



Summary of Workers' Compensation Scheme Developments in Australia and New Zealand 2022

Table of Contents

Introduction	2
New South Wales.....	3
Victoria	11
Queensland.....	18
Western Australia.....	21
South Australia.....	23
Tasmania	25
Australian Capital Territory.....	27
Northern Territory.....	30
Commonwealth	32
New Zealand.....	37

Introduction

Safe Work Australia undertakes national workers' compensation policy to improve workers' compensation arrangements in Australia and to promote national consistency.

Workers' compensation is a type of insurance which supports workers who are injured at work. It covers medical costs and provides income support, as well as helping workers to safely return to work after an injury or illness. Workers' compensation in Australia is predominately jurisdictionally based, with coverage of injured workers generally based on their location of employment. There are 11 main workers' compensation schemes in Australia, one for each state and territory and 3 Commonwealth schemes.

In contrast to Australia, New Zealand has a no-fault accident insurance scheme covering everyone who is injured in New Zealand, including workers, drivers, children, beneficiaries, students, unemployed, retirees and visitors. The scheme is managed by the [Accident Compensation Commission](#), funded by compulsory levies, and replaces the right to sue for injury.

This report has been developed to outline recent developments in workers' compensation schemes in Australia and New Zealand. It outlines the following significant changes that came into effect in 2022 or will come into effect after that time:

- administration and scheme delivery
- policy developments
- legislative amendments.

Safe Work Australia has developed this report in collaboration with Australian and New Zealand workers' compensation authorities.

New South Wales

Administrative and scheme delivery changes

Standards of Practice

The State Insurance Regulatory Authority (SIRA) has [Standards of Practice: expectations for insurer administration and conduct](#) (The Standards) which are designed to support and encourage insurers to have effective claims management practices that will help deliver positive experiences and outcomes for workers, employers and the people of New South Wales (NSW).

In 2021, SIRA amended the Standards to include a new Standard for the management of psychological injury claims (Standard of Practice 33). In 2022, SIRA implemented another Standard for the early management of claims and return to work (Standard of Practice 34).

Standard of Practice 33: Managing psychological injury claims

Standard of Practice 33 sets expectations for insurers that psychological injury claims are to be managed with empathy and a strong focus on early treatment, tailored communication, timely recovery and return to work, in a manner likely to minimise conflict and delay.

It is based on Safe Work Australia's report 'A best practice framework for the management of psychological claims in the Australian workers' compensation sector'.

Standard of practice 34: Return to work – early intervention

Standard of Practice 34 was developed to support and set expectations for insurers about early intervention and the importance of identifying risks for delayed recovery and designing and implementing actions to address these risks.

Increased transparency and accountability in the workers' compensation system

SIRA continues to report publicly on scheme performance to maintain transparency and accountability in the NSW workers' compensation scheme. The [open data application](#) is a self-service visual analytics tool that makes it easier to view scheme performance data over time.

Key metrics reported on via the open data portal include:

- system effectiveness, efficiency and affordability
- return-to-work rates

- claims data
- payments data.

Recovery through work strategy

SIRA developed a Recovery through Work Strategy in 2021 which aligned with the Safe Work Australia's *National Return To Work Strategy 2020-2030*.

Return to work priority action plan

In December 2021, SIRA published a [return to work priority action plan](#) in response to continuing deterioration in return to work measures in the workers' compensation scheme.

Recovery through work measurement framework

In September 2021, SIRA released its [Recovery through work measurement framework](#). The framework established the broad range of modifiable factors that measure a person's return to work following an injury. These factors relate to 4 key areas:

- personal perceptions
- workplace
- healthcare
- insurance and compensation.

The framework also aims to simplify the complicated process of measuring recovery by setting outcome-based metrics which includes:

- lead and outcome metrics that measures an injured person's recovery through work journey
- methodology and technical details used for designing each metric, and
- a catalogue and description of metrics (including purpose) that SIRA may use to understand emerging trends, potential risks and opportunities for improvement.

SIRA continues to work with insurers to implement this framework and has committed to publishing individual insurer recovery through work results in 2023.

Insurer supervision – return to work

In April 2022, SIRA published [Standard of Practice 34](#). Insurers were required to update and submit their business plans to convey how they would align their return to work systems and practices to focus on early intervention with the aim of improving early return to work outcomes (at 4 and 13 weeks). This was followed by benchmark reviews and audits with a focus on early intervention in the second half of

2022, which informed the development of a 3 year action plan continuing to focus on effective early intervention.

Employer and worker resources – return to work

In 2022, SIRA developed and released a series of resources with the aim of equipping injured people to take an active role in their recovery. This included the [Benefits of working while you recover](#) flyer, and a suite of 8 short [wellbeing and recovery videos](#) that provide evidence based advice such as ‘stay active’ and ‘stay connected’.

An evaluation of SIRA’s free online [Return to Work Coordinator training](#) was undertaken in 2022. Results confirmed the training was effectively meeting employer needs.

Employer Supervision

SIRA is establishing an outcome-focused, intelligence led and risk-based regulatory framework for employers that is consistent, transparent, and robust. There is increased supervision and enforcement activity, alongside an enhanced focus on employer capability. Adopting a constructively firm approach ensures the compliance response is proportionate to the harm or risk being addressed and we are optimising the outcomes and value for workers and employers.

SIRA is holding NSW’s largest private and public sector employers to account for their performance and compliance through proactive supervision. With a focus on clearly articulating SIRA’s performance expectations, standards, continuous improvement and compliance requirements, SIRA is engaging with up to 10 large employers per quarter. Applying resources and focus to the employers who have the largest workforces and compelling them to improve and rectify their workers compensation and injury management systems, practices and policies will ensure that current and future injured workers will achieve improved recovery at work and health outcomes and have a better experience.

New Inspectorate

The SIRA Inspectorate commenced in July 2022 with the aim of strengthening SIRA’s regulatory focus on return to work through increased employer supervision and proportional enforcement activity.

The Inspectorate initially consisted of 5 authorised Inspectors, Manager and Senior Advisor (also holding authorities) and an Administrative Officer.

The SIRA Inspectorate engage with up to 40 NSW employers each month. They assist employers who have specific issues and complaints and employers who are identified by predictive data to be at higher risk of poor return to work outcomes.

Inspectors utilise a range of regulatory tools to assess and enforce employer compliance with their legislative obligations.

The Inspectorate seeks to improve workers' recovery and return to work outcomes through building compliance and, when necessary, enforcement action targeted at employers.

Policy Developments

icare and State Insurance and Care Governance Act 2015 Independent Review (McDougall review)

In response to issues and challenges facing icare and the workers' compensation scheme in NSW, the NSW Government initiated the [McDougall review](#).

