



Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019



Queensland

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019

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2019

A Bill

for

An Act to amend the Further Education and Training Act 2014, the TAFE Queensland Act 2013, the Workers' Compensation and Rehabilitation Act 2003 and the Workers' Compensation and Rehabilitation Regulation 2014 for particular purposes, and to repeal the Commonwealth Games Arrangements Act 2011

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2019*. 4
5

Clause 2 Commencement 6

The following provisions commence on 1 July 2020— 7

(a) sections 39, 40, 42 to 44, 48 to 50, 54 to 58 and 63; 8

(b) section 77 to the extent it inserts section 739; 9

(c) sections 78 and 79; 10

(d) part 5. 11

Part 2 Amendment of Further Education and Training Act 2014 12
13
14

Clause 3 Act amended 15

This part amends the *Further Education and Training Act 2014*. 16
17

Clause 4 Amendment of s 17 (Registering training contracts) 18

Section 17(5)(f)(ii), from 'assessment'— 19

omit, insert— 20

employer resource assessment; and 21

Clause 5	Amendment of s 23 (Application for extension of nominal term of registered training contract)	1 2
(1)	Section 23—	3
	<i>insert</i> —	4
	(3A) If the apprentice or trainee is under 18 years, the application must include the signed consent of a parent of the apprentice or trainee.	5 6 7
	(3B) However, subsection (4) does not apply if it would be inappropriate in all the circumstances for a parent to sign the application.	8 9 10
(2)	Section 23(5), '(4)'—	11
	<i>omit, insert</i> —	12
	(6)	13
(3)	Section 23(3A) to (9)—	14
	<i>renumber</i> as section 23(4) to (11).	15
Clause 6	Insertion of new ch 2, pt 2, div 5, sdiv 1, hdg	16
	Before section 30—	17
	<i>insert</i> —	18
	Subdivision 1 Application for suspension by both parties	19 20
Clause 7	Insertion of new ch 2, pt 2, div 5, sdiv 2	21
	After section 32—	22
	<i>insert</i> —	23
	Subdivision 2 Application for suspension by one party	24 25

[s 7]

32A Application for suspension of registered training contract by one party to the contract	1 2
(1) A party to a registered training contract may apply to the chief executive to suspend the contract for a period not exceeding 1 year if the party reasonably believes that the other party to the contract can not, under section 30, agree to a proposed suspension.	3 4 5 6 7 8
(2) The application must be in the approved form and state the following—	9 10
(a) the reasons for the proposed suspension, including why the applicant believes the other party can not agree to the suspension;	11 12 13
(b) the period of the proposed suspension;	14
(c) the day the proposed suspension is to take effect, being not less than 7 days after the application is given to the chief executive.	15 16 17
(3) If the apprentice or trainee is under 18 years, the application must include the signed consent of a parent of the apprentice or trainee.	18 19 20
(4) However, subsection (3) does not apply if it would be inappropriate in all the circumstances for a parent to give signed consent.	21 22 23
32B Chief executive may request further information	24 25
(1) Within 21 days after receiving the application, the chief executive may give the applicant a written notice asking for further information the chief executive reasonably requires to decide the application.	26 27 28 29 30
(2) The notice must state a reasonable period, of at least 14 days after the day the notice is given, for the applicant to comply with the notice.	31 32 33
(3) The chief executive must consider any	34

-
- information given by the applicant within the 1
period stated in the notice. 2
- (4) The applicant is taken to have withdrawn the 3
application if the applicant does not comply with 4
the notice. 5
- 32C Show cause notice before suspension of 6
registered training contract 7**
- (1) The chief executive must give each party to the 8
registered training contract a notice (a *show cause 9
notice*) stating the following— 10
- (a) that an application has been made under 11
section 32A; 12
- (b) the reasons stated in the application for the 13
proposed suspension; 14
- (c) if the chief executive proposes to suspend 15
the contract— 16
- (i) the period of the proposed suspension; 17
and 18
- (ii) the day the proposed suspension is to 19
take effect; 20
- (d) if the chief executive proposes not to 21
suspend the contract—the reasons for the 22
decision; 23
- (e) that the party may, within 14 days after the 24
show cause notice is given, give the chief 25
executive a written response to the proposed 26
suspension. 27
- (2) Also, if the apprentice or trainee is under 18 years, 28
the chief executive must give the show cause 29
notice to the parent of the apprentice or trainee. 30
- (3) However, subsection (1) does not apply if the 31
chief executive reasonably considers it is not 32
practicable to give a show cause notice to the 33

[s 8]

	party.	1
	(4) Also, subsection (2) does not apply if it would be inappropriate in all the circumstances for the chief executive to give the show cause notice to the parent of the apprentice or trainee.	2 3 4 5
	32D Decision about suspension	6
	(1) After having regard to the reasons stated in the application and, if a show cause notice was given, any written responses to the notice made under section 32C(1)(e), the chief executive must decide—	7 8 9 10 11
	(a) if satisfied that a party can not perform the party's obligations under the training contract—to suspend the contract; or	12 13 14
	(b) otherwise—not to suspend the contract.	15
	(2) The chief executive must give each party an information notice about the decision.	16 17
	(3) If the chief executive decides to suspend the training contract the information notice must state—	18 19 20
	(a) the period of the suspension; and	21
	(b) the day the suspension takes effect.	22
Clause 8	Insertion of new ch 2, pt 2, div 5A	23
	Chapter 2, part 2—	24
	<i>insert—</i>	25
	Division 5A	Application for temporary 26
		suspension by employer 27
		and stand down of 28
		employment 29

-
- 32E Application for temporary suspension of registered training contract** 1
2
- (1) This section applies if an employer of an apprentice or trainee temporarily can not provide the training stated in the training plan for the apprentice or trainee. 3
4
5
6
- (2) The employer may apply to the chief executive for approval to temporarily suspend the registered training contract for a period of no more than 30 days. 7
8
9
10
- (3) The application must be in the approved form and state— 11
12
- (a) the reasons for the proposed temporary suspension; and 13
14
- (b) the period of the proposed temporary suspension. 15
16
- (4) The employer must give a copy of the application to the employer's apprentice or trainee inviting the apprentice or trainee to make a submission to the chief executive, within 5 days, in relation to the proposed temporary suspension. 17
18
19
20
21
- 32F Decision about temporary suspension** 22
- (1) Within 7 days after receiving the application, the chief executive must decide the application. 23
24
- (2) After having regard to the reasons stated in the application and any submissions made under section 32E(4), the chief executive must decide— 25
26
27
- (a) if satisfied the employer can not provide the training to the apprentice or trainee under the training contract—to approve the application; or 28
29
30
31
- (b) otherwise—not to approve the application. 32
- (3) The chief executive must give each party an 33

[s 9]

	information notice about the decision.	1
(4)	If the chief executive approves the application, the information notice must state the following—	2 3
(a)	the maximum period, of not more than 30 days, over which the training contract may be suspended;	4 5 6
(b)	the time during the maximum period, or a part of the period, the employer may stand down the apprentice or trainee;	7 8 9
(c)	the day the period starts.	10
(5)	If the training contract is temporarily suspended, the employer may stand down the apprentice or trainee unless the employer and the apprentice or trainee otherwise agree.	11 12 13 14
(6)	The employer may stand down the apprentice or trainee without pay under this section only in accordance with the information notice from the chief executive.	15 16 17 18
Clause 9	Amendment of ch 2, pt 2, div 6, sdiv 1, hdg	19
	Chapter 2, part 2, division 6, subdivision 1, heading, before ‘parties’—	20 21
	<i>insert</i> —	22
	all	23
Clause 10	Insertion of new ch 2, pt 2, div 6, sdiv 1A	24
	Chapter 2, part 2, division 6—	25
	<i>insert</i> —	26
	Subdivision 1A Cancellation on application by one party	27 28

35A Application to cancel registered training contract by one party	1 2
(1) A party to a registered training contract may apply to the chief executive to cancel the contract if the party believes—	3 4 5
(a) the party can not successfully complete the party's obligations under the contract; or	6 7
(b) the other party can not successfully complete the other party's obligations under the contract.	8 9 10
(2) The application must be in writing and—	11
(a) must state the following—	12
(i) the reasons for the proposed cancellation;	13 14
(ii) the day the proposed cancellation is to take effect, being not less than 7 days after the application is given to the chief executive; and	15 16 17 18
(b) may include material in support of the application.	19 20
35B Chief executive may request further information	21 22
(1) Within 21 days after receiving the application, the chief executive may give an applicant a written notice asking for further information the chief executive reasonably requires to decide the application.	23 24 25 26 27
(2) The notice must state a reasonable period of at least 14 days after the day the notice is given for the applicant to comply with the notice.	28 29 30
(3) The chief executive must consider any information given by the applicant within the period stated in the notice.	31 32 33

[s 10]

