

Indicative Structure of Regulations for new Act

Regulation	Workers Compensation and Injury Management Regulations
	Part 1 - Preliminary
	Citation
	Commencement
	Terms used
	Part 2 – Injury and injury from employment
	Prescribed (presumptive) diseases and prescribed employment – s. 10
	Prescribed firefighter diseases – s. 11
	Part 3 – Worker and employer
	Prescribed workers & employers – s. 13
	Excluded workers – s. 13
	Part 4 – Compensation for injury
Division 1	Claiming compensation and responding to a claim
	Provisional payments day – s. 36
	Deemed liability acceptance day – s. 29
	Worker notice about other employment – s. 32
	Incapacity after claim made – s. 33

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Division 2	Income compensation
	Maximum weekly rate of income compensation – s. 53
	Regular additional earnings - allowances – s. 57
	Class of workers excluded from minimum rate – s. 57
	Monetary value of board and lodging – s. 58
Division 3	Reducing, suspending and discontinuing income compensation
	Reducing or discontinuing income compensation on basis of return to work – s. 63
	Reducing or discontinuing income compensation on basis of medical evidence – s. 64
	Declaration by workers not residing in this state – s. 66 <ul style="list-style-type: none"> - Failure to provide declaration
	Suspension of income compensation while worker in custody – s. 67 <ul style="list-style-type: none"> - Types of custody or imprisonment - Manner and form of written confirmation
Division 4	Compensation for medical and health expenses
	Expenses that are medical and health expenses – s. 71 <ul style="list-style-type: none"> - Health services the expenses in respect of which are medical and health expenses
	Medical and health service provider eligibility requirements – s. 74
	Increase for special expenses – s. 78 <ul style="list-style-type: none"> - Matters an arbitrator needs to be satisfied of
Division 5	Compensation for miscellaneous expenses
	Wheelchair limit amount – s. 86
	Prescribes rates for travel – s. 91

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Division 6	Compensation for workplace rehabilitation expenses
	Compensation for workplace rehabilitation services – s.93 <ul style="list-style-type: none"> - When reasonably necessary to provide a workplace rehabilitation service - Prescribed workplace rehabilitation services - Requesting, selecting, engaging and changing workplace rehabilitation providers - When workplace rehabilitation may or must be terminated
Division 7	Compensation for noise-induced hearing loss
	Noise induced hearing loss regulations - s.114 <ul style="list-style-type: none"> - Testing for and assessment of hearing loss - Authorised persons to test for and assess hearing loss in workers - Methods and equipment authorised or required to be used - Arranging, conducting and payment for NIHL assessments - Persons authorised to make a NIHL assessment - Disclosure of information - Claiming compensation for noise induced hearing loss – s.108 - Claim handling and liability decision timeframes - Apportionment of liability for noise induced compensation between employers - Communication of results of hearing tests and NIHL assessments - Registration and record keeping
Division 8	Compensation for dust disease
	Lump sum compensation for dust disease – s. 119 <ul style="list-style-type: none"> - Prescribed percentage of general maximum amount
Division 9	Compensation for death of worker
	Weekly allowance for eligible dependent children – s. 134
	Funeral expenses maximum amount – s. 135
	Calculation of amount to discharge child allowance payment – s. 142

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Division 10	Settlements
	Applying for registration of settlement agreement - s. 152 <ul style="list-style-type: none"> - Required supporting information and documents - Procedure when applying for the registration of a settlement agreement - Procedure for registration of a settlement agreement by the Director -
	Part 5 – Injury management
Division 1	Injury management and return to work obligations
	Establishment, content and implementation of injury management system – s. 159
	Return to work programs – s 160 <ul style="list-style-type: none"> - When return to work program not required - Establishment, content and implementation of return to work program
	Attendance at return to work case conference – s. 165 <ul style="list-style-type: none"> - Maximum number and frequency - Conduct of a case conference - Matters that can and cannot be discussed - Persons authorised to attend or participate
Division 2	Issue of certificate of capacity
	Matters to be specified in certificate of capacity -- s. 169 Health professionals authorised to issue a certificate of capacity & circumstances – s. 169
Division 3	Workplace rehabilitation providers
	Criteria for grant of approval for a workplace rehabilitation provider – s. 173
	Conditions that apply to grant of approval for a workplace rehabilitation provider– s. 174