The McDougall review was released in April 2021. Thirty-five recommendations that could be implemented operationally by SIRA and icare were immediately accepted by the NSW Government. Eight recommendations requiring legislation to strengthen governance, regulation, and clarify the roles of key agencies in the NSW workers' compensation system were also accepted.

In addition to a recommendation to review and reconcile the workers' compensation legislation, the Hon Justice Robert McDougall SC also made several recommendations that concern entitlements and thresholds in the scheme, some of which overlap with recommendations made in the NSW Standing Committee on Law and Justice [2020 review of the workers compensation scheme](#).

To progress these recommendations, SIRA has undertaken comprehensive public consultation including via a [public discussion paper](#), and published the [submissions of stakeholders while undertaking](#) further policy development and consultation throughout 2022.

The gig economy

Gig economy and platform services are an increasingly common way for people to derive primary or supplementary income. People providing services in the gig economy typically operate as independent contractors, meaning they may have a commercial relationship with the platform company and are not covered by workers' compensation.

Throughout 2021-22, SIRA continued to consider workers' compensation scheme reform options to accommodate on-demand/gig economy service providers. This included a public consultation and discussion paper on personal injury insurance arrangements for food delivery riders in the gig economy. SIRA intends to progress further work in this area as part of its broader efforts to modernise the NSW workers' compensation scheme, in line with the recommendation of the McDougall Review.

Legislative amendments

The Motor Accidents and Workers Compensation Legislation Amendment Act 2022

The *Motor Accidents and Workers Compensation Legislation Amendment Act 2022* (the Miscellaneous Amendments Act) passed on 8 June 2022. The Act made various miscellaneous amendments to the motor accident, workers compensation and volunteer legislation.

Compensation for prescribed NSW volunteers

The Miscellaneous Amendments Act made amendments to the *Workers' Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* which increased ease of access to compensation by volunteer fire fighters, rescue association workers and their dependants.

Volunteers who suffer injuries in the course of their volunteering activities now have access to return-to-work assistance where they are not able to find suitable work with their pre-injury employer and accept new employment with a new employer. The return-to-work assistance provided includes a maximum compensation of \$1 000 for work assistance. Prescribed volunteers unable to return to their pre-injury employer may also access a maximum of \$8 000 for education and training expenses.

Prescribed volunteers may now have their claim provisionally accepted if they are injured in the course of associated operations or work. This will allow for up to 12 weeks of weekly payments (if applicable) and provisional medical expense compensation of up to \$10 000.

In the event of the death of a volunteer during the course of associated operations of work, dependents of the deceased volunteers will have access to up to \$15 000 for funeral expenses and compensation for the costs of transporting the body. The provisions relating to funeral expenses and compensation for transportation of the body were backdated to 1 October 2019. Other provisions commenced on 16 June 2022.

These provisions put volunteers on a more equal footing to paid emergency service workers. This achieves better outcomes for them and their dependants by not delaying treatment and ensuring adequate compensation is available if needed.

Powers to issue directions to relevant service providers

The Miscellaneous Amendments Act made changes to the *State Insurance and Care Governance Act 2015* (SICG Act) enabling SIRA to give directions to relevant service providers in the workers' compensation and motor accidents schemes. Directions can now be issued to relevant service providers to:

- provide specified data (section 26C direction)
- take specified actions or provide relevant services in specified ways, and
- not provide specified relevant services, or not provide any relevant services (section 26D directions).

Where a service provider fails to comply with a direction from SIRA, a penalty notice may be issued. SIRA may also keep and publish a register of service providers who have been given section 26D directions.

The amendments also allowed regulations to be made to:

- prescribe definitions of ‘relevant service’ and ‘relevant service provider’ (which have been defined as a range of health and related service providers)
- the circumstances and the manner section 26D directions are issued
- internal review and administrative review processes
- establishment of a register of directed service providers, and
- penalty notice offences.

The amendments to the State Insurance and Care Governance Regulation 2021 commenced in December 2022.

The SICG Act amendments also allow SIRA to issue guidelines concerning the provision of relevant services by relevant service providers. The guidelines are expected to be published in the first half of 2023.

Amendments were also made to the *Workers Compensation Act 1987* and the *Motor Accidents Injuries Act 2017* making it a condition of an insurer’s licence to not engage, approve or pay excluded service providers for the provision of any excluded services.

Weekly payments – residence outside the Commonwealth

The Miscellaneous Amendments Act amended section 53 of the *Workers Compensation Act 1987*. This amendment clarified that if the Commission or insurer determines a worker’s incapacity for work is likely to be of a permanent nature and the worker ceases to reside in Australia, the worker is entitled to receive weekly compensation payments at the employer’s usual times of payment of wages or as otherwise agreed (subject to establishing their identity and their ongoing incapacity for work).

Funds management amendments

The Miscellaneous Amendments Act established a new compensation entitlement for children of deceased workers to offset funds management costs, where the child’s lump sum benefit is managed by the NSW Trustee and Guardian.

The formula for calculating the funds management fee is prescribed by clause 177 of the Workers Compensation Regulation 2016. These legislative amendments are operative from 16 December 2022.

Other changes to legislation

Dust Diseases

The *Workers' Compensation (Dust Diseases) Amendment Act 2022* was assented to on 18 October 2022. The Act amended the *Workers' Compensation (Dust Diseases) Act 1942* and the *Workers Compensation Act 1987* to make further provision about rates of compensation payable and for related purposes.

The Workers' Compensation (Dust Diseases) Amendment (Scheduled Diseases) Regulation 2022 commenced on 12 August 2022. The Regulation amended the *Workers' Compensation (Dust Diseases) Act 1942* to add 5 additional compensable dust diseases - diffuse dust-related pulmonary fibrosis, hypersensitivity pneumonitis, pneumoconiosis (any form), silica-induced carcinoma of the lung and systemic sclerosis.

Personal Injury Commission (PIC)

In March 2021, the *Personal Injury Commission Act 2020* (PIC Act) established a new tribunal that delivers joined-up dispute resolution services for injured people claiming against the compulsory third party (CTP) and workers' compensation insurance schemes.

The PIC formed a single, independent tribunal in NSW with specialist motor accidents and workers' compensation divisions.

Prior to the commencement of the PIC, the Workers' Compensation Commission (WCC) dealt with workers' compensation disputes in NSW. SIRA's Dispute Resolution Service dealt with CTP disputes under the 2017 CTP scheme. The Claims Assessment and Resolution Service (known as CARS), and the Medical Assessment Service (known as MAS), also administered by SIRA, delivered dispute resolution services under the 1999 CTP scheme.