- (4) The applicant is taken to have withdrawn the application if the applicant does not comply with the notice. 1
2
3

35C Show cause notice before deciding to cancel 4

- (1) The chief executive must give each party to the registered training contract a notice (a *show cause notice*) stating the following— 5
6
7
- (a) that an application has been made under section 35A; 8
9
- (b) the reasons, as stated in the application, for the proposed cancellation; 10
11
- (c) if the chief executive proposes to cancel the contract— 12
13
- (i) the reasons for the decision; and 14
- (ii) the day the cancellation takes effect; 15
- (d) if the chief executive proposes not to cancel the contract—the reasons for the decision; 16
17
- (e) that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed cancellation. 18
19
20
21
- (2) Also, if the apprentice or trainee is under 18 years, the chief executive must give the show cause notice to the parent of the apprentice or trainee. 22
23
24
- (3) However, subsection (2) does not apply if it would be inappropriate in all the circumstances for the chief executive to give the show cause notice to the parent of the apprentice or trainee. 25
26
27
28

35D Decision about cancellation 29

- (1) After having regard to the reasons stated in the application and any written responses made under 30
31

	section 35C(1)(e), the chief executive must decide—	1 2
	(a) if satisfied that a party to the training contract can not successfully complete the party's obligations under the contract—to cancel the contract; or	3 4 5 6
	(b) otherwise—not to cancel the contract.	7
	(2) The chief executive must give each party an information notice about the decision.	8 9
	(3) If the chief executive decides to cancel the training contract the information notice must state the day the cancellation takes effect.	10 11 12
	35E Cancellation in response to application	13
	If a registered training contract is cancelled under section 35D, the apprenticeship or traineeship of the person who was the apprentice or trainee ends on the day the contract is cancelled.	14 15 16 17
Clause 11	Amendment of s 36 (Grounds for cancellation of registered training contract by chief executive)	18 19
	(1) Section 36(i)— <i>omit, insert—</i>	20 21
	(i) the apprentice or trainee is no longer employed by the employer and it is at least 21 days since the employment ceased;	22 23 24
	(2) Section 36— <i>insert—</i>	25 26
	(2) The chief executive must not cancel a registered training contract under subsection (1)(i) if—	27 28
	(a) the chief executive has received notice of a contested event under section 58A; and	29 30

[s 12]

	(b) the contested event has not been finalised.	1
Clause 12	Amendment of s 38 (Decision about cancellation after show cause notice)	2 3
	Section 38(1)(b), 'section 36'—	4
	<i>omit, insert—</i>	5
	section 36(1)	6
Clause 13	Insertion of new ch 2, pt 2, div 6A	7
	Chapter 2, part 2—	8
	<i>insert—</i>	9
	Division 6A Re-registration of cancelled contract in particular circumstances	10 11 12
	40A Definitions for division	13
	In this division—	14
	<i>cancelled contract</i> means a registered training contract that was cancelled under division 6.	15 16
	<i>reinstatement decision</i> means a decision of the industrial relations commission or fair work commission to reinstate the employment of the apprentice or trainee who was a party to a cancelled contract.	17 18 19 20 21
	<i>relevant entity</i> means—	22
	(a) each person that was a party to a cancelled contract; and	23 24
	(b) the supervising registered training organisation for the apprentice or trainee who was a party to the cancelled contract.	25 26 27

40B Application of division	1
This division applies if the industrial relations commission or fair work commission makes a reinstatement decision.	2 3 4
40C Obligation to notify chief executive of relevant decision	5 6
Each person that was a party to a cancelled contract must, as soon as possible after becoming aware of the reinstatement decision, notify the chief executive of the decision.	7 8 9 10
40D Notice of re-registration of training contract after relevant decision	11 12
The chief executive must, as soon as practicable after receiving a notice under section 40C—	13 14
(a) re-register the training contract; and	15
(b) provide each relevant entity with a written notice stating the following—	16 17
(i) that the chief executive has re-registered the cancelled contract as a registered training contract;	18 19 20
(ii) that the nominal term of the re-registered training contract is extended by the period the contract was cancelled before being re-registered under paragraph (a);	21 22 23 24 25
(iii) the date the nominal term ends taking into account the period of extension under subparagraph (ii);	26 27 28
(iv) that the training plan for the apprentice or trainee under the cancelled contract continues in force unless the parties enter into a new training plan.	29 30 31 32

[s 14]

Clause 14	Insertion of new s 50A	1
	After section 50—	2
	<i>insert—</i>	3
	50A Application for completion certificate	4
	(1) This section applies if a supervising registered training organisation has stopped operating as a registered training organisation before a completion agreement is signed by the parties to a registered training contract.	5 6 7 8 9
	(2) The parties may apply to the chief executive for the issue of a completion certificate.	10 11
	(3) The application must be in the approved form and include—	12 13
	(a) evidence that the apprentice or trainee has completed all training and assessment required under the training plan for the apprentice or trainee; and	14 15 16 17
	(b) if the apprentice or trainee is under 18 years—the signed consent of a parent of the apprentice or trainee.	18 19 20
	(4) However, subsection (3)(b) does not apply if it would be inappropriate in all the circumstances for a parent to give signed consent.	21 22 23
	(5) The chief executive may issue the completion certificate only if satisfied the apprentice or trainee has completed the apprenticeship or traineeship in accordance with this Act.	24 25 26 27
Clause 15	Amendment of s 58 (Employer to report notifiable events)	28
	Section 58(1)—	29
	<i>insert—</i>	30
	(e) the apprentice or trainee has—	31

-
- (i) made an application for unfair dismissal under the *Fair Work Act 2009* (Cwlth), section 394; or
 - (ii) made an application for reinstatement under the *Industrial Relations Act 2016*, section 317; or
 - (iii) commenced another proceeding contesting the cessation of employment.

Clause 16 Insertion of new section 58A

After section 58—

insert—

58A Apprentice or trainee must report contested event

- (1) This section applies if the employment of an apprentice or trainee has ceased and any of the following events (each a *contested event*) happens—
 - (a) the apprentice or trainee makes an application for unfair dismissal under the *Fair Work Act 2009* (Cwlth), section 394;
 - (b) the apprentice or trainee makes an application for reinstatement under the *Industrial Relations Act 2016*, section 317;
 - (c) the apprentice or trainee commences another proceeding contesting the cessation of employment.
- (2) The apprentice or trainee must give the chief executive notice of the contested event within 21 days after the employment of the apprentice or trainee ceased.

[s 17]

Clause 17	Insertion of new s 66A	1
	After section 66—	2
	<i>insert—</i>	3
	66A Supervising registered training organisation must complete employer resource assessment	4
	(1) This section applies to the supervising registered training organisation for an apprentice or trainee in relation to the apprentice's or trainee's training plan.	6 7 8 9
	(2) The organisation must—	10
	(a) complete an employer resource assessment in the approved form for the apprentice's or trainee's training plan; and	11 12 13
	(b) regularly review and, if necessary, revise the employer resource assessment during the period of the training plan; and	14 15 16
	(c) on request, give the chief executive a copy of the most recent employer resource assessment completed for the training plan.	17 18 19
	Maximum penalty—80 penalty units	20
Clause 18	Insertion of new ch 2, pt 4, div 2, sdiv 1, hdg	21
	Before section 77—	22
	<i>insert—</i>	23
	Subdivision 1 Ending a training plan	24
Clause 19	Insertion of new ch 2, pt 4, div 2, sdiv 2, hdg	25
	After section 79—	26
	<i>insert—</i>	27
	Subdivision 2 Changing a training plan— all parties agree	28 29

Clause 20	Amendment of s 80 (Changing training plan for an apprentice or trainee)	1
		2
	Section 80, 'only'—	3
	<i>omit.</i>	4
Clause 21	Insertion of new ch 2, pt 4, div 2, sdiv 3, hdg	5
	After section 81—	6
	<i>insert—</i>	7
	Subdivision 3 Changing a training plan— supervising registered training organisation	8
		9
		10
Clause 22	Insertion of new ch 2, pt 4, div 2, sdivs 4–6	11
	After section 82—	12
	<i>insert—</i>	13
	Subdivision 4 Changing a training plan— on application by one party	14
		15
		16
	82A Application by one party to change a training plan	17
		18
	(1) If a party to a training plan considers an apprentice or trainee has not made sufficient progress to achieve the qualification or statement of attainment under the training plan, the party may apply to the chief executive to change the mode of delivery of the training plan.	19
		20
		21
		22
		23
		24
	(2) The application must be in the approved form and state the following—	25
		26
	(a) the proposed change to the mode of delivery of the training plan;	27
		28

[s 22]

(b) the reasons for the proposed change. 1

(3) If the apprentice or trainee makes the application 2
and is under 18 years, the application must 3
include the signed consent of a parent of the 4
apprentice or trainee. 5

