

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2012

First Print

Proposed amendments

- No. 1 Page 11, Schedule 1.1 [3], proposed section 43 (1). Insert after line 10:
(e) a decision about whether a worker is, as a result of injury, unable without substantial risk of further injury to engage in employment of a certain kind because of the nature of that employment,
- No. 2 Page 12, Schedule 1.1 [3], proposed section 44 (3) (h), lines 39 and 40. Omit all words on those lines. Insert instead:
(h) recommendations made by the Independent Review Officer are binding on the insurer and the Authority.
- No. 3 Page 21, Schedule 1.1 [4], lines 1 and 2. Omit all words on those lines.
- No. 4 Page 42, Schedule 5, lines 3 - 11. Omit all words on those lines. Insert instead:

Section 10 Journey claims

Insert after section 10 (3):

- (3A) A journey referred to in subsection (3) to or from the worker's place of abode is a journey to which this section applies only if there is a real and substantial connection between the employment and the accident or incident out of which the personal injury arose.
- No. 5 Page 47, Schedule 8 [3]. Insert after line 7:
(2B) The regulations may require the provision of independent financial advice to a worker (at the expense of the insurer) before the worker enters into a commutation agreement and any such requirement applies despite any other provision of this section.
- No. 6 Page 59, Schedule 11 [11], lines 21–27. Omit all words on those lines. Insert instead:
[11]] Sections 341, 342, 343 and 345
Omit the sections. Insert instead:

341 Costs

- (1) Each party is to bear the party's own costs in or in relation to a claim for compensation.
- (2) The Commission has no power to order the payment of costs to which this Division applies, or to determine by whom, to whom or to what extent costs to which this Division applies are to be paid.

No. 7 Page 68, Schedule 12 [1], lines 5 and 8. Omit "5 years" wherever occurring. Insert instead "2 years".

No. 8 Page 68, Schedule 12 [1]. Insert after line 8:

- (4) However, if the Minister determines on actuarial advice that the scheme under the Workers Compensation Acts is projected to return to surplus before the end of the period of 2 years:
 - (a) the review is to be undertaken as soon as possible after that projected date, and
 - (b) the report of the outcome of the review is to be tabled within 12 months after that projected date.