The PIC Act effectively combined these services into a single Tribunal with specialist motor accidents and workers compensation divisions.

The PIC Act was amended in 2021 to allow for medical assessors to assess dispute out of the state if requested by a party to the proceeding, or with the agreement of the parties. These changes did not impact the underlying operation of the workers' compensation scheme; there were no changes to the compensation, benefits and entitlements of injured workers.

The PIC Act also introduced a new Independent Review Office (IRO) that can deal with claims complaints about insurers in both the CTP and workers' compensation schemes

Disclosure of information to Long Service Corporation

The Workers Compensation Amendment Regulation 2022 introduced changes to the Workers Compensation Regulation 2016 to expand the type of information that SIRA can disclose to the Long Service Corporation. These amendments commenced on 16 December 2022.

Service of notices electronically

The Workers Compensation Amendment Regulation 2022 allows for notices to be served electronically in addition to being served in person or by post. These amendments commenced on 16 December 2022.

Disputes before the Personal Injury Commission

The *Customer Service Legislation Amendment Act 2021* commenced on 1 December 2021 and introduced an amendment to the *Workplace Injury Management and Workers Compensation Act 1998*. The amendment allows the PIC to provide a party with a period of longer than 28 days to make an appeal, against a decision of the Commission constituted by a non-presidential member.

The *Customer Service Legislation Amendment Act 2021* also amended the *Workplace Injury Management and Workers Compensation Act 1998* and the PIC Act. The amendment enables the President of the PIC to arrange for medical assessors to assess disputes out of the state if requested by a party to the proceeding, or with the agreement of the parties. When deciding whether to make such a direction, the President must consider the interests and wishes of the parties, nature/complexity of the proceedings, if the arrangement will make the proceeding timelier/cost effective and other matters considered relevant.

Issuing of certificates of capacity by allied health professionals

The Workers Compensation Amendment (Certificates of Capacity) Regulation 2022 updated the Workers Compensation Regulation 2016 to remove the previous expiry date of 17 April 2022 within clause 175.

Clause 175 was updated in response to the COVID-19 pandemic to allow treating medical professionals other than the nominated treating doctor e.g., the treating physiotherapist or treating psychologist, to issue the second and subsequent certificates of capacity. This has now been adopted as an ongoing provision.

Victoria

Administrative and scheme delivery changes

The most significant challenge faced by WorkSafe Victoria is pressure on return to work. This is driven by increasing mental health injuries within the workplace, including secondary mental injury for workers with a physical injury (where return to work is more challenging in comparison to physical injury) and external factors such as COVID-19 related delays in accessing treatment or return to work in businesses which were closed.

WorkSafe Victoria's primary response to this challenge is the Recovery & Return to Work Program. The Recovery & Return to Work Program assists Authorised Agents (i.e., approved insurers) deliver specific return to work interventions and supports the medical practitioners of injured workers who are assessed as most at risk of a protracted workplace absence. During 2021-22 and 2022-23 to date, approximately 14 000 interventions were provided for 12 000 workers.

WorkSafe Victoria has additional interventions to address return to work challenges including:

- The "New Employment Service" where occupational rehabilitation partners work with injured workers to find new roles in situations where it is not possible for those workers to return to the workplace where they were injured.
- Early focus on supporting injured workers with workplace mental injuries.
- Utilisation of analytics to detect the onset of secondary mental injury in those with a primary physical workplace injury.
- Specific interventions for employers with challenged return to work outcomes.

Agent Contract extension

Agreements with WorkSafe Victoria's Authorised Agents were due to expire on 30 June 2023. In September 2022, WorkSafe Victoria announced that Allianz, DXC Technology, Employers Mutual Limited, and Gallagher Bassett had entered into agreements to provide services to injured workers and employers until 30 June 2025.

Independent Review into the administration and management of complex claims

In July 2020, the Government of Victoria commissioned the 'Independent Review into the Agent Model and the Administration and Management of Complex Workers Compensation Claims', (the Review) led by Peter Rozen QC. The Review was in response to the Victorian Ombudsman's 2019 recommendation to commission an

independent review of the agent model to determine how and by whom complex claims should be managed.

The Review's final report and the government's response were released in March 2022. WorkSafe Victoria published an implementation plan that outlines how it intends to deliver against the government's response, including elements that will be responded to directly by the government.

WorkSafe Victoria publishes [quarterly reports](#) summarising progress against the recommendations in the government's response.

Claims and Recovery Support

In May 2020, following the withdrawal of CGU Insurance Ltd from the Victorian Scheme, WorkSafe Victoria established its in house Claims and Recovery Support (CaRS) team, assumed direct case management for a further 500 injured workers with complex needs. In 2022-23, WorkSafe Victoria extended this service to transition a further 1 500 injured workers from ongoing Authorised Agents. The CaRS team focusses on:

- increasing a worker's independence and participation in the community, and
- reducing a worker's reliance on drugs of dependence or excessive treatment.

The CaRS team has successfully helped many workers return to work after years of unemployment, including a worker who suffered a workplace injury in 1995 and was able to return to work in 2022.

Pre-Injury Average Weekly Earnings calculator and estimator

Accurate calculation of Pre-Injury Average Weekly Earnings (PIAWE) remains a complex issue, particularly for workers with multiple employers and as flexible arrangements become more prevalent. In 2022, WorkSafe Victoria released a new PIAWE tool to help Authorised Agents produce detailed, accurate, consistent and reliable PIAWE calculations for most circumstances. A simplified version of the tool to assist injured workers, employers (including self-insurers) and stakeholders to estimate PIAWE was also released.

Online claims form pilot/"test and learn"

WorkSafe Victoria is moving to replace existing "paper based" claim forms with an online process. This enables injured workers and their employers to submit and manage claims digitally through a "myWorkSafe" account.

In June 2022, a small-scale initial pilot of an online claims form was launched with 35 employers. Early outcomes of that pilot suggested an improvement in lodgement timeliness and worker experience. Following feedback from that pilot, an extended

pilot with approximately 350 employers and supported by stakeholders will commence in early 2023, with consideration of broader scheme availability.

Many people are vulnerable and unsure after a workplace injury. This technology combined with a simpler process to streamline the claims lodgement process, is a strong step towards alleviating some of the practical or financial concerns of injured workers.

Provider Payments and Provider Compliance Team

WorkSafe Victoria has introduced the ability for healthcare providers to digitally submit invoices through agreements with payment partners. This has significantly improved timeliness of payments and reduced the burden of data entry for Authorised Agents.

Further, WorkSafe Victoria has established a new Provider compliance team responsible for identifying, preventing, responding to and reporting breaches of laws, regulations, policy and standards, with a key focus on Health Provider billing practices.

