

37 Amendment of s 122 (Functions of regulator)

Section 122—

insert—

- (3) To remove any doubt, it is declared that proceedings mentioned in subsection (1)(h) may be taken by or against the regulator in the name ‘the regulator under the *Electrical Safety Act 2002*’.

Division 1A Amendment of Industrial Relations Act 1999

37AA Act amended

This division amends the *Industrial Relations Act 1999*.

37AB Amendment of s 75 (Conciliation before application heard)

Section 75(6), 'vice'—
omit.

37AC Amendment of s 140F (Periodic reviews of a modern award)

Section 140F(2) and (3), 'or vice-president'—
omit.

37AD Amendment of s 149 (Arbitration if conciliation unsuccessful)

Section 149(3)(a), 'vice-president'—
omit, insert—
 president

37AE Amendment of s 149A (Arbitration period)

- (1) Section 149A, 'vice-president'—
omit, insert—
 president
- (2) Section 149A(4)(b), 'vice-president's'—
omit, insert—
 president's

[s 37AF]

37AF Amendment of s 149B (Full bench to determine matters by arbitration unless vice-president directs otherwise)

Section 149B, 'vice-president'—

omit, insert—

president

37AG Amendment of s 160 (When an agreement passes the no-disadvantage test)

Section 160(5), 'vice'—

omit.

37AH Amendment of s 242E (Functions of the president)

Section 242E(4), after 'vice-president'—

insert—

or a deputy president (court)

37AI Amendment of s 246C (Deputy presidents (court))

Section 246C(2)(a), from 'local' to '2007,'—

omit, insert—

lawyer

37AJ Amendment of s 252 (President's annual report)

(1) Section 252(3)—

omit.

(2) Section 252(4)—

renumber as section 252(3).

37AK Amendment of s 259AA (Dealing with matters as commissioner and ombudsman)

Section 259AA(3), 'vice'—

omit.

37AL Amendment of s 264 (Administrative responsibilities for the commission and registry)

(1) Section 264(1), (2), (3), (4AA), (4A), (6) and (7)(b), 'vice'—

omit.

(2) Section 264(4A)—

insert—

(aa) to the vice president; or

(3) Section 264(4A)(b), after 'if'—

insert—

the vice president or

(4) Section 264(4A)(aa) to (b)—

renumber as section 264(4A)(a) to (c).

(5) Section 264(5), 'vice president or a deputy president'—

omit, insert—

president, vice president, a deputy president or an industrial commissioner

37AM Amendment of s 269 (Vice president to consider efficiencies that may be achieved by using dual commissioners)

(1) Section 269, heading, 'Vice president'—

omit, insert—

President

(2) Section 269, 'vice'—

omit.

[s 37AN]

37AN Amendment of s 270 (Reallocation of commission's work)

Section 270, 'vice'—

omit.

37AO Amendment of s 281 (Reference to full bench)

(1) Section 281(2)—

omit, insert—

(2) A commissioner may refer the matter only with the president's approval.

(2) Section 281(3), (4) and (5), 'vice'—

omit.

37AP Amendment of s 299 (Functions and powers of registrar)

Section 299(3)—

omit, insert—

(3) In performing a function or exercising a power, the registrar must comply with a direction given by the president in relation to the court or the commission.

37AQ Amendment of s 301 (Delegation by registrar)

Section 301(b), 'vice'—

omit.

37AR Amendment of s 308 (Reference of matter to Commonwealth official)

Section 308(1), (2) and (5)(b), 'vice'—

omit.

37AS Amendment of s 309 (Conferences with industrial authorities)

- (1) Section 309(1)(a) and (2), 'vice'—
omit.
- (2) Section 309(3)—
omit.

37AT Amendment of s 310 (Joint sessions with industrial authorities)

- (1) Section 310(1)(a) and (2), 'vice'—
omit.
- (2) Section 310(3)—
omit.

37AU Amendment of s 311 (Similar matters before full bench and industrial authority)

Section 311, 'vice'—
omit.

37AV Amendment of s 311A (Adoption of result of joint session)

Section 311A(1), 'vice'—
omit.

37AW Amendment of s 313 (Vice president may decide matter not to be dealt with in joint session)

- (1) Section 313, heading, 'Vice president'—
omit, insert—

President

- (2) Section 313, 'vice'—

[s 37AX]

omit.

37AX Amendment of s 320 (Basis of decisions of the commission and magistrates)

Section 320(5), note, 'vice-president'—

omit, insert—

president

37AY Insertion of ch 20, pt 21

After section 857—

insert—

Part 21

**Transitional provision
for Workers'
Compensation and
Rehabilitation and
Other Legislation
Amendment Act 2015**

858 Action taken by vice-president

- (1) This section applies to a relevant action taken by the vice-president that is still in force immediately before the commencement.
- (2) The action continues to have effect after the commencement as if the action had been taken by the president.
- (3) In this section—

relevant action means an action taken by the vice-president under a provision amended by the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015*.

37AZ Amendment of sch 2 (Appointments)

- (1) Schedule 2, part 1, section 4A(2), 'the vice-president'—
omit, insert—
any other member
- (2) Schedule 2, part 1, section 4A(3)—
omit.

Division 1B Amendment of Industrial Relations (Tribunals) Rules 2011

37BA Rules amended

This division amends the *Industrial Relations (Tribunals) Rules 2011*.

37BB Amendment of r 79 (Application to refer matter to full bench)

Rule 79, 'vice'—
omit.

Division 1C Amendment of Trading (Allowable Hours) Act 1990

37BC Act amended

This division amends the *Trading (Allowable Hours) Act 1990*.

37BD Amendment of s 23A (Reference to full bench)

Section 23A(2) and (3)(b), 'vice-president'—
omit, insert—

[s 37BE]

president

37BE Insertion of pt 8, div 4

After section 52—

insert—

Division 4

**Transitional provision for
Workers' Compensation
and Rehabilitation and
Other Legislation
Amendment Act 2015**

53 Referral by vice-president

- (1) This section applies to a referral by the vice-president under section 23A in relation to a matter that immediately before the commencement had not been decided by the full bench.
- (2) The referral continues to have effect, and the full bench may hear and decide the matter referred to it, after the commencement as if the referral had been made by the president.

37BF Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

president means the president of the industrial commission under the *Industrial Relations Act 1999*.

Division 2 Amendment of Work Health and Safety Act 2011

38 Act amended

This division amends the *Work Health and Safety Act 2011*.

39 Amendment of s 152 (Functions of regulator)

Section 152—

insert—

- (2) To remove any doubt, it is declared that proceedings mentioned in subsection (1)(h) may be taken by or against the regulator in the name ‘the regulator under the *Work Health and Safety Act 2011*’.