

# CLIENT ALERT

## AMENDMENTS TO THE WORKERS REHABILITATION AND COMPENSATION ACT 1988

From 1 January 2018 Tasmanian businesses insured under WorkCover Tasmania approved schemes will no longer be required to pay an excess when making a workers compensation claim.

The *Workers Rehabilitation and Compensation Amendment Act 2017*, removes the excess which is currently required under existing policies, and comprises the equivalent of the first week of the injured employee's income, along with the first \$200 of other benefits (such as medical costs).

Most licensed workers compensation insurers in Tasmania have indicated that existing policies will move to a nil excess from 1 January 2018, as is the case for any new policy effected after this date.

The amended legislation also brought about a number of other changes, which are outlined below.

### AGE RESTRICTIONS

Under the existing provisions of the Act, weekly payments cease when a worker reaches 65 years of age, if their injury occurred prior to their turning 64 years of age.

The amendment will allow payments to continue until the worker reaches the pension age, currently defined in the Social Security Act as 67 years of age.

### DISPLAY DETAILS OF INSURER AND SUMMARY OF THE ACT IN EACH WORKPLACE

This requirement has been removed.

### EMPLOYER TO FORWARD ACCIDENT REPORT AND CLAIM

Currently the employer must notify the employer's insurer within three working days of receiving a claim for compensation.

This has been amended to five working days upon receipt of the claim.

### MEDICAL PRACTITIONERS

The definition of medical practitioners will extend to include medical practitioners who are registered in other countries.

Medical practitioners will no longer need be accredited to issue medical certificates, however, medical practitioners must still be accredited by the WorkCover Tasmania Board in order to provide an assessment of the degree of a worker's whole-of-person impairment.

In the case of total incapacity, a medical certificate will now be able to be issued for up to 28 days rather than the current 14 days.

### PRESUMPTIVE CAUSE

The schedule of diseases deemed to be work related will be removed from the Act. Instead, the Board will now give notice of relevant diseases, and this is expected to align with the [Safe Work Australia list of diseases](#).

## RETURN TO WORK AND INJURY MANAGEMENT

The appointment of a return-to-work coordinator, previously required for businesses employing more than 50 workers, is now only required for those with 100 workers or more.

Employers no longer need to develop and implement return-to-work and injury management plans within timeframes specified in legislation. Instead, timeframes for plans must be specified in the injury management programs. An injury management program, which outlines the method an insurer will apply to manage claims, continues to require prior approval by the Board.

## DEFINITION OF WORKPLACE REHABILITATION SERVICES

The definition has been extended to include such services as 'advice in relation to job seeking' and 'advice or assistance in arranging vocational training'.

## TRAVEL EXPENSES FOR ATTENDING INDEPENDENT MEDICAL EXAMINATIONS

The Act has been amended to confirm cover travel costs relating to medical examinations.

The full details of the amended Act can be viewed online at:

<https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2017-039>.

Details of the changes to insurers' obligations and the governance of the WorkCover Tasmania Board, under the amended Act are available from [www.workcover.tas.gov.au](http://www.workcover.tas.gov.au).

## FOR MORE INFORMATION ABOUT HOW THE WORKERS REHABILITATION AND COMPENSATION AMENDMENT ACT 2017 MAY IMPACT YOUR BUSINESS, PLEASE CONTACT:

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