Case manager capability framework assessment

WorkSafe Victoria, alongside other jurisdictions, is assessing the iCare Claims Manager Professional Standards framework to determine whether these standards deliver an improvement in case manager capability. The initial assessment looks very promising and WorkSafe Victoria would like to acknowledge iCare's collaboration and willingness to share their intellectual property and the national coordination role played by the Personal Injury Education Foundation.

Victorian Ombudsman

In July 2022, the Victorian Ombudsman announced an own motion investigation into the claims process followed by employers who self-insure their workers, and WorkSafe Victoria's oversight. This investigation is currently in progress.

In September 2022, the Victorian Ombudsman formally confirmed the closure of recommendations directed to WorkSafe Victoria arising from the 2019 investigation into the management of complex workers compensation claims.

Policy Developments

Support for families experiencing workplace related bereavement

WorkSafe Victoria engages with families for 2 distinct regulatory purposes if a family member unfortunately loses their life at work:

- if the death occurs in such a way where there is a potential breach of the *Victorian Occupational Health and Safety Act 2004*, WorkSafe Victoria will investigate the matter, and
- if there is an entitlement for compensation under the *Workplace Injury Rehabilitation and Compensation Act 2013* (WIRC Act), WorkSafe Victoria and our Authorised Agents make determinations about claims for compensation.

Depending on the circumstances of the death, families may engage with either, or both, of these areas of WorkSafe Victoria.

In January 2022, WorkSafe Victoria introduced specialist bereavement support services, which provide families with grief support, assistance with managing the administrative burden of losing a loved one, and companionship as families try to come to terms with their loss and rebuild their lives.

Bereavement support is provided by 2 independent specialist organisations, allowing families to choose a service that best meets their needs. This service is additional to the support offered as part of WorkSafe Victoria's management of death and dependency claims, including through family liaison officers and family support specialists employed by WorkSafe Victoria and our Agents.

Legislative Amendments

Arbitration

The *Workplace Injury Rehabilitation and Compensation Amendment (Arbitration) Act 2021* (Arbitration Act) came into effect on 1 September 2022.

These legislative changes delivered on the commitment by the Government of Victoria to strengthen the workers' compensation dispute resolution process by providing injured workers the choice of having their matter arbitrated by the Accident Compensation Conciliation Service (ACCS) and receive a binding decision. This is an alternative to proceeding to court following unsuccessful conciliation.

The Arbitration Act amended the WIRC Act to enable workers with a Genuine Dispute certificate following unsuccessful conciliation to have ACCS determine their dispute by arbitration.

Arbitration provides a timely, low cost and informal pathway as an alternative to court, providing injured workers with an effective means of achieving resolution to a workers' compensation dispute.

Key features of the arbitration function include:

- Any dispute can be determined by arbitration but compensation determinations are limited to \$20 000 for medical and like expenses and up to 52 weeks in weekly payments.
- Hearings are separate to conciliation and conducted informally, without adherence to the rules of evidence. Arbitrators may request, but not compel, evidence from parties and grant permission for the parties to be legally represented where it is fair and efficient to do so, with claimants able to recover their legal costs following a successful determination. But they will not be liable for the other party's costs if they are unsuccessful.
- Appeals of arbitration decisions are limited to questions of law only, to the Supreme Court, as a means of avoiding parties using arbitration as a 'trial run' of a future court case.

Provisional payments for mental injury

Victorian workers with a workplace mental injury have immediate access to up to 13 weeks of treatment under new provisional payments legislation. Effective 1 July 2021, eligible workers and volunteers can access reasonable medical treatment soon after they lodge a claim for mental injury. The legislation works within the pre-existing framework, whereby the employer forwards the claim, creating an obligation on employers for early notification of claims.

Importantly, injured workers do not need to wait for an assessment or acceptance of the claim. The new legislation facilitates a quicker recovery by providing access to critical early treatment.

Provisional payments were first trialled with emergency services workers and volunteers, with trial participants reporting they were more likely to seek early treatment for their mental injury because of provisional payments. In the 18 months since the legislation was introduced, over 8 000 workers accessed these benefits. There have been good levels of compliance by employers for early notification and timeliness of provisional access decisions by WorkSafe Victoria's Agents.

Silicosis

In June 2021, lung cancer with silicosis and scleroderma with silicosis were added to Victoria's list of proclaimed diseases. As a result, stonemasons and others working with engineered stone are no longer required to prove they were injured at work to be eligible for compensation.

In July 2021, WorkSafe Victoria partnered with The Alfred, to open the Alfred Occupational Respiratory Clinic, Australia's only dedicated, public hospital occupational respiratory clinic. The clinic is building on the success of WorkSafe Victoria's health assessment program developed in partnership with the Monash Centre for Occupational and Environmental Health and the Royal Australasian

College of Physicians. Workers in the stonemason industry have free access to occupational health assessments of the highest possible standard. The clinic offers a centralised, comprehensive and multidisciplinary approach to diagnosis and management of occupational respiratory diseases. Importantly, workers leave the clinic at the end of the day with their health outcome and a management plan, taking away much of the stress associated with waiting for a diagnosis.

The *Workplace Safety Legislation and Other Matters Amendment Act 2022* (Amendment Act) commenced on 16 March 2022 and aims to prevent and better respond to workplace safety incidents, improve outcomes for injured workers and their families, and increase WorkSafe Victoria's ability to enhance Victoria's workers' compensation scheme operations.

On 1 July 2022, changes came into effect that improve compensation arrangements for workers with silicosis and similar occupational diseases. These changes enable workers with eligible diseases to access lump sum payments without needing to prove their injury has stabilised. The changes allow injured workers who have already received compensation for silica-related diseases to make a subsequent application for damages if they develop a further related disease or injury down the track. The changes also provide greater support to Victorians who have received a lung transplant due to a work-related injury and extends compensation for counselling services to families of workers diagnosed with an eligible disease.

Support for families experiencing workplace related bereavement

The Amendment Act, mentioned above, also included changes that improve outcomes and deliver enhanced services to the families of deceased workers. The changes extend pensions for children with disabilities, recognising the financial dependency of children with disabilities, and the expectation that a parent would have provided ongoing financial support if not for their death. The amendments also ensure persons with a disability are eligible for provisional payments to support a dependent partner in order to minimise the economic harm resulting from the loss of the deceased worker's income.

The Amendment Act also provides continuation of household help services for a period of time after a worker's death and broadens the eligibility of cremation, burial and repatriation expenses to include costs incurred overseas.

Firefighters Presumptive Rights

Changes to *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* (FPRC Act) commenced on 1 September 2022. The changes extend presumptive rights compensation to vehicle and equipment maintenance employees engaged by the Country Fire Authority (CFA) and Fire Rescue Victoria (FRV).