(4) However, subsection (3) does not apply if it 6
would be inappropriate in all the circumstances 7
for a parent to give signed consent. 8

**82B Chief executive may request further 9
information 10**

(1) Within 21 days after receiving the application, the 11
chief executive may give the applicant a written 12
notice asking for further information the chief 13
executive reasonably requires to decide the 14
application. 15

(2) The notice must state a reasonable period of at 16
least 14 days after the day the notice is given for 17
the applicant to comply with the notice. 18

(3) The chief executive must consider any 19
information given by the applicant within the 20
period stated in the notice. 21

(4) The applicant is taken to have withdrawn the 22
application if the applicant does not comply with 23
the notice. 24

**82C Show cause notice before changing a training 25
plan 26**

If the chief executive proposes to change the mode 27
of delivery of the training plan the chief executive 28
must give each party to the registered training 29
contract a notice (a *show cause notice*) stating the 30
following— 31

(a) that an application has been made under 32
section 82A; 33

-
- (b) the reasons, as stated in the application, for the proposed change; 1
2
 - (c) the reasons the chief executive proposes to change the training plan; 3
4
 - (d) the proposed change to the mode of delivery of the training plan; 5
6
 - (e) the day the proposed change is to take effect; 7
8
 - (f) that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed change. 9
10
11

82D Decision about changing a training plan 12

- (1) After having regard to the reasons stated in the application and, if a show cause notice was given under section 82C, any written responses made under section 82C(f), the chief executive must decide— 13
14
15
16
17
 - (a) if satisfied the change to the mode of delivery of the training plan is necessary to assist the apprentice or trainee make the required progress to achieve the qualification or statement of attainment under the training plan—to change the mode of delivery of the training plan; or 18
19
20
21
22
23
24
 - (b) otherwise—not to change the mode of delivery of the training plan. 25
26
- (2) The chief executive must give each party a written notice about the decision. 27
28
- (3) If the chief executive decides to change the mode of delivery of the training plan, the written notice must state— 29
30
31
 - (a) the change; and 32

[s 22]

- (b) the date the change takes effect, being not less than 14 days after the day the notice is given to the parties. 1
2
3

Subdivision 5 Changing a training plan—chief executive 4
5

82E Chief executive may change training plan without application by the parties 6
7

The chief executive may decide to change the mode of delivery of the training plan if the chief executive is satisfied the change is necessary to assist an apprentice or trainee to achieve the qualification or statement of attainment under the apprentice's or trainee's training plan. 8
9
10
11
12
13

82F Show cause notice before changing a training plan 14
15

If the chief executive proposes to change the mode of delivery of the training plan, the chief executive must give each party to the registered training contract a notice (a *show cause notice*) stating the following— 16
17
18
19
20

- (a) that the chief executive proposes to change the training plan; 21
22
(b) the reasons the chief executive proposes to change the training plan; 23
24
(c) the proposed change to the mode of delivery of the training plan; 25
26
(d) the day the proposed change is to take effect; 27
28
(e) that the party may, within 14 days after the notice is given, give the chief executive a written response to the proposed change. 29
30
31

-
- 82G Decision about changing a training plan** 1
- (1) After having regard to any written responses 2
made under section 82F(e), the chief executive 3
must decide— 4
- (a) if satisfied the change to the mode of 5
delivery of the training plan is necessary to 6
assist the apprentice or trainee make the 7
required progress to achieve the 8
qualification or statement of attainment 9
under the training plan—to change the mode 10
of delivery of the training plan; or 11
- (b) otherwise—not to change the mode of 12
delivery of the training plan. 13
- (2) The chief executive must give each party a written 14
notice about the decision. 15
- (3) If the chief executive decides to change the mode 16
of delivery of the training plan, the written notice 17
must state— 18
- (a) the change; and 19
- (b) the date the change takes effect, being not 20
less than 14 days after the day the notice is 21
given to the parties. 22

**Subdivision 6 Supervising registered 23
training organisation's 24
obligations in relation to a 25
change 26**

- 82H Supervising registered training organisation's 27
obligation 28**
- If a training plan is changed under subdivision 4 29
or 5 the supervising registered training 30
organisation must take all reasonable steps to 31
ensure the change is complied with by the parties 32

[s 23]

	to the plan.	1
Clause 23	Amendment of s 112A (Definitions for ch 4A)	2
	Section 112A, definition, <i>prescribed decision</i> , paragraph (c), '23(4)'—	3 4
	<i>omit, insert</i> —	5
	23(6)	6
Clause 24	Amendment of s 168 (Appeal to industrial relations commission)	7 8
	Section 168(1)—	9
	<i>omit, insert</i> —	10
	(1) A person aggrieved by any of the following decisions may appeal to the industrial relations commission—	11 12 13
	(a) a decision by the chief executive under section 32D;	14 15
	(b) a decision by the chief executive under section 32F;	16 17
	(c) a decision by the chief executive to cancel a registered training contract under section 35D;	18 19 20
	(d) a decision by the chief executive to cancel a registered training contract under section 36(1)(c), (e) or (h);	21 22 23
	(e) a decision by the chief executive to cancel a completion certificate under section 53;	24 25
	(f) a declaration by the chief executive that an employer is a prohibited employer under section 59;	26 27 28
	(g) an order by the chief executive under section 42(2).	29 30

Clause 25	Amendment of s 208 (Declaration of restricted calling continues in force)	1 2	
	Section 208—	3	
	<i>insert—</i>	4	
	(3) A declaration continued in force under subsection (2) expires on 1 July 2020.	5 6	
Clause 26	Insertion of new ch 9, pt 4	7	
	Chapter 9—	8	
	<i>insert—</i>	9	
	Part 4	Transitional provisions for Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2019	10 11 12 13 14 15
	238 Application for extension of nominal term made but not decided before commencement	16 17	
	(1) This section applies if —	18	
	(a) before the commencement, an application to extend the nominal term of a registered training contract was made under section 23; and	19 20 21 22	
	(b) immediately before the commencement, the chief executive had not decided the application.	23 24 25	
	(2) The chief executive must decide the application under this Act as in force immediately before the commencement.	26 27 28	

[s 27]

Clause 27	Amendment of sch 1 (Dictionary)	1
(1)	Schedule 1—	2
	<i>insert</i> —	3
	<i>cancelled contract</i> see section 40A.	4
	<i>contested event</i> see section 58A(1).	5
	<i>employer resource assessment</i> , for an apprentice or trainee, means a report about the capacity of the apprentice's or trainee's employer to provide or arrange to provide the range of work, facilities and supervision required under a training plan.	6 7 8 9 10
	<i>fair work commission</i> means the Fair Work Commission under the <i>Fair Work Act 2009</i> (Cwlth).	11 12
	<i>reinstatement decision</i> see section 40A.	13
	<i>relevant entity</i> see section 40A.	14
(2)	Schedule 1, definition <i>show cause notice</i> , paragraphs (a) to (d)—	15 16
	<i>omit, insert</i> —	17
	(a) for chapter 2, part 2, division 5, subdivision 2—see section 32C(1); or	18 19
	(aa) for chapter 2, part 2, division 6, subdivision 1A—see section 35C(1); or	20 21
	(ab) for chapter 2, part 2, division 6, subdivision 2—see section 37(2); or	22 23
	(ac) for chapter 2, part 2, division 7—see section 43(2); or	24 25
	(ad) for chapter 2, part 2, division 8, subdivision 2—see section 52(2); or	26 27
	(ae) for chapter 2, part 2, division 10—see section 60(2); or	28 29
	(af) for chapter 2, part 4, division 2, subdivision 4—see section 82C; or	30 31

-
- (ag) for chapter 2, part 4, division 2, subdivision 5—see section 82F; or 1
2
- (3) Schedule 1, definition *show cause notice*, paragraphs (aa) to (h)— 3
4
renumber as paragraphs (b) to (l). 5
- (4) Schedule 1, definition *supervising registered training organisation*— 6
7
insert— 8
(aa) assesses an employer's capacity to provide 9
the supervision, facilities and training 10
required under the training plan for an 11
apprentice or trainee; and 12
- (5) Schedule 1, definition *supervising registered training organisation*, paragraphs (aa) to (c)— 13
14
renumber as paragraphs (b) to (d). 15

Part 3 **Amendment of TAFE Queensland Act 2013** 16 17

Clause 28 **Act amended** 18
This part amends the *TAFE Queensland Act 2013*. 19

Clause 29 **Amendment of s 12 (Establishment)** 20

(1) Section 12— 21
insert— 22
(2A) At least 1 member of the board must be an 23
Aboriginal person or Torres Strait Islander. 24

(2) Section 12(2A) and (3)— 25
renumber as section 12(3) and (4). 26

[s 30]

