

TASMANIA

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**WORKERS REHABILITATION AND  
COMPENSATION AMENDMENT BILL 2022**

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**WORKERS REHABILITATION AND  
COMPENSATION AMENDMENT BILL 2022**

*(Brought in by the Minister for Workplace Safety and  
Consumer Affairs, the Honourable Elise Nicole Archer)*

**A BILL FOR**

**An Act to amend the *Workers Rehabilitation and  
Compensation Act 1988***

Be it enacted by Her Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

**1. Short title**

This Act may be cited as the *Workers  
Rehabilitation and Compensation Amendment  
Act 2022*.

**2. Commencement**

This Act commences on the day on which this  
Act receives the Royal Assent.

**3. Principal Act**

In this Act, the *Workers Rehabilitation and  
Compensation Act 1988*\* is referred to as the  
Principal Act.

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\*No. 4 of 1988

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**4. Section 27 amended (Presumption as to cause of certain diseases in relation to fire-fighters)**

Section 27 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (6A):

(6B) This section, as amended by the *Workers Rehabilitation and Compensation Amendment Act 2022*, applies to an injury if the injury is to be taken to have occurred, in accordance with subsection (5), on or after the day on which that Act commences.

(b) by omitting the definition of *occupational fire-fighter* from subsection (8) and substituting the following definition:

***occupational fire-fighter*** means –

(a) a person who is –

(i) a State Service employee, or State Service Officer, employed in an Agency, within the meaning of the *State Service Act 2000*, a significant function of which

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is to manage  
forests or parks; or

- (ii) an employee of a  
Government  
Business  
Enterprise, within  
the meaning of the  
*Government  
Business  
Enterprises Act  
1995*, a significant  
function of which  
is to manage  
forests or parks –

and who is employed, in  
whole or in part, in the  
Agency or Government  
Business Enterprise, to  
perform fire-fighting  
operations or fire  
prevention operations or  
who engages, during his  
or her employment in the  
Agency or Government  
Business Enterprise, in  
fire-fighting operations or  
in fire prevention  
operations that are related  
to forests or parks; or

- (b) a State Service employee  
or State Service Officer,  
other than a career fire-  
fighter, who –

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- (i) is appointed or employed in accordance with section 24 of the *Fire Service Act 1979*; and
- (ii) in the course of such an appointment or employment, engages in fire-fighting operations or fire prevention operations in relation to bushfires;

**5. Section 87 amended (Cessation on account of age of entitlement to weekly payments)**

Section 87 of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of *pension age* in subsection (1AA):

***cessation date*** means the date applicable by virtue of subsection (1);

- (b) by omitting from subsection (1)(a) “12 months” and substituting “2 years”;

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- (c) by omitting from subsection (1)(b) “12 months” and substituting “2 years”;
- (d) by omitting from subsection (1)(b) “one year” and substituting “2 years”;
- (e) by omitting from subsection (1)(b) “occurs.” and substituting “occurs; or”;
- (f) by inserting the following paragraph after paragraph (b) in subsection (1):
  - (c) if the injury occurs on or after the date on which the worker attains the pension age – on the date 2 years after the injury occurs.
- (g) by omitting from subsection (2) “date on which the worker attained the pension age” and substituting “cessation date”;
- (h) by omitting from subsection (3)(a) “date on which the worker attained the pension age” and substituting “cessation date”;
- (i) by omitting from subsection (3)(a) “age” second occurring and substituting “date”;
- (j) by omitting from subsection (3)(b) “date on which he or she attains the pension age” and substituting “cessation date ”.