

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2012

First Print

Proposed amendments

- No. 1 Page 8, Schedule 1.1 [3], proposed section 38 (5), lines 11–13. Omit “An insurer can make a work capacity decision about a seriously injured worker without conducting a work capacity assessment.”.
- No. 2 Page 10, Schedule 1.1 [3], proposed section 41 (5) (a), lines 12–15. Omit all words on those lines.
- No. 3 Page 11, Schedule 1.1 [3], proposed section 43 (3), line 23. Insert “(other than a decision as to the quantum of weekly payments)” after “an insurer”.
- No. 4 Page 11, Schedule 1.1 [3], proposed section 43 (3), line 24. Insert “(other than a dispute as to the quantum of weekly payments)” after “the Commission”.
- No. 5 Page 11, Schedule 1.1 [3], proposed section 44 (1), line 40. Omit “Authority.”. Insert instead:
- Authority, or
- (d) by the Commission, but only on the grounds that the recommendations of the Authority on its review of the decision would result in substantial injustice to the worker.
- No. 6 Page 12, Schedule 1.1 [3], proposed section 44 (2), line 5. Insert “the Commission,” before “the Authority”.
- No. 7 Page 12, Schedule 1.1 [3], proposed section 44. Insert after line 40:
- (4) The following provisions apply to the review of a work capacity decision when the reviewer is the Commission:
- (a) an application for review must be made within 30 days after the worker receives notice of the Authority’s decision on a review,
- (b) an application for review by the Commission may be made without a review by the Authority if the Authority has failed to conduct a review and notify the worker of the decision on the review within 30 days after the application for review is made,
- (c) the Commission may decline to review a decision because the application for review is frivolous or vexatious or

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- because the worker has failed to provide information requested by the Commission,
- (d) the worker and the insurer must provide such information as the Commission may reasonably require and request for the purposes of the review,
 - (e) the Commission is to notify the insurer, the worker and the Authority of the findings of the review and may make recommendations to the insurer based on those findings (giving reasons for any such recommendation),
 - (f) recommendations made by the Commission are binding on the insurer and must be given effect to by the insurer.
- No. 8 Page 13, Schedule 1.1 [3], proposed section 44 (5), line 4. Omit “is not to”. Insert instead “may”.
- No. 9 Page 13, Schedule 1.1 [3], proposed section 44 (6), lines 9–12. Omit all words on those lines.
- No. 10 Page 13, Schedule 1.1 [3], proposed section 44A (3), lines 21 and 22. Omit all words on those lines.
- No. 11 Page 21, Schedule 1.1 [7], proposed section 54 (2) (b), line 30. Omit “2 weeks”. Insert instead “4 weeks”.
- No. 12 Page 30, Schedule 1.2 [4], proposed section 48A (1), line 6. Omit “does not comply”. Insert instead “, without reasonable excuse, fails to comply”.
- No. 13 Page 34, Schedule 2.1 [1]–[4], lines 4–13. Omit all words on those lines.
- No. 14 Page 34, Schedule 2.1 [5], line 17. Omit “greater than 10%”. Insert instead “of 5% or more”.
- No. 15 Page 34, Schedule 2.1 [5], line 23. Omit “10% or less”. Insert instead “less than 5%”.
- No. 16 Page 34, Schedule 2.1 [5]. Insert at the end of line 26:

This subsection does not prevent a further claim for permanent impairment compensation where the worker’s degree of permanent impairment has increased as a result of surgery that the worker undergoes in the course of medical treatment provided to the worker as a result of the worker’s injury.
- No. 17 Pages 34 and 35, Schedule 2.1 [6]–[8], line 27 on page 34 to line 8 on page 35. Omit all words on those lines.
- No. 18 Page 35, Schedule 2.1 [9], lines 9–15. Omit all words on those lines.
- No. 19 Pages 35 and 36, Schedule 2.1 [10]–[17], line 16 on page 35 to line 4 on page 36. Omit all words on those lines.
- No. 20 Page 36, Schedule 2.2 [1]–[2], lines 7–11. Omit all words on those lines.
- No. 21 Page 37, Schedule 2.2 [4]. Insert after line 7:

