



TASMANIA

**WORKERS REHABILITATION AND
COMPENSATION AMENDMENT (PRESUMPTION
OF CAUSE OF DISEASE) ACT 2017**

No. 57 of 2017

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**WORKERS REHABILITATION AND
COMPENSATION AMENDMENT (PRESUMPTION
OF CAUSE OF DISEASE) ACT 2017**

No. 57 of 2017

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

[Royal Assent 20 December 2017]

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
(Presumption of Cause of Disease) Act 2017*.

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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.

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 omitting from subsection (1)(c) “disease; and” and substituting “disease –”;
- (b) by omitting paragraph (d) from subsection (1);
- (c) by inserting in subsection (2)(a) “or an occupational fire-fighter” after “career fire-fighter”;
- (d) by omitting subsection (4);
- (e) by omitting subsection (6) and substituting the following subsections:

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- (6) Despite the amendments to this section made by the *Workers Rehabilitation and Compensation Amendment (Presumption of Cause of Disease) Act 2017*, this section, as in force immediately before that Act commences, applies to an injury if the injury is to be taken to have occurred, in accordance with subsection (5), before 31 October 2017.

- (6A) This section, as amended by the *Workers Rehabilitation and Compensation Amendment (Presumption of Cause of Disease) Act 2017*, applies to an injury if the injury is to be taken to have occurred, in accordance with subsection (5), on or after 31 October 2017.

- (f) by omitting the definition of *avoidable call-out* from subsection (8);

- (g) by omitting “fire-fighter;” from paragraph (b) of the definition of *fire-fighter* in subsection (8) and substituting “fire-fighter; and”;

- (h) by inserting the following paragraph after paragraph (b) in the definition of *fire-fighter* in subsection (8):
 - (c) an occupational fire-fighter;

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- (i) by inserting “or an occupational fire-fighter” after “fire-fighter” in paragraph (a) of the definition of *fire-fighting operations* in subsection (8);
- (j) by inserting the following definition after the definition of *fire prevention operations* in subsection (8):

occupational fire-fighter means –

- (a) 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 is to manage forests or parks; or
- (b) 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 –

who is employed, in whole or in part, in the Agency or Government Business Enterprise, to perform fire-fighting operations or fire prevention

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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;

5. Section 162A inserted

After section 162 of the Principal Act, the
following section is inserted in Part XIII:

**162A. Review in relation to presumption in respect
of PTSD in relation to certain workers**

(1) In this section –

relevant disease means post-traumatic
stress disorder;

relevant workers means workers –

- (a) who are employed or
appointed under an Act of
the State; and
- (b) the nature of whose
occupation as such
workers places them at
significant risk of
contracting, in the course
of their employment, the
relevant disease;

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review means a review carried out by persons who –

- (a) in the Minister’s opinion, are appropriately qualified for that task; and
 - (b) include one or more persons who are not employees of the State or Commonwealth or of any agency of the State or Commonwealth.
- (2) The Minister is to cause to be commenced by 30 June 2018 a review as to whether this Act should be amended to include provisions to the effect that, for the purposes of this Act, the employment of relevant workers, specified in the terms of reference for the review, who contract the relevant disease is, in the absence of evidence to the contrary, taken to have contributed to a substantial degree to the relevant disease.
- (3) The persons who carry out the review are to complete the review and give to the Minister a written report on the outcome of the review, as soon as practicable but in any case before 1 October 2018.
- (4) The Minister is to cause a copy of the report to be tabled in each House of Parliament on or before 1 October 2018.

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6. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

*[Second reading presentation speech made in:—
House of Assembly on 2 November 2017
Legislative Council on 28 November 2017]*