Clause 30	Amendment of pt 6, hdg	1
	Part 6, heading, ‘for TAFE Queensland Act 2013’—	2
	<i>omit.</i>	3
Clause 31	Insertion of new pt 6, div 1, hdg	4
	Before section 68—	5
	<i>insert—</i>	6
	Division 1	Transitional provisions for
		Act No. 27 of 2013
		8
Clause 32	Insertion of new pt 6, div 2	9
	Part 6—	10
	<i>insert—</i>	11
	Division 2	Transitional provision for
		Workers’ Compensation
		and Rehabilitation and
		Other Legislation
		Amendment Act 2019
		16
	70 Membership of the board on commencement	17
	(1) Despite section 12(3), if on the commencement	18
	the board does not consist of a member who is an	19
	Aboriginal person or a Torres Strait Islander the	20
	board is taken to be validly constituted.	21
	(2) Subsection (1) continues to apply until the first	22
	day on which, after the commencement, a	23
	member is appointed to the board.	24

Part 4	Amendment of Workers' Compensation and Rehabilitation Act 2003	1
		2
		3
Clause 33	Act amended	4
	This part amends the <i>Workers' Compensation and Rehabilitation Act 2003</i> .	5
	<i>Note—</i>	6
	See also the amendments in schedule 1.	7
		8
Clause 34	Amendment of s 32 (Meaning of <i>injury</i>)	9
	(1) Section 32(1)—	10
	<i>omit, insert—</i>	11
	(1) An <i>injury</i> is personal injury arising out of, or in the course of, employment if the employment is a significant contributing factor to the injury.	12
		13
		14
	(2) Section 32(3)(b)(i) and (iii), 'other than a psychiatric or psychological disorder'—	15
	<i>omit.</i>	16
		17
	(3) Section 32(3)(ba)—	18
	<i>omit.</i>	19
		20
	(4) Section 32(4), 'and (ba)'—	21
	<i>omit.</i>	22
		23
Clause 35	Amendment of s 36F (Meaning of <i>pneumoconiosis score</i>)	24
	Section 36F(b), 'x-ray'—	25
	<i>omit, insert—</i>	
	image	

[s 36]

Clause 36	Amendment of s 39A (Meaning of <i>terminal condition</i>)	1
	Section 39A(1), from 'within' to 'diagnosed'—	2
	<i>omit.</i>	3
Clause 37	Amendment of s 41 (Meaning of <i>rehabilitation and return to work coordinator</i>)	4
	Section 41—	5
	<i>insert—</i>	6
	(2) A person is taken to be appropriately qualified to perform the functions of a rehabilitation and return to work coordinator under this Act if the person has completed a training course approved by the Regulator.	7
		8
		9
		10
		11
		12
Clause 38	Amendment of s 42 (Meaning of <i>suitable duties</i>)	13
	Section 42(c), after 'worker'—	14
	<i>insert—</i>	15
	as developed under section 220(5)	16
Clause 39	Insertion of new s 63B	17
	After section 63A—	18
	<i>insert—</i>	19
	63B Additional premium for interns	20
	(1) This section applies if an employer has an intern.	21
	(2) WorkCover may, from time to time, charge an additional premium on a policy issued to the employer in an amount that WorkCover considers necessary towards—	22
		23
		24
		25
	(a) providing for compensation or damages payable for injury to the intern; and	26
		27

	(b) covering the cost of administration of this Act in relation to the intern.	1 2
Clause 40	Amendment of s 66 (Employer's liability for excess period)	3 4
	(1) Section 66(1)(a)— <i>omit, insert—</i>	5 6
	(a) an employer who has, or is required to have, accident insurance; and	7 8
	(2) Section 66(2) and (5), 'WorkCover'— <i>omit, insert—</i>	9 10
	the insurer	11
	(3) Section 66(3), 'WorkCover'— <i>omit, insert—</i>	12 13
	The insurer	14
	(4) Section 66(6), 'the payment made by it'— <i>omit, insert—</i>	15 16
	a payment made by it under subsection (5)	17
Clause 41	Amendment, relocation and renumbering of s 107 (Meaning of QOTE)	18 19
	(1) Section 107— <i>insert—</i>	20 21
	(2A) The percentage difference under subsection (2)(b) may be rounded to the nearest second decimal place.	22 23 24
	(2) Section 107(2A) and (3)— <i>renumber</i> as section 107(3) and (4).	25 26
	(3) Section 107, as amended and renumbered—	27

[s 42]

relocate to chapter 1, part 4, division 1 and *renumber* as
section 10A. 1
2

Clause 42	Amendment of s 109 (Who must pay compensation)	3
(1)	Section 109(3), 'payable by WorkCover under the Act'—	4
	<i>omit, insert—</i>	5
	payable under the Act by WorkCover	6
(2)	Section 109—	7
	<i>insert—</i>	8
	(3A) An employer who is a self-insurer can not pay a worker an amount, either in compensation or instead of compensation, that is payable under the Act by the employer as a self-insurer for an injury sustained by the worker.	9 10 11 12 13
(3)	Section 109(4), 'who is not a self-insurer'—	14
	<i>omit.</i>	15
(4)	Section 109(4), 'payable by WorkCover under the Act'—	16
	<i>omit, insert—</i>	17
	payable under the Act by the employer as a self-insurer or WorkCover	18 19
(5)	Section 109(5), 'Subsection (4) applies only until WorkCover'—	20 21
	<i>omit, insert—</i>	22
	Subsection (5) applies only until the insurer	23
(6)	Section 109(3A) to (6)—	24
	<i>renumber</i> as section 109(4) to (7).	25
Clause 43	Amendment of s 128B (Entitlements of worker with terminal condition)	26 27
(1)	Section 128B(2)(a), '\$200,000'—	28

omit, insert—

1

216.15 times QOTE

2

(2) Section 128B(2)(c), 'up to \$200,000'—

3

omit, insert—

4

no more than 216.15 times QOTE

5

Clause 44 Amendment of s 128G (Lump sum compensation)

6

Section 128G(1), 'up to \$120,000'—

7

omit, insert—

8

no more than 80.97 times QOTE

9

Clause 45 Amendment of s 128J (Further lump sum compensation)

10

Section 128J(3)(c), 'x-ray'—

11

omit, insert—

12

image

13

Clause 46 Amendment of s 131 (Time for applying)

14

(1) Section 131(1), after 'for compensation'—

15

insert—

16

for an injury

17

(2) Section 131(1), after 'to compensation'—

18

insert—

19

for the injury

20

(3) Section 131—

21

insert—

22

(4A) Also, an insurer may waive subsection (1) for a particular application if—

23

24

[s 47]

	(a)	it is satisfied that a doctor, nurse practitioner or dentist has assessed the injury as resulting in total or partial incapacity for work; and	1 2 3
	(b)	the claimant lodged the application within 20 business days after the first assessment under paragraph (a).	4 5 6
(4)		Section 131(4A) and (5)— <i>renumber</i> as section 131(5) and (6).	7 8
Clause 47		Amendment of s 132 (Applying for compensation)	9
		Section 132—	10
		<i>insert</i> —	11
	(6)	An application for compensation is valid and enforceable if it complies with this section.	12 13
Clause 48		Amendment of s 133 (Employer's duty to report injury)	14
(1)		Section 133(1) and (2)— <i>omit, insert</i> —	15 16
	(1)	An employer whose worker sustains an injury for which compensation may be payable must complete a report in the approved form and give the report to the insurer.	17 18 19 20
	(2)	The employer must complete and give the report to the insurer immediately after the first of the following happens—	21 22 23
	(a)	the employer knows the injury has been sustained;	24 25
	(b)	the worker reports the injury to the employer;	26 27
	(c)	the employer receives the insurer's written request for the report.	28 29

-
- (2) Section 133(3), 'any of the circumstances mentioned in subsection (2)'— 1
2
omit, insert— 3
the first of the circumstances mentioned in 4
subsection (2) happens 5
- (3) Section 133— 6
insert— 7
- (4) In this section— 8
insurer means— 9
- (a) if the employer is a self-insurer—the person 10
authorised by the employer as self-insurer to 11
make a decision under section 134 on any 12
claim for compensation for the injury; or 13
- (b) if the employer is not a self-insurer— 14
WorkCover. 15

Clause 49 **Amendment of s 133A (Employer's duty to tell WorkCover if worker asks for, or employer makes, a payment)** 16
17

- (1) Section 133A, heading, 'WorkCover'— 18
omit, insert— 19
insurer 20
- (2) Section 133A(1), ' , other than a self-insurer, must give WorkCover'— 21
22
omit, insert— 23
must give the insurer 24
- (3) Section 133A(1)(b), 'payable by the employer or WorkCover under the Act'— 25
26
omit, insert— 27
payable under the Act by the employer as a 28
self-insurer or WorkCover 29
- (4) Section 133A— 30

[s 50]

<i>insert—</i>	1
(3) In this section—	2
<i>insurer</i> means—	3
(a) if the employer is a self-insurer—the person authorised by the employer as self-insurer to make a decision under section 134 on any claim for compensation for the injury; or	4 5 6 7
(b) if the employer is not a self-insurer— WorkCover.	8 9

Clause 50	Amendment of s 140 (Maximum entitlement)	10
	Section 140(1), '\$200,000'—	11
	<i>omit, insert—</i>	12
	216.15 times QOTE	13
Clause 51	Amendment of s 141 (Time from which compensation payable)	14 15
	(1) Section 141(1), 'worker is'—	16
	<i>omit, insert—</i>	17
	worker's injury is	18
	(2) Section 141(2), after 'compensation'—	19
	<i>insert—</i>	20
	for an injury	21
	(3) Section 141(4), 'availability for'—	22
	<i>omit, insert—</i>	23
	entitlement to	24
Clause 52	Amendment of s 144B (When payment of medical treatment, hospitalisation and expenses stops)	25 26
	Section 144B—	27

insert—

1

- (2) Subsection (1) does not apply in relation to
section 220 or part 5A.