(5) This section does not prevent a further assessment of the degree of permanent impairment of an injured worker where the worker’s degree of permanent impairment has increased as a result of surgery that the worker undergoes in the course of medical treatment provided to the worker as a result of the worker’s injury.
- No. 22 Page 37, Schedule 2.3, lines 8–16. Omit all words on those lines.
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- No. 23 Page 38, Schedule 3, lines 1–21. Omit all words on those lines.
- No. 24 Page 39, Schedule 4 [1], proposed section 59A (2), lines 12–16. Omit all words on those lines.
- No. 25 Page 39, Schedule 4 [2], proposed section 60 (2A) (a), line 35. Insert “, except where there was an urgent and genuine need for the treatment or service and it was not practical to obtain that prior approval” after “approval”).
- No. 26 Page 40, Schedule 4 [2], proposed section 60 (2C) (b), lines 23–25. Omit all words on those lines.
- No. 27 Page 42, Schedule 5, lines 1–11. Omit all words on those lines.
- No. 28 Page 45, Schedule 7 [1], line 8. Omit “the main”. Insert instead “a significant”.
- No. 29 Page 45, Schedule 7 [1], line 12. Omit “the main”. Insert instead “a significant”.
- No. 30 Page 48, Schedule 9.1 [1] and [2], lines 4–10. Omit all words on those lines.
- No. 31 Pages 48–50, Schedule 9.1 [5], line 16 on page 48 to line 22 on page 50. Omit all words on those lines.
- No. 32 Page 50, Schedule 9.2 [1] and [2], lines 27–34. Omit all words on those lines.
- No. 33 Page 51, Schedule 9.2 [3], line 3. Omit “, deemed insurers”.
- No. 34 Page 51, Schedule 9.2 [4], line 7. Omit “, deemed insurers”.
- No. 35 Page 51, Schedule 9.2 [5], line 10. Omit “, deemed insurers”.
- No. 36 Page 51, Schedule 9.2 [6], line 13. Omit “, deemed insurer”.
- No. 37 Page 51, Schedule 9.2 [9], lines 19–24. Omit all words on those lines.
- No. 38 Page 51, Schedule 9.2 [11], lines 28 and 29. Omit all words on those lines.
- No. 39 Page 52, Schedule 9.2 [13], line 5. Omit “or deemed insurer”.
- No. 40 Page 52, Schedule 9.2 [14], line 8. Omit “or deemed insurer”.
- No. 41 Page 52, Schedule 9.2 [15], line 11. Omit all words on those lines. Insert instead:
Insert instead “an insurer or self-insurer”.
- No. 42 Page 52, Schedule 9.2 [16], lines 12 and 13. Omit all words on those lines.
- No. 43 Page 59, Schedule 11 [11], lines 21–27. Omit all words on those lines.
- No. 44 Pages 60 and 61, Schedule 12 [1], line 9 on page 60 to line 26 on page 61. Omit all words on those lines. Insert instead:

1 Application of 2012 amendments

An amendment made by the *Workers Compensation Legislation Amendment Act 2012* (referred to in this Part as the **2012 amending Act**) does not apply to or in respect of an injury received before the commencement of the amendment.

- No. 45 Page 61, Schedule 12 [1], line 27. Omit “**benefits**”.
- No. 46 Page 61, Schedule 12 [1], line 29. Omit “The benefits amendments do”. Insert instead “An amendment made by the 2012 amending Act does”.

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- No. 47 Page 61, Schedule 12 [1], lines 34 and 35. Omit “the benefits amendments”. Insert instead “the 2012 amending Act”.
- No. 48 Pages 61–67, Schedule 12 [1], line 36 on page 61 to line 4 on page 67. Omit all words on those lines.
- No. 49 Page 67, Schedule 12 [1], line 21. Insert “, **paramedics and firefighters**” after “**Police officers**”.
- No. 50 Page 67, Schedule 12 [1], line 22. Omit “benefits amendments”. Insert instead “amendments made by the 2012 amending Act”.
- No. 51 Page 67, Schedule 12 [1], line 23. Insert “, paramedic or firefighter” after “police officer”.
- No. 52 Page 67, Schedule 12 [1], line 29. Omit “benefits amendments”. Insert instead “amendments made by the 2012 amending Act”.