Extending presumptive rights for specified cancers to vehicle and equipment maintenance employees employed by the CFA or FRV recognises the critical role they play in maintaining firefighting equipment at the fire scene and provides equal coverage for persons employed in those roles. Vehicle and equipment maintenance employees are required to attend fires to repair and refuel fire trucks. They are exposed to the same carcinogens as firefighters when attending fires to clean and maintain firefighting equipment.

Forest Firefighters Presumptive Rights

The *Forests Amendment (Forest Firefighters Presumptive Rights Compensation) Act 2021* (the FFPRC Act) commenced on 14 September 2022. The FFPRC Act is modelled on the FPRC Act, which provides career and volunteer firefighters engaged by the CFA and FRV with a presumptive right to cancer compensation.

The FFPRC Act extends the presumptive right to occupational and surge forest firefighters. Forest firefighters who satisfy the criteria for presumptive rights now have an entitlement for compensation under Victoria's workers' compensation scheme. This means that if a forest firefighter who satisfies the relevant criteria is diagnosed with a specified cancer, they no longer need to prove that the cancer is directly attributable to their service as a firefighter. The presumption applies unless it can be proven the cancer was not caused by firefighting.

Queensland

Administrative and scheme delivery changes

Workers' Psychological Support Service

The [Workers' Psychological Support Service](#) (WPSS) commenced as a pilot program in 2018 to provide an independent, first point of expert support for psychologically injured Queensland workers, connecting them with and assisting them to navigate community support services. An evaluation of the pilot in May 2021 found the WPSS met its purpose and deliverables, provided useful and timely support to workers throughout the workers' compensation process, and remains in demand. Following the evaluation, the WPSS was established as an ongoing program in the Queensland workers' compensation scheme.

Since it commenced, the WPSS has assisted over 2 200 workers in connecting with community support.

Mine dust health support service

The Queensland Government established the [Mine Dust Health Support Service](#) (MDHSS) in March 2020 as a shared initiative between the Office of Industrial Relations, Resources Safety and Health Queensland and WorkCover Queensland to deliver a confidential and independent 'one stop shop' that assists workers in navigating the mine dust lung disease journey including health screening, counselling and other supports, making a claim for compensation, and post claim closure.

In its first year, the service assisted 266 clients (including current and former mine and quarry workers, their families and treating doctors) with contacts numbering 895 interactions across phone (the majority of inbound contacts), email, post and face to face.

An independent review of the service in 2021 determined the MDHSS service is overwhelmingly well received and supported by clients, stakeholders and staff and is meeting its intent in providing quality support to current and former workers to navigate their mine dust health journey.

Virtual medical assessment tribunal hearings for injured workers

Shortly after the introduction of COVID-19 public health measures in 2019, Queensland medical assessment tribunals introduced a virtual hearing model. In 2021-22, approximately 40% of all tribunals (almost 1 000 tribunals) proceeded by virtual hearing to assess a range of physical and psychiatric injuries.

Research grants – occupational dust lung diseases

On 28 July 2022, the Queensland Government announced more than \$3 million in grants for occupational dust lung disease research. The grants are part of an election commitment to fund medical research into occupational dust lung diseases, particularly coal workers' pneumoconiosis (black lung) and silicosis.

The University of Queensland (UQ) has been funded to collaborate with the Chicago School of Public Health, University of Illinois, to research early detection, prevention, and progression of mineral dust-related lung diseases. UQ has also been funded to collaborate with the University of New South Wales to identify factors critical to the development, severity and progression of coal workers' pneumoconiosis and silicosis. i-Med Queensland also received funding for an investigation to compare the effectiveness of diagnostic screening methods.

Safely returning to work after a mine dust lung disease (MDLD) diagnosis – expert medical guidelines

Queensland has also developed world first [expert medical guidelines](#) to assist with decisions on safe return to work, including what levels of dust exposure are appropriate for workers with disease and ongoing health monitoring of workers. The guidelines provide a best practice and evidenced-based framework which considers the individual circumstances of the worker's MDLD, including its severity and the best outcome that can be achieved.

Policy Developments

Third five-yearly review of the Queensland workers' compensation scheme

Under section 584A of the *Workers' Compensation and Rehabilitation Act 2003* (the Act), the Minister for Industrial Relations must ensure a review of the operation of the workers' compensation scheme is completed at least once in every 5 year period.

The Minister must prepare a report about the outcome of the review and, as soon as practicable after the review is completed, table the report in the Legislative Assembly.

The review must be completed no later than 30 June 2023.

The terms of reference for the 2023 review require the reviewers to consider:

- the scheme's performance in meeting its objectives under section 5 of the Act
- the effectiveness of current rehabilitation and return to work programs and policy settings, including ways to increase Queensland's current return to work rate

- the management of psychological injuries in the scheme, including the growth of secondary psychological injuries
- any matters that may be relevant in the remake of the Workers' Compensation and Rehabilitation Regulation 2014, and
- any national regulatory proposals or findings from national reviews in relation to gig workers and other forms of insecure work that should be taken into account by the government in its consideration of the outcomes of the 2019 Consultation Regulatory Impact Statement for Workers' compensation entitlements for workers in the gig economy and the taxi and limousine industry.

Legislative Amendments

Claims farming banned for all personal injury schemes in Queensland

On 30 June 2022, the *Personal Injuries Proceedings and Other Legislation Amendment Act 2022* (the Act) received assent. The Act creates 2 main offences to protect the workers' compensation and personal injury schemes and injured workers from "[claim farming](#)" practices. The new laws prohibit:

- approaching or contacting another person to solicit or induce them to make a claim, and
- giving or receiving financial incentives for referring claims or potential claims.

From 31 October 2022, law practices are required to show that they have not paid a claim farmer for a claim by submitting a Law Practice Certificate to the insurer at various stages of both a statutory and common law claim.

Insurers are required to collect these certificates and notify the Workers' Compensation Regulator when non-compliance is identified. Additionally, the Act creates a new duty for insurers to report a reasonable belief a person has provided a false or misleading law practice certificate or committed a claim farming offence.

Definition of "terminal condition"

The Act also confirms the policy intent for when an entitlement to terminal workers' compensation benefits arises by inserting an explicit 5 year timeframe in the definition of 'terminal condition'.

These changes do not remove a workers' right to access terminal compensation payments in the future. Access to common law and workers' compensation entitlements, such as weekly benefits, medical, rehabilitation and return to work support and lump sum payments are still available to workers before their injury is in its final stages.