2
3

Clause 53 Replacement of s 168 (Review of compensation and associated payments)

4
5

Section 168—

6

omit, insert—

7

168 Review of compensation

8

- (1) If an insurer considers a person's entitlement to
compensation under this Act may have changed,
the insurer may review the person's entitlement to
compensation under this Act.

9
10
11
12

- (2) On the review, the insurer may terminate,
suspend, decrease or increase the person's
entitlement to compensation under this Act.

13
14
15

Note—

16

See also chapter 4A, part 4 for reviews of entitlement to
compensation under that chapter.

17
18

Clause 54 Amendment of s 192 (Additional lump sum compensation for workers with DPI of 30% or more)

19
20

Section 192(2), 'up to \$218400'—

21

omit, insert—

22

no more than 216.15 times QOTE

23

Clause 55 Amendment of s 193 (Additional lump sum compensation for gratuitous care)

24
25

Section 193(6), 'up to \$226,555'—

26

omit, insert—

27

no more than 244.86 times QOTE

28

[s 56]

Clause 56	Amendment of s 200 (Total dependency)	1
	(1) Section 200(2)(a), '\$374,625'—	2
	<i>omit, insert—</i>	3
	404.87 times QOTE	4
	(2) Section 200(2)(aa), '\$10,000'—	5
	<i>omit, insert—</i>	6
	10.83 times QOTE	7
	(3) Section 200(2)(b), '\$20,000'—	8
	<i>omit, insert—</i>	9
	21.64 times QOTE	10
Clause 57	Amendment of s 202 (Workers under 21)	11
	Section 202(2) and (3)(a), '\$22,500'—	12
	<i>omit, insert—</i>	13
	no more than 24.34 times QOTE	14
Clause 58	Amendment of s 205 (Variation of payments for injuries)	15
	Section 205(3) and (4)—	16
	<i>omit.</i>	17
Clause 59	Amendment of s 208 (Application and object of ch 4)	18
	Section 208—	19
	<i>insert—</i>	20
	(3) This section is subject to part 5A.	21
Clause 60	Amendment of ch 4, pt 3, div 1, hdg (Responsibility for rehabilitation)	22
	Chapter 4, part 3, division 1, heading, 'Responsibility'—	23
		24

omit, insert—

1

Insurer's responsibility

2

Clause 61 Replacement of s 220 (Insurer's responsibility for worker's rehabilitation)

3

4

Section 220—

5

omit, insert—

6

220 Insurer's responsibility for rehabilitation and return to work

7

8

(1) An insurer must take all reasonable steps to secure the rehabilitation and early return to suitable duties of—

9

10

11

(a) workers who have an entitlement to compensation; and

12

13

(b) workers who are participating in an accredited rehabilitation and return to work program of the insurer.

14

15

16

Maximum penalty—50 penalty units.

17

(2) Without limiting subsection (1), an insurer—

18

(a) may refer a worker who is receiving compensation for an injury to an accredited rehabilitation and return to work program of the insurer; and

19

20

21

22

(b) must refer a worker who is receiving compensation for an injury, and has asked the insurer to be referred to a rehabilitation and return to work program, to an accredited rehabilitation and return to work program of the insurer; and

23

24

25

26

27

28

(c) must refer a worker who has stopped receiving compensation for an injury under section 144A, 168 or 190(2), and has not returned to work because of the injury, to an

29

30

31

32

[s 61]

- accredited rehabilitation and return to work program of the insurer. 1
2
- (3) However— 3
- (a) subsection (2)(b) and (c) does not apply if the insurer is satisfied the program is not able to further assist the worker with rehabilitation for the injury; and 4
5
6
7
- (b) subsection (2)(c) does not apply if the worker is already participating in an accredited rehabilitation and return to work program of the insurer. 8
9
10
11
- (4) A worker who is referred under subsection (2) to an accredited rehabilitation and return to work program of an insurer is entitled to participate in the program until the first of the following happens— 12
13
14
15
16
- (a) the insurer is satisfied the worker is unwilling or unable to participate in the program; 17
18
19
- (b) the insurer is satisfied the program is not able to further assist the worker with rehabilitation for the injury; 20
21
22
- (c) the worker receives a payment of damages for the injury; 23
24
- (d) the worker receives a redemption payment for the injury; 25
26
- (e) the worker receives compensation for the injury for 5 years. 27
28
- (5) An insurer must take all reasonable steps to coordinate the development and maintenance of rehabilitation and return to work plans for workers who have sustained an injury. 29
30
31
32
- (6) If a worker is aggrieved by either of the following decisions of an insurer, the worker may have the decision reviewed under chapter 13— 33
34
35

	(a) a decision under subsection (3) to refuse the worker's entitlement under subsection (2)(b) or (c) to be referred to an accredited rehabilitation and return to work program of the insurer;	1 2 3 4 5
	(b) a decision under subsection (4) that the worker is no longer entitled to participate in an accredited rehabilitation and return to work program of the insurer.	6 7 8 9
	(7) In this section—	10
	<i>rehabilitation and return to work plan</i> , for a worker who has sustained an injury, means a written plan—	11 12 13
	(a) outlining the rehabilitation objectives for the worker and the steps required to achieve the objectives; and	14 15 16
	(b) developed in consultation with the worker, the worker's employer and registered persons treating the worker.	17 18 19
Clause 62	Amendment of s 222 (Liability for rehabilitation fees and costs)	20 21
	Section 222(4), after 'compensation'—	22
	<i>insert—</i>	23
	or the payment of another amount relating to an accredited rehabilitation and return to work program of the insurer	24 25 26
Clause 63	Amendment of s 226 (Employer's obligation to appoint rehabilitation and return to work coordinator)	27 28
	(1) Section 226—	29
	<i>insert—</i>	30
	(3A) The employer must give the insurer the prescribed	31

[s 64]

	details of a person appointed as a rehabilitation and return to work coordinator within 12 months after the appointment.	1 2 3
	Maximum penalty—50 penalty units.	4
(3B)	If the prescribed details of a person appointed as a rehabilitation and return to work coordinator change, the employer must, by written notice, tell the insurer about the change within 12 months after the change.	5 6 7 8 9
	Maximum penalty—50 penalty units.	10
(2)	Section 226—	11
	<i>insert</i> —	12
(6)	In this section—	13
	<i>prescribed details</i> , of a person appointed as a rehabilitation and return to work coordinator, means—	14 15 16
	(a) the person's name and contact details; and	17
	(b) the details of how the person is appropriately qualified under 41(1)(a); and	18 19
	(c) the details of each workplace for which the person is appointed as the rehabilitation and return to work coordinator.	20 21 22
(3)	Section 226(5), 'subsection (4)'—	23
	<i>omit, insert</i> —	24
	subsection (6)	25
(4)	Section 226(3A) to (6)—	26
	<i>renumber</i> as section 226(4) to (8).	27
Clause 64	Replacement of s 228 (Employer's obligation to assist or provide rehabilitation)	28 29
	Section 228—	30

omit, insert—

228 Employer's obligation to assist or provide rehabilitation

- (1) The employer of a worker who has sustained an injury must take all reasonable steps to assist or provide the worker with rehabilitation during the prescribed period for the worker.

Maximum penalty—50 penalty units.

- (2) The rehabilitation must be of a suitable standard as prescribed by regulation.

- (3) Without limiting subsection (1) or (2), the employer must cooperate with the insurer to enable the insurer to meet its obligations under section 220.

- (4) If an employer considers it is not practicable to provide the worker with suitable duties programs, as mentioned in section 40(2)(a)(i), the employer must give the insurer written evidence that it is not practicable.

- (5) In this section—

prescribed period, for a worker who has sustained an injury, means the period that—

- (a) starts on the day the worker is injured; and
(b) ends on the day the insurer's responsibility for the worker's rehabilitation ends under section 220.

