

c2018-112B  
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2018

First print

Proposed amendments

No. 1 **Jurisdiction of Workers Compensation Commission**

Page 7, Schedule 1.2 [8], line 9. Omit all words on that line. Insert instead:

Omit the note to section 105 (1). Insert instead:

**Note.** For example, the Commission has the jurisdiction to determine disputes about work capacity decisions of insurers.

No. 2 **Suitable employment**

Page 12, Schedule 3.1. Insert after line 8:

[2] **Section 32A, definition of "suitable employment"**

Omit the definition. Insert instead:

*suitable employment*, in relation to a worker, means employment in work for which the worker is currently suited having regard to the following:

- (a) the nature of the worker's incapacity and the details provided in medical information including, but not limited to, any certificate of capacity supplied by the worker under section 44B,
- (b) the worker's age, education, skills and work experience,
- (c) any plan or document prepared as part of the return to work planning process, including an injury management plan under Chapter 3 of the 1998 Act,
- (d) any occupational rehabilitation services that are being, or have been, provided to or for the worker,
- (e) whether the work or the employment is available,
- (f) whether the work or the employment is of a type or nature that is generally available in the employment market,
- (g) the nature of the worker's pre-injury employment,
- (h) the worker's place of residence,
- (i) such other matters as the Workers Compensation Guidelines may specify.

No. 3 **Journey claims**

Page 25, Schedule 7.2. Insert after line 5:

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**[1] Section 10 Journey claims**

Omit section 10 (3A).

No. 4 **5-year limit on weekly payments**

Page 25, Schedule 7.2. Insert before line 6:

**[2] Section 39 Cessation of weekly payments after 5 years**

Omit the section.

No. 5 **Dismissal after injury**

Page 25, Schedule 7.2. Insert after line 17:

**[4] Section 248 Dismissal after injury an offence**

Omit section 248 (1) and (2). Insert instead:

- (1) An employer of an injured worker who dismisses the worker is guilty of an offence if the worker is dismissed because the worker is not fit for employment as a result of the injury.  
Maximum penalty: 100 penalty units.

No. 6 **Pre-injury average weekly earnings**

Page 29, Schedule 8.2 [2], lines 32–42. Omit all words on those lines.