Western Australia

Administrative and scheme delivery changes

WorkCover Western Australia Stakeholder Engagement Charter

WorkCover Western Australia (WA) values the experiences and contribution of stakeholders and is committed to ongoing and effective engagement.

To support this engagement, in March 2022 WorkCover WA launched a [Stakeholder Engagement Charter](#) which sets out our commitment to effective engagement with all stakeholders.

Foundations of Workers' Compensation: Claims Managers

In July 2022, WorkCover WA launched a [10-unit online training program](#), for insurer claims managers. The program provides practical tools and information to help claims managers better understand the workers' compensation and injury management scheme, the role they play in the scheme and the responsibilities they have to their clients. Upon completion, learners will know how to confidently apply their knowledge to assist their clients through the claims process.

Policy Developments

Changes to the Assessment of Premium Rates and Industry Classification: Loading and Appeal Policy

The WorkCover WA Board approved a change to the [Assessment of Premium Rates and Industry Classification: Loading and Appeal Policy](#), effective 1 July 2022.

This policy informs and guides insurers, employers and employer representatives of the policies and processes WorkCover WA applies to approve or review workers' compensation insurance premiums.

Legislative Amendments

Review of Workers' Compensation and Injury Management Act 1981

WorkCover WA continued work on the review of the *Workers' Compensation and Injury Management Act 1981*. A key goal of the review is to deliver a modern Act which is clear, accessible and workable as well as to address a range of issues relating to the structure and clarity of fundamental scheme concepts and processes.

A significant milestone was achieved in 2021/22 with the public release of the Workers Compensation and Injury Management Bill 2021 on 11 August 2021.

WorkCover WA received 86 submissions from a broad range of stakeholders including all representative groups. Based on the submissions there is strong

support for the Bill, with stakeholders identifying a number of specific technical and policy related changes for the Government of Western Australia to consider.

The government recently finalised a Bill which is expected to implement:

- the balance of WorkCover WA's 2014 legislative review report recommendations, building on the priority amendments implemented in 2018 and 2020,
- lifetime care and support arrangements for catastrophically injured workers, delivering on a commitment between the Commonwealth, State and Territory governments, and
- the 2021 government election commitments to double the medical and health expenses cap and extend the point at which a worker's weekly compensation payments step down from 13 to 26 weeks.

The Bill is expected to be introduced to Parliament in early 2023.

PTSD presumption for ambulance workers

Amendments were made to the Workers' Compensation and Injury Management Regulations 1982 to establish a rebuttable presumption of work-related injury for post-traumatic stress disorder contracted by ambulance workers.

The amendment regulations implement a government election commitment and came into effect on 1 February 2022.

South Australia

Policy developments

Impairment assessment

On 6 July 2022, the Return to Work (Scheme Sustainability) Amendment Bill 2022, was passed by Parliament. The Bill provided that future versions or amendments to Impairment Assessment Guidelines, which was developed to assist accredited and independent medical doctors in the assessment of permanent impairment of injuries, are subject to Parliamentary oversight and disallowance. The Bill also provided for the Second Edition Guidelines to be revoked. This occurred on 1 August 2022, which resulted in the significant majority of injured workers being assessed under the First Edition Guidelines.

ReturnToWorkSA has embarked on a co-design approach to review and amend the Impairment Assessment Guidelines to better ensure Whole Person Impairment Assessments are fair, consistent and objective. ReturnToWorkSA is participating in a working group comprising relevant stakeholders from the medical, legal and union communities that will co-design the development of the Third Edition of the Impairment Assessment Guidelines. It is anticipated that implementation will occur in July 2024.

Legislative amendments

Return to Work (Scheme Sustainability) Amendment Act 2022

The 2021 Supreme Court decision in the matter of *Summerfield* had a significant impact to the ReturnToWorkSA Scheme. When calculating a worker's whole person impairment, the *Summerfield* decision allows impairment from an initial injury to be combined with impairment from a subsequent injury, so long as there is a common cause between the injuries. This will result in higher Whole Person Impairment assessments, subsequently increasing the size of economic and non-economic lump sum payments.

In 2022, the Government of South Australian responded to the Supreme Court decision by amending the *Return to Work Act 2014* to codify the combination of impairments as set out in the *Summerfield* decision, whilst introducing other changes to ensure the Return to Work Scheme in is financially sustainable in the long term, and that it can continue to support South Australians who are injured at work.

The *Return to Work (Scheme Sustainability) Amendment Act 2022* was passed by Parliament on 6 July 2022, introducing important reforms.

Key changes to the Return to Work scheme

- From 1 January 2023, the serious injury threshold for physical injuries is increasing from 30% to 35% Whole Person Impairment. Allowing for the combination of injuries, the increase in the seriously injured threshold for physical injuries is considered to better reflect an appropriate level of impairment beyond which a worker is entitled to income support until retirement age and medical expenses for life.
- From 17 October 2022, workers who have been seriously injured on or after 1 July 2015 can elect to receive a single lump sum for economic loss. If an election is made, the worker is no longer entitled to receive ongoing weekly payments until retirement age. This gives injured workers more options and the freedom to make the best decision for their own health, quality of life and future wellbeing.
- Injured workers requiring surgery after their income support has ended are entitled to up to 13 weeks of supplementary income support payments following approved surgery.
- Allowing for a redemption of medical expenses for seriously injured workers.
- The Government has committed to consulting broadly on the development of a Third Edition of the Impairment Assessment Guidelines.

Tasmania

Policy developments

Tasmania has commenced the following policy developments:

- A review of the Tasmanian Guidelines for the Assessment of Impairment.
- The development of a new accreditation framework for workplace rehabilitation providers.
- A project to improve the injury outcomes in the Tasmanian State Service.
- A project to provide guidance and recommendations to improve support for seriously injured workers and families affected by an industrial death.

Legislative amendments

Workers Rehabilitation and Compensation Act 1988 (the WRC Act)

The Workers Rehabilitation and Compensation Amendment Bill 2022 (the Bill) passed both Houses of Parliament in 2022. The Bill sets out amendments to the following 2 sections of the *Workers Rehabilitation and Compensation Act 1988* (the Act):

- Section 27: Presumption as to cause of certain diseases in relation to fire-fighters, and
- Section 87: Cessation on account of age of entitlement to weekly payments.

The amendments, which will commence on 1 March 2023, are outlined below.

Section 27: Presumption as to the cause of certain diseases in relation to fire-fighters

After reviewing the operation of section 27, the WorkCover Tasmania Board recommended that the section be amended to include staff of the Bushfire Risk Unit that undertake fire-fighting and prevention activities within its coverage.

To address this gap, the Bill will update the definition of 'occupational fire-fighter' in section 27 of the Act. Existing 'occupational fire-fighters' will also be included in the new definition of 'occupational fire-fighter' without any material change.