Clause 65 Insertion of new ch 4, pt 5A

Chapter 4—

insert—

[s 65]

Part 5A	Support for workers with psychiatric or psychological injuries	1
		2
		3
232AA Application of part		4
(1)	This part applies if a worker makes an application for compensation under section 132 for a psychiatric or psychological injury arising out of, or in the course of, employment.	5 6 7 8
(2)	However, this part does not apply if the worker has made an earlier application for compensation under section 132 for a psychiatric or psychological injury and the event that resulted in the injury the subject of the earlier application is the same, or substantially the same, as the event that resulted in the injury mentioned in subsection (1).	9 10 11 12 13 14 15 16
232AB Insurer's responsibility for providing support to worker		17 18
(1)	The insurer must take all reasonable steps to provide reasonable services to support the worker in relation to the psychiatric or psychological injury during the prescribed period for the worker.	19 20 21 22
	<i>Examples of reasonable services to support a worker—</i>	23
	mediation services, counselling services	24
	Maximum penalty—50 penalty units.	25
(2)	Without limiting subsection (1), if the services include medical treatment for the worker's injury during the prescribed period for the worker, the insurer must pay—	26 27 28 29
(a)	for medical treatment by a registered person—the cost the insurer accepts as	30 31

	reasonable, having regard to the relevant table of costs; and	1 2
	(b) for nursing, medicines, or medical or surgical supplies—the cost the insurer accepts as reasonable.	3 4 5
	(3) However, the insurer is not required to pay—	6
	(a) the costs of nursing, medicines, or medical or surgical supplies that the worker receives as an in-patient at a hospital; or	7 8 9
	(b) the costs of hospitalisation of the worker.	10
	(4) If the worker's application for compensation is allowed, a payment under this section by the insurer is taken to be a payment of compensation.	11 12 13
	(5) In this section—	14
	<i>prescribed period</i> , for a worker, means the period that—	15 16
	(a) starts on the day the worker makes an application for compensation under section 132 for a psychiatric or psychological injury arising out of, or in the course of, employment; and	17 18 19 20 21
	(b) ends on the day the insurer decides to allow or reject the application for compensation mentioned in paragraph (a).	22 23 24
Clause 66	Amendment of s 306M (Damages for loss of consortium or loss of servitium)	25 26
	Section 306M(1)(b), note—	27
	<i>omit.</i>	28
Clause 67	Amendment of s 306R (Court required to inform parties of proposed award)	29 30
	Section 306R(2), note—	31

[s 68]

omit.

1

Clause 68 Omission of ch 5, pt 9, div 5 (Indexation provisions)

2

Chapter 5, part 9, division 5—

3

omit.

4

Clause 69 Insertion of new ch 5, pt 14

5

Chapter 5—

6

insert—

7

**Part 14 Expressions of regret
and apologies**

8

9

Division 1 Expressions of regret

10

320A Application of division

11

This division applies in relation to liability for
damages.

12

13

320B Purpose of division

14

The purpose of this division is to allow an
individual to express regret about an incident that
may give rise to an action for damages without
being concerned that the expression of regret may
be construed or used as an admission of liability
on a claim or in a proceeding based on a claim
arising out of the incident.

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320C Meaning of *expression of regret*

22

An *expression of regret* made by an individual in
relation to an incident alleged to give rise to an
action for damages is any oral or written

23

24

25

statement expressing regret for the incident to the 1
extent that it does not contain an admission of 2
liability on the part of the individual or someone 3
else. 4

320D Expressions of regret are inadmissible 5

An expression of regret made by an individual in 6
relation to an incident alleged to give rise to an 7
action for damages at any time before a civil 8
proceeding in relation to the incident is started in 9
a court is not admissible in the proceeding. 10

Division 2 Apologies 11

320E Application of division 12

This division applies in relation to liability for 13
damages. 14

320F Purpose of division 15

The purpose of this division is to allow a person 16
to make an apology about a matter without the 17
apology being construed or used as an admission 18
of liability for damages in relation to the matter. 19

320G Meaning of *apology* 20

An *apology* is an expression of sympathy or 21
regret, or of a general sense of benevolence or 22
compassion, in connection with any matter, 23
whether or not it admits or implies an admission 24
of fault in relation to the matter. 25

320H Effect of apology on liability 26

(1) An apology made by or on behalf of a person in 27

[s 70]

	relation to any matter alleged to have been caused by the person—	1 2
	(a) does not constitute an express or implied admission of fault or liability for damages by the person in relation to the matter; and	3 4 5
	(b) is not relevant to the determination of fault or liability for damages in relation to the matter.	6 7 8
	(2) Evidence of an apology made by a person is not admissible in any civil proceeding as evidence of the fault or liability for damages of the person in relation to the matter.	9 10 11 12
Clause 70	Amendment of s 383 (General statement of WorkCover's functions)	13 14
	(1) Section 383(1)—	15
	<i>insert</i> —	16
	(ab) to fund and provide programs and incentives to encourage improved health and safety performance by employers;	17 18 19
	(2) Section 383(1)(ab) to (c)—	20
	<i>renumber</i> as section 383(1)(b) to (d).	21
Clause 71	Insertion of new s 385A	22
	After section 385—	23
	<i>insert</i> —	24
	385A WorkCover may fund and provide programs and incentives	25 26
	(1) WorkCover may fund and provide programs and incentives to encourage improved health and safety performance by employers.	27 28 29
	(2) Before acting under subsection (1), WorkCover must consult with—	30 31

	(a) the regulator under the <i>Work Health and Safety Act 2011</i> ; and	1 2
	(b) any prescribed entity that has a function or power under an Act relating to the program or incentive proposed.	3 4 5
	(3) This section does not limit section 384 or 481A.	6
	(4) In this section— <i>prescribed entity</i> means an entity prescribed by regulation for this definition.	7 8 9
Clause 72	Amendment of s 481A (Amounts payable by WorkCover on Minister's instruction)	10 11
	Section 481A—	12
	<i>insert</i> —	13
	(4) This section does not limit section 385A.	14
Clause 73	Amendment of s 532C (Power to require information or documents from particular persons)	15 16
	Section 532C(1)(d)—	17
	<i>omit, insert</i> —	18
	(d) any contravention of this Act the authorised person reasonably believes has been committed.	19 20 21
Clause 74	Amendment of s 538 (Internal review by insurer)	22
	Section 538(1)—	23
	<i>insert</i> —	24
	(aa) a decision not to provide a service under section 232AB;	25 26

[s 75]

Clause 75	Amendment of s 540 (Application of pt 2)	1
	(1) Section 540(1)(a)—	2
	<i>insert—</i>	3
	(xiiia) to refuse a worker's entitlement to be referred to an accredited rehabilitation and return to work program of WorkCover under section 220(3); or	4 5 6 7
	(xiiab) that a worker is no longer entitled to participate in an accredited rehabilitation and return to work program of WorkCover under section 220(4); or	8 9 10 11
	(2) Section 540(1)(b)—	12
	<i>insert—</i>	13
	(viaa) to refuse a worker's entitlement to be referred to an accredited rehabilitation and return to work program of the self-insurer under section 220(3); or	14 15 16 17
	(viab) that a worker is no longer entitled to participate in an accredited rehabilitation and return to work program of the self-insurer under section 220(4); or	18 19 20 21
Clause 76	Amendment of s 584 (Regulation-making power)	22
	Section 584—	23
	<i>insert—</i>	24
	(3) A regulation may prescribe an amount, including, for example, an amount of a fee, levy or damages, as a multiple of QOTE.	25 26 27
Clause 77	Insertion of new ch 35	28
	After section 729—	29
	<i>insert—</i>	30

Chapter 35	Transitional provisions for Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2019	1 2 3 4 5 6 7 8
730	Definitions for chapter	9
	In this chapter—	10
	<i>former</i> , for a provision, means the provision as in force before the commencement.	11 12
	<i>new</i> , for a provision, means the provision as in force from the commencement.	13 14
731	Requirement for employment to be significant contributing factor to psychiatric or psychological disorder	15 16 17
(1)	New section 32 applies in relation to a psychiatric or psychological disorder only if the injury to which the disorder relates was sustained by a worker after the commencement.	18 19 20 21
(2)	Former section 32 continues to apply in relation to a psychiatric or psychological disorder if the injury to which the disorder relates was sustained by a worker before the commencement.	22 23 24 25
732	Requirement for certification of terminal condition	26 27
(1)	New section 39A applies in relation to a terminal	28

[s 77]

condition only if the latent onset injury to which 1
the condition relates was sustained by a worker on 2
or after 31 January 2015. 3

- (2) Former section 39A continues to apply in relation 4
to a terminal condition if the latent onset injury to 5
which the condition relates was sustained by a 6
worker before 31 January 2015. 7

