



# Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2019

Scott Falvey

Today, the Minister for Education and Industrial Relations, the Honourable Grace Grace, introduced a Bill into the Queensland Parliament to amend the Workers' Compensation and Rehabilitation Act 2003 (the WCRA).

A number of recommendations were made to improve the workers compensation regime after the scheme underwent its five yearly review in 2018.

The amending legislation introduces some of those recommendations. Not all recommendations have been implemented yet and some are still under consideration.

If the amending legislation is passed by the Parliament these changes to the WCRA will commence later this year.

The changes that will change how workers compensation claims are managed in Queensland relate to:

1. The **time limit to lodge an application for compensation** – there will be a **greater discretion for insurers to allow applications to be lodged later. All insurers can waive the six-month time limit on lodging a claim if a worker lodges a claim within 20 business days of developing an incapacity for work from their injury;**
2. The definition of a psychological injury will require that employment be ‘**a significant contributing factor**’ to the injury. Currently employment has to be ‘**the major significant contributing factor**’.
3. **Early intervention in psychological and psychiatric injury claims** – insurers will be expected to provide reasonable support and assistance to workers making a claim for a psychiatric injury – even before the claim is accepted by the insurer
4. **Insurers will have an increased responsibility to provide rehabilitation and initiatives aimed at a return to work if the injured worker has been unable to return to work after their entitlement to weekly benefits and medical expenses cease. The employer’s obligations for rehabilitation and return to work are also aligned with their insurer’s obligations.**
5. **The Bill includes a new section in Chapter 8 of the WCRA to clarify that WorkCover has the power to fund programs and provide incentives to encourage improved health and safety performance by employers. To ensure that these activities are complementary with those of the work health and safety regulator/s relevant to the employer, WorkCover must consult with the relevant regulator/s before engaging in the activity.**
6. **Expressions of regret and apologies provided by employers following a workplace injury are not to be considered in any assessment of liability for damages brought under the WCRA to align with other injury regimes (for example the Civil Liability Act 2003 .**
7. **There will be an additional way that employers can ensure that rehabilitation and return to work coordinators (RRTWC ) are qualified. The Workers’ Compensation Regulator can approve a list of training courses or qualifications for RRTWC relevant to the industry of the employer. The onus for demonstrating the person engaged to perform the role of RRTWC is appropriately qualified remains with the employer. This obligation can be**

- met either through an approved training course or another way. - •
- 8. All self-insured employers must report injuries and any payments made to injured workers to their insurer, aligning their obligations with the existing obligations on employers insured with WorkCover;
- 9. Workers compensation coverage will be extended to unpaid interns;

The Bill is available here: <https://www.parliament.qld.gov.au/work-of-assembly/tables/papers/online-tabled-papers>

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