Section 87: Timeframes for cessation of weekly entitlements on account of age

Following a review of section 87 (Cessation on account of age of entitlement to weekly payments), the Board recommended a change to the timeframes (in relation to proximity of the date of injury to the person's 'retirement age') for the cessation of weekly entitlements on account of age.

Section 87 of the Act sets out age restrictions for weekly compensation payments to workers injured at work, based upon the person's pension age and when the injury occurred in relation to that age. In this section, 'pension age' has the meaning set out in the *Social Security Act 1991* of the Commonwealth.

The Bill will amend section 87 to reduce the disadvantage experienced by older workers by extending the period of time before the age-related cessation provisions apply to those injured close to reaching their pension age.

Implementation of the amendments will provide that:

- where a worker is injured at work 2 years (changed from the current 12 months) or more before the worker reaches the pension age, entitlements to weekly payments will cease when the worker attains the pension age, and
- if the injury occurs when the worker is aged less than 2 years (changed from the current 12 months) before the date on which the person attains the pension age, then entitlements to weekly payments will cease on the date 2 years (increased from the current one year) after the injury occurs.

Existing provisions which allow an injured worker to apply to the Tasmanian Civil and Administrative Tribunal for a determination to extend payments beyond the applicable cessation dates will be retained. Some changes will be made to the existing wording for greater clarity and consistency throughout section 87.

The changes to sections 27 and 87 are prospective.

Workers Rehabilitation and Compensation Regulations 2021

The Workers Rehabilitation and Compensation Regulations 2011 were automatically repealed on 13 July 2021 (10 years after commencement), in accordance with the *Subordinate Legislation Act 1992*. The 2011 regulations were replaced with the Workers Rehabilitation and Compensation Regulations 2021 (remade, with little change, from the 2011 regulations).

Australian Capital Territory

Administrative and scheme delivery changes

Under the Australian Capital Territory (ACT) Government's self-insurance licence arrangements¹ the following changes have occurred in the administration of workers' compensation claims by ACT public sector workers.

Firefighter and volunteer firefighter presumptive cancer provisions

Retrospective amendments made by the Commonwealth to the firefighter provisions of the *Safety, Rehabilitation and Compensation Act 1988* (Cth) (SRC Act) commenced on 7 December 2022 following assent of the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*. As a result:

- ACT volunteer firefighters have access to presumptive cancer cover provisions under subsection 7(8) of the SRC Act, with retrospective effect from 4 July 2011, and
- the schedule of cancers that are subject to presumptive coverage has been expanded to include an additional 8 cancers (including primary skin, lung and thyroid cancer), also with retrospective effect from 4 July 2011.

Presumptive cover means that for an eligible employee who contracts one of the listed types of cancer, it is presumed that their employment contributed to that cancer and workers' compensation becomes payable unless the insurer is able to demonstrate that the cancer was not caused by work.

Streamlined claims process for eligible ACT public service employees suffering from Post-Traumatic-Stress-Disorder (PTSD)

The ACT Government has streamlined the workers' compensation process in certain cases where it can be presumed that an illness or injury is work related. This makes it simpler and faster for employees to make a claim and for the claim to be processed.

Since January 2022, [eligible first responders](#) employed by the Justice and Community Services Directorate and the Emergency Services Agency are able to access the streamlined arrangements if they are diagnosed with, or unable to work due to PTSD.

¹ The ACT Government holds a self-insurer licence issued under the *Safety, Rehabilitation and Compensation Act 1988* (Cth) (SRC Act).

Legislative amendments

Workplace Legislation Amendment Act 2022

In November 2022, amendments to the [Workers Compensation Act 1951](#) (WC Act) were passed by the ACT Legislative Assembly under the [Workplace Legislation Amendment Act 2022](#) to confirm that, from 9 June 2023, injured workers in receipt of incapacity payments are able to take and accrue leave during periods of compensated incapacity.

Statute Law Amendment Act 2021

In June 2021, amendments were passed by the ACT Legislative Assembly under the *Statute Law Amendment Act 2021* that made a technical amendment to the *Workers Compensation Act 1951* (WC Act) to update an outdated cross-reference relating to the relevant federal income tax law reference for determining the amount for travel costs payable under the WC Act. The amendments had no material impact on the arrangements or provisions of the WC Act.

Workers Compensation Amendment Regulation 2021 (No 1) and Workers Compensation Amendment Regulation 2022 (No 1)

Following amendments to ACT's private sector workers' compensation scheme that modernised the provisions dealing with insurer and self-insurer approval to align with a best practice licensing framework technical, amendments were made to the Workers Compensation Regulation 2002, including:

- Amending the Workers Compensation Amendment Regulation 2021 (No 1) to extend current insurer and self-insurer licenses until 31 May 2022 to allow supporting protocols to be made that would facilitate licence applications by insurers and self-insurers under the new licensing framework,
- Amending the Workers Compensation Amendment Regulation 2022 (No 1) to align its provisions with the new licensing framework that commenced under the *Employment and Workplace Safety Legislation Act 2020*.

ACT private sector workers compensation insurer and self-insurer protocols

Following the transition to a licensing framework from January 2021 under the WC Act for workers' compensation insurers and self-insurers, the following insurer and self-insurer protocols have been revised with minor technical and language adjustments reflecting the shift to a licensing framework:

- From 1 April 2022, the [Workers Compensation \(Insurer License Application\) Protocol 2022](#) and [Workers Compensation \(Self-Insurer Licence Application\) Protocol 2022](#).

- From 8 December 2022, the [Workers Compensation \(Licensed Insurer Cancellation of Policy\) Protocol 2022](#) and [Workers Compensation \(Licensed Insurer Premium Rate Methodology\) Protocol 2022](#).

Northern Territory

Administrative and scheme delivery changes

Northern Territory (NT) WorkSafe Strategic Plan 2021-2026

Northern Territory (NT) WorkSafe Strategic Plan 2021-2026 (the strategic plan) was launched in October 2021. The strategic plan will guide NT WorkSafe's activities for the next 5 years, with the aim of ensuring the primary objective of securing the health and safety of workers and workplaces, and influencing return to work outcomes for injured workers across the NT.

The plan was developed in consultation with NT WorkSafe's capable and committed teams of inspectors, advisors and officers; informed by the Australian Work Health and Safety Strategy 2012–2022, the National Return to Work Strategy 2020–2030, and taking the unique Northern Territory context into consideration.

In meeting the strategic objectives, NT WorkSafe aims to increase the level of work health and safety compliance by workers, managers, businesses and other duty holders, and in turn influence the levels of serious injuries, fatalities and return to work timeframes in the NT.