**733 Expression of percentage difference in QOTE 8
for financial year rounded to nearest second 9
decimal place 10**

- (1) This section applies if, before the 11
commencement, the Regulator notified under 12
former section 107(2)(b) the percentage 13
difference in QOTE for a financial year compared 14
to QOTE for the previous financial year. 15
- (2) The notification of the percentage difference is, 16
and is taken to have always been, as valid as it 17
would have been if the percentage difference had 18
been notified under new section 107(3). 19
- (3) Anything done, or omitted to be done, under a 20
notice under former section 107(2) is, and is taken 21
to have always been, as valid as it would have 22
been if the percentage difference in the notice had 23
been notified under new section 107(3). 24

**734 Payment of compensation by employer who is 25
self-insurer 26**

The prohibition under new section 109(4) against 27
an employer who is a self-insurer paying a worker 28
an amount, either in compensation or instead of 29
compensation, that is payable under the Act by the 30
employer as a self-insurer for an injury sustained 31
by the worker applies only if the worker's injury 32
was sustained after the commencement. 33

735 Discretion of insurer to waive time limit for applying for compensation	1 2
The discretion of an insurer to waive the time limit under new section 131 for lodging an application for compensation applies only if the application was made after the commencement.	3 4 5 6
736 Report of injury by employer who is self-insurer	7 8
The obligation under new section 133 of an employer who is a self-insurer and whose worker sustains an injury to complete a report in the approved form and give the report to the insurer applies only if the worker's injury was sustained after the commencement.	9 10 11 12 13 14
737 Obligation of employer who is self-insurer to report payment to insurer	15 16
The obligation under new section 133A of an employer who is a self-insurer and whose worker sustains an injury to give a written notice to the insurer if the employer pays the worker an amount, either in compensation or instead of compensation, that is payable by the employer under the Act for an injury sustained by the worker, applies only if the worker's injury was sustained after the commencement.	17 18 19 20 21 22 23 24 25
738 Insurer's obligation to refer worker who has stopped receiving compensation to return to work program	26 27 28
The obligation of an insurer under new section 220(2)(c) to refer a worker, who has stopped receiving compensation for an injury under section 144A, 168 or 190(2), to an accredited rehabilitation and return to work program of the	29 30 31 32 33

[s 77]

insurer applies only if the worker stopped 1
receiving the compensation after the 2
commencement. 3

**739 Employer's obligation to give insurer details of 4
rehabilitation and return to work coordinator 5
appointed before commencement 6**

- (1) This section applies if an employer appointed a 7
rehabilitation and return to work coordinator 8
before the commencement. 9
- (2) The employer must give the insurer the prescribed 10
details of the coordinator, as defined in new 11
section 226(8), within 12 months after the 12
commencement. 13
- (3) New section 226(4) applies to the employer as if 14
the coordinator were appointed on the 15
commencement. 16

**740 Insurer's obligation to provide support for 17
worker with psychiatric or psychological 18
injury 19**

The obligation of an insurer under new chapter 4, 20
part 5A to provide support to a worker who has 21
made an application for compensation for a 22
psychiatric or psychological injury applies only if 23
the worker's injury was sustained after the 24
commencement. 25

**741 Expressions of regret and apologies made 26
before commencement 27**

- (1) This section applies if— 28
- (a) a person gives a notice of a claim to an 29
insurer after the commencement; and 30

	(b) an expression of regret or apology was made in relation to the claim before the commencement.	1 2 3
	(2) Chapter 5, part 14 applies in relation to the expression of regret or apology.	4 5
Clause 78	Amendment of sch 2 (Who is a worker in particular circumstances)	6 7
	Schedule 2, part 1—	8
	<i>insert—</i>	9
7	A person (an <i>intern</i>), other than a person mentioned in chapter 1, part 4, division 3, subdivision 1, 2, 3 or 4, is a worker if the person—	
	(a) is performing work for a business or undertaking without payment of wages to gain practical experience in the type of work performed by the business or undertaking, or to seek to obtain a qualification; and	
	(b) would be a worker if the work performed by the person were for the payment of wages.	
Clause 79	Amendment of sch 3 (Who is an employer in particular circumstances)	10 11
	Schedule 3—	12
	<i>insert—</i>	13 14

[s 80]

- 8 A person is the employer of an intern if—
- (a) the person is conducting a business or undertaking; and
 - (b) the intern performs work for the person without payment of wages to gain practical experience in the type of work performed by the business or undertaking, or to seek to obtain a qualification; and
 - (c) the intern would be a worker if the work performed by the intern were for the payment of wages.

Clause 80	Amendment of sch 6 (Dictionary)	1
(1)	Schedule 6, definition <i>rehabilitation and return to work plan</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 6—	5
	<i>insert</i> —	6
	<i>accredited rehabilitation and return to work program</i> , of an insurer, means a rehabilitation and return to work program managed by the insurer that is accredited by the Regulator.	7
		8
		9
		10
	<i>apology</i> , for chapter 5, part 14, see section 320G.	11
	<i>chest image</i> means an x-ray or other medical image of a person's chest.	12
		13
	<i>expression of regret</i> , for chapter 5, part 14, see section 320C.	14
		15
	<i>intern</i> see schedule 2, part 1, section 7.	16

- (3) Schedule 6, definition *QOTE*, 'see section 107(1)'— 1
omit, insert— 2
 , for a financial year, see section 10A(1) 3

Part 5 **Amendment of Workers' Compensation and Rehabilitation Regulation 2014** 4
 5
 6

- Clause 81** **Regulation amended** 7
 This part amends the *Workers' Compensation and Rehabilitation Regulation 2014*. 8
Note— 9
 See also the amendments in schedule 1. 10
 11

- Clause 82** **Amendment of s 128 (Prescribed amount of damages for loss of consortium or loss of servitium—Act, s 306M(1)(b))** 12
 13
 14
 Section 128, table, item 9— 15
omit, insert— 16

9	1 July 2019 to 30 June 2020	\$45,290
10	1 July 2020 and after	28.78 times QOTE

- Clause 83** **Amendment of s 130 (General damages calculation provisions—Act, s 306P(2), definition general damages calculation provisions)** 17
 18
 19
 (1) Section 130(2), 'a table'— 20
omit, insert— 21
 any of tables 1 to 9 22
 (2) Section 130— 23

[s 84]

insert— 1

(2A) For an injury within the injury scale value stated 2
 in an item of a table other than a table mentioned 3
 in subsection (2), the general damages are the 4
 amount worked out in the way stated in the 5
 column of the table with the heading 'general 6
 damages'. 7

(3) Section 130(2A) and (3)— 8

renumber as section 130(3) and (4). 9

**Clause 84 Amendment of s 131 (Prescribed amount of award for 10
 future loss—Act, s 306R(2)) 11**

Section 131, table, item 9— 12

omit, insert— 13

9	1 July 2019 to 30 June 2020	\$150,970
10	1 July 2020 and after	95.92 times QOTE

Clause 85 Insertion of new s 146A 14

After section 146— 15

insert— 16

**146A WorkCover funding and provision of 17
 programs and incentives—Act, s 385A, 18
 definition prescribed entity 19**

Each of the following entities is prescribed for 20
 section 385A of the Act, definition *prescribed* 21
entity— 22

(a) the chief inspector under the *Coal Mining 23
 Safety and Health Act 1999;* 24

(b) the chief inspector under the *Mining and 25
 Quarrying Safety and Health Act 1999;* 26

- | | |
|---|------------------|
| (c) the chief inspector under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> ; | 1
2 |
| (d) the general manager under the <i>Maritime Safety Queensland Act 2002</i> ; | 3
4 |
| (e) the chief executive of the Office of the National Rail Safety Regulator under the <i>Rail Safety National Law (Queensland) Act 2017</i> ; | 5
6
7
8 |
| (f) the chief executive officer of the National Heavy Vehicle Regulator under the <i>Heavy Vehicle National Law Act 2012</i> . | 9
10
11 |

Clause 86	Amendment of sch 2 (Graduated scale for additional compensation for workers with terminal latent onset injuries)	12 13 14
(1)	Schedule 2, section 1(2), '\$307,385'— <i>omit, insert—</i>	15 16
	216.15 times QOTE	17
(2)	Schedule 2, section 2, table— <i>omit, insert—</i>	18 19

Graduated scale

Column 1 Worker's age	Column 2 Additional lump sum compensation
	\$
70 years or under	216.15 times QOTE
71 years	194.54 times QOTE
72 years	172.92 times QOTE
73 years	151.31 times QOTE
74 years	126.69 times QOTE

[s 87]

Column 1 Worker's age	Column 2 Additional lump sum compensation
75 years	108.08 times QOTE
76 years	86.47 times QOTE
77 years	64.86 times QOTE
78 years	43.24 times QOTE
79 years	21.63 times QOTE
80 years or over	0