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	Part 6 – Medical assessment
Division 1	Medical examination of worker
	Power to require medical examination of worker – s. 180 <ul style="list-style-type: none"> - Limit on number and frequency - Requirement subject to conditions - Conduct of medical examination - Communication and reporting of results - Fees for examination and report
Division 2	Assessing degree of impairment
	Request for assessment of permanent impairment – s. 190 <ul style="list-style-type: none"> - Circumstances in which request for permanent impairment assessment can or must be made - Persons authorised to request assessment
	Powers of permanent impairment assessors – s. 191 <ul style="list-style-type: none"> - Requiring a worker to attend a place specified by assessor - Requiring a worker to produce documents and information - Requiring a worker to undergo tests, examinations, answer questions or submit to examination - Requiring an employer or insurer to provide documents or information - Prescribed time periods for complying with requirements
	Part 7 – Insurance
Division 1	Employer obligations
	Remuneration prescribed for insurance purposes – s. 200
	Records to be kept by employer – s. 209
	Required records of principal – s. 221

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Division 2	Licensed insurers
	Criteria for grant of insurer licence – s. 228
	Specified information insurer requires for the quote or issue of a policy - s. 236
	Terms of insurance and forms of policies – s. 237 <ul style="list-style-type: none"> - Prescribed terms, conditions of a worker compensation policy - Form of worker compensation policy - Limitations and exclusions
	Refusal of indemnity – permitted circumstances- s. 241
	Cancellation of insurance policy – s. 242 <ul style="list-style-type: none"> - Prescribed period for unpaid premiums
Division 3	Licensed self-insurers
	Criteria for grant of self-insurer licence – s. 248/228
Division 4	Acts of terrorism
	Limits on claims for declared acts of terrorism – s. 293 <ul style="list-style-type: none"> - Limit on total amount of compensation for claims per declared terrorism event - Limit on total amount of compensation for claims during specified period
	Part 8 – Dispute resolution
Division 1	Conciliation and arbitration
	Persons who are authorised agents to provide agent services – s. 303 def of ‘authorised agent’
	Documents prescribed as relevant documents – s. 306
	Prescribed rate at which interest on sums is to be calculated – s. 358
	Prescribed rate at which interest on unpaid sums is to be calculated – s. 359
	Prescribed rate at which interest on agreed sums is to be calculated – s. 360
	Circumstances where interest is not payable – s. 362
	Regulations – s. 380 <ul style="list-style-type: none"> - Regulating the operation of the Conciliation Service

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	<ul style="list-style-type: none"> - Regulating the operation of the Arbitration Service - Allowances for witnesses
Division 2	Costs
	Regulations for assessment of costs – s. 401
	Part 9 – Common law
	Procedure for electing to retain right to seek damages – s. 421
	Maximum damages award for less than 25% impairment – s. 424
	Part 10 – Management and disclosure of information
Division 1	Approved forms
	Regulations relating to service and transmission of approved forms – s. 496
Division 2	Service and transmission of documents and information
	<p>Service, documents and information, including facilitation of electronic processes - s. 497</p> <ul style="list-style-type: none"> - Means by which specified information and documents required to be given must be created recorded, given, exchanged, accessed or obtained - Use of electronic databases or document systems - When giving, lodgment or exchange of documents is taken to be effected - Authentication of documents and information - Status of things done electronically
	Part 11 – Variation of adjustable amounts
	<p>General maximum and other adjustable amounts – s. 538</p> <ul style="list-style-type: none"> - General maximum amount and adjustment methodology - Maximum weekly rate of income compensation and adjustment methodology - Maximum board and lodging daily amount and adjustment methodology

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	<ul style="list-style-type: none"> - Maximum amount for wheel chair or similar appliance and adjustment methodology - Travel, meals and accommodation expenses and adjustment methodology - Dependent child allowance and adjustment methodology - Funeral expenses maximum amount and adjustment methodology - Maximum damages amount for less than 25% impairment and adjustment methodology
	Part 12 – Miscellaneous
	Identification of inspectors – s. 509 <ul style="list-style-type: none"> - Matters to be included on identity card
	Infringement notices and the Criminal Procedure Act 2004- s. 522 <ul style="list-style-type: none"> - New Act to be prescribed under the CPR. Regulations to deal with prescribed offences, approved and authorised officers
	State with which employment connected, <i>def</i> of State – s. 528 <ul style="list-style-type: none"> - Area prescribed to be a State’s adjacent area
	Regulations – s. 539 <ul style="list-style-type: none"> - Regulations necessary or convenient to be prescribed for giving effect to Act
	Regulations may adopt codes or legislation – s. 539 <ul style="list-style-type: none"> - Codes or subsidiary legislation adopted by regulations
	Transitional regulations – s. 544 <ul style="list-style-type: none"> - Regulations dealing with transitional matters including application and modification of specified provisions.
	Registration of independent agents – s. 577 <ul style="list-style-type: none"> - Scheme for transitioned registered independent agents.