

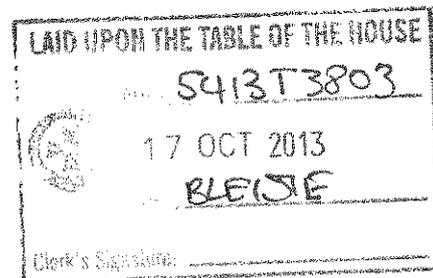
A. Mace
17/10/13

WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL 2013

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Jarrod Bleijie MP



Title of the Bill

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2013
(the Bill).

Objectives of the Amendments

The amendments moved during the consideration in detail of the Bill better clarify the intentions of a prospective worker's obligation to disclose a pre-existing injury or medical condition, provide injured workers with another avenue for medical assessment if they dispute their initial degree of permanent impairment, and make other minor amendments considered necessary for clarity and consistency.

Achievement of the Objectives

The objectives of these amendments are achieved by clarifying that in discharging their obligation to notify an employer of a pre-existing injury or medical condition, a prospective worker must not knowingly provide false or misleading information.

The amendments also provided that an injured worker who disagrees with their initial degree of permanent impairment has an additional avenue of reviewing this assessment. A worker will be able to elect to have the assessment reviewed by another doctor chosen and agreed to by the worker and the insurer. A worker will be able to have this assessment reviewed by a Medical Assessment Tribunal (MAT).

Alternative Ways of Achieving Policy Objectives

There is no alternative way of achieving the policy objectives.

Estimated Cost for Government Implementation

These amendments are not necessarily expected to result in additional costs to the scheme.

Providing injured workers with another avenue for disputing their initial degree of permanent impairment before resorting to a MAT decision may seem to be adding an additional layer of costs. However, this could arguably result in lower overall costs for the scheme and in turn employers as it could reduce the number of DPI assessments that are referred to the MATs.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

These amendments have been identified as a result of consultation during the consideration in detail of the Bill.

NOTES ON PROVISIONS

Clause 1 amends clause 29 to correct a drafting error.

Clause 2 inserts a new clause 68A which replaces section 186 to provide an alternative avenue for an injured worker to dispute their initial degree of permanent impairment. This amendment was not originally included in the Bill.

Clause 3 amends clause 98 to insert the word 'knowingly' to better clarify the intentions of these sections.

Clause 4 amends clause 98 to insert the word 'knowingly' to better clarify the intentions of these sections.

Clause 5 amends schedule 2 to correct a reference to section 576D(2).