Clause 87	Amendment of sch 3 (Graduated scale of additional compensation for workers with DPI of 30% or more)	1
	(1) Schedule 3, section 1(2), '\$307,385'—	2
	<i>omit, insert—</i>	3
	216.15 times QOTE	4
	(2) Schedule 3, section 2, table—	5
	<i>omit, insert—</i>	6
		7

Graduated scale

Column 1 DPI	Column 2 Additional lump sum compensation
%	\$
30	8.15 times QOTE
31	12.77 times QOTE
32	17.39 times QOTE
33	22.01 times QOTE
34	26.63 times QOTE

Column 1 DPI	Column 2 Additional lump sum compensation
%	\$
35	31.26 times QOTE
36	35.88 times QOTE
37	40.50 times QOTE
38	45.12 times QOTE
39	49.75 times QOTE
40	54.37 times QOTE
41	58.99 times QOTE
42	63.61 times QOTE
43	68.23 times QOTE
44	72.86 times QOTE
45	77.48 times QOTE
46	82.10 times QOTE
47	86.73 times QOTE
48	91.35 times QOTE
49	95.97 times QOTE
50	100.59 times QOTE
51	105.21 times QOTE
52	109.83 times QOTE
53	114.46 times QOTE
54	119.08 times QOTE
55	123.70 times QOTE
56	128.32 times QOTE

[s 88]

Column 1 DPI	Column 2 Additional lump sum compensation
%	\$
57	132.95 times QOTE
58	137.57 times QOTE
59	142.19 times QOTE
60	146.82 times QOTE
61	151.44 times QOTE
62	156.06 times QOTE
63	160.68 times QOTE
64	165.31 times QOTE
65	169.93 times QOTE
66	174.55 times QOTE
67	179.17 times QOTE
68	183.80 times QOTE
69	188.42 times QOTE
70	193.04 times QOTE
71	197.66 times QOTE
72	202.28 times QOTE
73	206.91 times QOTE
74	211.53 times QOTE
75–100	216.15 times QOTE

Clause 88	Amendment of sch 4 (Graduated scale for additional compensation for gratuitous care)	1
	(1) Schedule 4, section 1(2), ‘\$348,210’—	2
		3

omit, insert—

244.86 times QOTE

(2) Schedule 4, section 2, table—

omit, insert—

1
2
3
4

Graduated scale

Column 1 DPI	Column 2 Range of dependency (modified barthel index)	Column 3 Additional lump sum compensation
%		\$
15–39	moderate severe total	1.99 times QOTE 3.97 times QOTE 5.94 times QOTE
40–49	moderate severe total	3.70 times QOTE 7.52 times QOTE 11.21 times QOTE
50–59	moderate severe total	16.35 times QOTE 32.68 times QOTE 49.00 times QOTE
60–69	moderate severe total	40.84 times QOTE 73.49 times QOTE 97.97 times QOTE
70–79	moderate severe total	57.16 times QOTE 106.14 times QOTE 146.93 times QOTE
80–89	moderate severe total	65.32 times QOTE 132.00 times QOTE 195.89 times QOTE

[s 89]

Column 1 DPI	Column 2 Range of dependency (modified barthel index)	Column 3 Additional lump sum compensation
%		\$
90–94	moderate severe total	73.49 times QOTE 146.93 times QOTE 228.53 times QOTE
95–100	moderate severe total	81.63 times QOTE 163.28 times QOTE 244.86 times QOTE

- Clause 89 Amendment of sch 4C (Lump sum compensation for workers with pneumoconiosis)** 1
 2
 (1) Schedule 4C, section 1(2), '\$120,000'— 3
omit, insert— 4
 80.97 times QOTE 5
 (2) Schedule 4C, section 2, table— 6
omit, insert— 7

Graduated scale

Column 1 Pneumoconiosis band	Column 2 Pneumoconiosis scores	Column 3 Lump sum compensation
		\$
1	0	0
2	15	12.15 times QOTE
	20	16.20 times QOTE
	25	20.25 times QOTE

[s 90]

Table 10—For an injury sustained on or after 1 July 2020		
Item	Injury scale value	General damages
6	5	4.74 times QOTE
7	6	5.89 times QOTE
8	7	7.04 times QOTE
9	8	8.19 times QOTE
10	9	9.34 times QOTE
11	10	10.49 times QOTE
12	11	11.83 times QOTE
13	12	13.17 times QOTE
14	13	14.51 times QOTE
15	14	15.85 times QOTE
16	15	17.19 times QOTE
17	16	18.72 times QOTE
18	17	20.24 times QOTE
19	18	21.76 times QOTE
20	19	23.29 times QOTE
21	20	24.81 times QOTE
22	21	26.54 times QOTE
23	22	28.27 times QOTE
24	23	30.00 times QOTE
25	24	31.73 times QOTE
26	25	33.45 times QOTE
27	26	35.39 times QOTE
28	27	37.32 times QOTE
29	28	39.25 times QOTE
30	29	41.18 times QOTE
31	30	43.11 times QOTE
32	31	45.21 times QOTE
33	32	47.32 times QOTE

Table 10—For an injury sustained on or after 1 July 2020		
Item	Injury scale value	General damages
34	33	49.42 times QOTE
35	34	51.52 times QOTE
36	35	53.63 times QOTE
37	36	55.94 times QOTE
38	37	58.25 times QOTE
39	38	60.56 times QOTE
40	39	62.88 times QOTE
41	40	65.19 times QOTE
42	41	67.67 times QOTE
43	42	70.14 times QOTE
44	43	72.62 times QOTE
45	44	75.10 times QOTE
46	45	77.58 times QOTE
47	46	80.06 times QOTE
48	47	82.53 times QOTE
49	48	85.01 times QOTE
50	49	87.49 times QOTE
51	50	89.97 times QOTE
52	51	92.61 times QOTE
53	52	95.25 times QOTE
54	53	97.90 times QOTE
55	54	100.54 times QOTE
56	55	103.18 times QOTE
57	56	105.82 times QOTE
58	57	108.47 times QOTE
59	58	111.11 times QOTE
60	59	113.75 times QOTE
61	60	116.40 times QOTE

[s 90]

Table 10—For an injury sustained on or after 1 July 2020		
Item	Injury scale value	General damages
62	61	119.22 times QOTE
63	62	122.04 times QOTE
64	63	124.86 times QOTE
65	64	127.68 times QOTE
66	65	130.50 times QOTE
67	66	133.32 times QOTE
68	67	136.14 times QOTE
69	68	138.96 times QOTE
70	69	141.78 times QOTE
71	70	144.60 times QOTE
72	71	147.60 times QOTE
73	72	150.60 times QOTE
74	73	153.60 times QOTE
75	74	156.60 times QOTE
76	75	159.60 times QOTE
77	76	162.60 times QOTE
78	77	165.60 times QOTE
79	78	168.59 times QOTE
80	79	171.59 times QOTE
81	80	174.59 times QOTE
82	81	177.76 times QOTE
83	82	180.92 times QOTE
84	83	184.08 times QOTE
85	84	187.25 times QOTE
86	85	190.41 times QOTE
87	86	193.58 times QOTE
88	87	196.74 times QOTE
89	88	199.90 times QOTE

Table 10—For an injury sustained on or after 1 July 2020		
Item	Injury scale value	General damages
90	89	203.07 times QOTE
91	90	206.23 times QOTE
92	91	209.58 times QOTE
93	92	212.93 times QOTE
94	93	216.28 times QOTE
95	94	219.62 times QOTE
96	95	222.97 times QOTE
97	96	226.32 times QOTE
98	97	229.67 times QOTE
99	98	233.02 times QOTE
100	99	236.36 times QOTE
101	100	239.71 times QOTE

Part 6 **Repeal** 1

Clause 91 **Repeal** 2
 The Commonwealth Games Arrangements Act 2011, No. 42 3
 is repealed. 4

Part 7 **Minor and consequential amendments** 5
 6

Clause 92 **Legislation amended** 7
 Schedule 1 amends the legislation it mentions. 8

Schedule 1	Minor and consequential amendments	1 2
	section 92	3
	Workers' Compensation and Rehabilitation Act 2003	4
1	Section 532C(4), 'making the requirement'— <i>omit, insert—</i> making a requirement under subsection (2)	5 6 7
2	Section 532C(5), 'the requirement'— <i>omit, insert—</i> a requirement under subsection (2)	8 9 10
3	Section 540(1)(a)(xiif), 'to not'— <i>omit, insert—</i> not to	11 12 13
4	Section 540(1)(b)(vif), 'to not'— <i>omit, insert—</i> not to	14 15 16

Workers' Compensation and Rehabilitation Regulation 1
2014 2

- 1 Section 114(c), 'required'—** 3
omit, insert— 4
developed under section 220(5) of the Act 5

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