



Queensland

Workers' Compensation and Rehabilitation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 129

made under the

Workers' Compensation and Rehabilitation Act 2003

General outline

Short title

Workers' Compensation and Rehabilitation Amendment Regulation (No. 1) 2011.

Authorising law

Section 306V of the *Workers' Compensation and Rehabilitation Act 2003*.

Policy objectives and the reasons for them

The purpose of the *Workers' Compensation and Rehabilitation Amendment Regulation (No. 1) 2011* (the Amendment Regulation) is to amend the *Workers' Compensation and Rehabilitation Regulation 2003* from 1 July 2011 to effect the first annual indexation of the monetary amounts under section 306V of the *Workers' Compensation and Rehabilitation Act 2003* (the WCRA).

Section 306V of the WCRA requires the Minister to recommend to Governor in Council, on or before 1 July 2011, the particular amounts to be

prescribed under a regulation. Each recommended amount is to be the amount last prescribed under a regulation adjusted by the percentage change in QOTE over the four quarters preceding the date of the recommendation and rounded to the nearest ten dollar (the indexation formula).

“QOTE” means the seasonally adjusted amount of Queensland full-time adult persons ordinary time earnings as declared by the Australian Statistician in the statistician's report about average weekly earnings, published immediately before the start of the financial year.

The Australian Bureau of Statistics published the average weekly earnings figures for the February 2011 quarter on 19 May 2011.

The amendments in the Amending Regulation reflect the amounts last prescribed under section 112C, section 112E and section 112F of the *Workers' Compensation and Rehabilitation 2003* adjusted by the percentage change in the seasonally adjusted amount of Queensland full-time adult persons ordinary time earnings over the four quarters from February 2010 to February 2011.

The Amendment Regulation also effects amendments of a technical nature and reinstates an omitted provision.

Achievement of policy objectives

The Amendment Regulation amends the Workers' Compensation and Rehabilitation Regulation 2003 to give effect to the stated policy objective.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the WCRA.

The primary object of the WCRA is that the workers' compensation scheme maintains a balance between providing fair and appropriate benefits for injured workers and ensuring reasonable cost levels for employers.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation will have a beneficial impact as the effect of the indexation of general damages and other relevant amounts, including legal cost thresholds, is to maintain the relative value of those amounts over time in line with wages growth.

Consistency with fundamental legislative principles

The Amendment Regulation does not raise fundamental legislative principle issues.

Consultation

Queensland Treasury and the Motor Accident Insurance Commission have been consulted on the Amendment Regulation.

Notes on Provisions

Clause 1 provides for the short title of the regulation.

Clause 2 provides for the regulation to commence on 1 July 2011.

Clause 3 provides that the regulation amends the *Workers' Compensation and Rehabilitation Regulation 2003*.

Clause 4 provides for the prescribed amount for damages for loss of consortium or servitium under section 306M of the *Workers' Compensation and Rehabilitation Act 2003* for an injury arising on or after 1 July 2011. The amount has been indexed in accordance with section 306V of the *Workers' Compensation and Rehabilitation Act 2003*.

Clause 5 provides for Schedule 12 to prescribe the general damages calculation provisions for section 306P of the *Workers' Compensation and Rehabilitation Act 2003* for an injury arising on or after 1 July 2011.

Clause 6 provides for the prescribed amount of award for future loss under section 306R of the *Workers' Compensation and Rehabilitation Act 2003* for an injury arising on or after 1 July 2011. The amount has been indexed in accordance with section 306V of the *Workers' Compensation and Rehabilitation Act 2003*.

Clause 7 provides for a minor technical amendment and reinstates item 48 of Schedule 9 (Range of injury scale values) and a sub-division heading that were omitted in error in a previous version of the table.

Clause 8 amends Schedule 12 to insert the general damages calculation provisions that apply under section 306P of the *Workers' Compensation and Rehabilitation Act 2003* for an injury arising on or after 1 July 2011. The amounts have been indexed in accordance with section 306V of the *Workers' Compensation and Rehabilitation Act 2003*.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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