Key NT work health and safety statistics

Key NT work health and safety statistics have now been made available on the NT WorkSafe website and will be published annually.

The purpose of these statistics is to identify key issue and trends impacting the injury of Territorians and allows for evidence-based decisions on identifying priority areas.

Key statistics published include:

- key injury claims information
- injury claims by age and gender
- injury claims by all industries
- main industries by serious injury
- main occupations seriously injured
- main mechanisms of serious injury
- main injury groups for serious injuries
- work-related fatalities
- work-related fatalities by industry
- work-related fatalities by mechanism of injury

Approved insurers/self-insurers

The self-insurance licence for the Catholic Church in the NT has been cancelled and replaced by the Catholic Church Insurance Limited (CCI) as an insurer. However, the CCI insurance is limited to provision of insurance services to entities with a connection to the Catholic Church. The addition of CCI as an approved insurer takes the number of approved insurers in the NT to 5.

Commonwealth

Administrative and scheme delivery changes

Comcare's Medipass

From 2 March 2022, medical, pharmaceutical, and allied health providers are able to use Medipass to digitally submit compensation related invoices to Comcare. Comcare has made digital submission of invoices available to service providers in order to lessen the administrative burden and reduce processing times.

Department of Veteran Affairs (DVA) Rehabilitation Services

During 2022, The Department of Veteran Affairs (DVA) commissioned the Nous Group to compile an environmental scan and literature review that outlined DVA's approach to rehabilitation services and considered DVA's service offering against comparable schemes. The purpose of this research project was to compare the scope and features of DVA's rehabilitation services to those of other Five Eyes countries, and other similar Australian schemes.

The environmental scan was completed in June 2022 and the report noted that DVA's rehabilitation service offering, overall, is progressive in approach, generous in scope and eligibility, and comparable in delivery model to other military rehabilitation schemes. A key research finding is that there is a shift in the definition and aims of rehabilitation, both in Australia and in comparable veteran schemes, towards recovery, whole-of-person wellbeing, and strengths-based approaches and language. DVA's Veteran Wellbeing Model is aligned to this movement.

The research provides a baseline of DVA's current rehabilitation approach, and the evidence base of the different approaches and trends for delivering rehabilitation services will guide future consideration of emerging best practice for DVA to explore.

DVA's Rehabilitation Provider Improvement Project (RPIP)

With the existing DVA Deed of Agreements for the Provision of Rehabilitation Services expiring on 30 June 2023, DVA has commenced procurement activities with the intent of going to market before the new financial year. Work has also commenced on undertaking a Rehabilitation Program review, which includes looking at the existing model against comparable schemes and leveraging findings to inform policy making and baseline for future DVA positioning.

To maintain probity of both the procurement activity and any future reform work, and to ensure all interested parties have equal opportunity and access to information, detailed information about this work will remain commercial-in-confidence until DVA is in a position to publicly share its future direction.

Veteran Mental Health and Wellbeing Strategy and National Action Plan 2020-2023

DVA continues its commitment to supporting veterans and their families to build and sustain wellbeing with the aim of supporting good mental health, recovery, and reducing veteran suicide as part of the whole-of-government approach towards zero suicides. DVA is using the [Veteran Mental Health and Wellbeing Strategy and National Action Plan 2020-2023](#) to drive a series of changes to enable a shift from an illness focus to a wellbeing focus. DVA continues to progress the establishment of governance, monitoring and evaluation arrangements. A recent Department-wide stocktake of activities, measures and commitments as outlined in the Strategy and Action Plan identified that the majority of action items were on track with minimal issues.

The Action Plan has been designed with flexibility to allow future updates to respond to emerging priorities, and ongoing stakeholder feedback. It has been updated to reflect the new measures announced in the 2021-22 Budget for mental health and suicide prevention.

Policy Developments

Comcare Permanent Impairment Guide

The expiry date for Comcare's current Permanent Impairment Guide, which is a legislative instrument, has been extended by 12 months, to 1 April 2023.

DVA Extension of Provisional Access to Medical Treatment Trial

In July 2022, DVA's Provisional Access to Medical Treatment Trial was extended until 31 December 2024. This program enables access to treatment for 20 commonly accepted conditions while claims under the *Military Rehabilitation and Compensation Act 2004* (MRCA) and *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (DRCA) are being processed.

The pilot of non-liability rehabilitation measure was announced in the 2021-22 Budget to commence on 1 January 2022. This measure is a new 2 year pilot program for veterans with vocational and psychosocial rehabilitation needs to access services and support, without requiring them to have lodged a compensation claim. This pilot is in response to Recommendation 6.3 from the Productivity Commission's report 'A Better Way to Support Veterans'. Further information on this report can be found on the DVA website.

The pilot of non-liability rehabilitation measure seeks to provide the following support for veterans:

- To help veterans who have not (for whatever reason) made a claim for compensation to get access to the rehabilitation support they need.
- Raise awareness of the benefits of early engagement with rehabilitation and encourage veterans to participate voluntarily.
- Provision of a needs-based approach to goal setting and identification of appropriate activities.
- Build on the existing arrangements for rehabilitation needs and capacity assessments.
- Trial streamlined planning and delivery of support services.
- Monitor and support veterans' progress and engagement with their rehabilitation program.
- Evaluation of the effectiveness of the pilot, comparing the expectations and rehabilitation outcomes for veterans, when these services are 'un-coupled' from liability for compensation.
- Inform future initiatives to remove barriers to veterans accessing rehabilitation.

Legislative Amendments

Safety, Rehabilitation and Compensation Act 1988

On 7 December 2022, amendments to the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) were made by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (the Amendments) affecting presumptive liability for firefighters. The Amendments made a range of changes including expanding coverage to volunteer firefighters in the ACT, clarifying their access to compensation under the SRC Act, and reducing the qualifying period for oesophageal cancer to 15 years.

On 17 December 2022, the *Safety, Rehabilitation and Compensation Amendment (Prescribed Cancers) Regulations 2022* also came into effect, expanding the range of cancers covered under the SRC Act for firefighters suffering from diseases as a result of their employment. Eight additional types of cancer are now covered under subsection 7(8) of the SRC Act for employees sustaining those injuries as a result of firefighting duties.

Defence, Veterans' and Families' Acute Support Package Bill 2022 (formerly known as Veterans' Affairs Legislation Amendment (Enhanced Family Support) Bill 2022)

This Bill proposes to amend the *Military Rehabilitation and Compensation Act 2004*, *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* and *Veterans' Entitlements Act 1986* to:

- extend eligibility to veterans and their family members who are at risk of or in crisis, whether or not the veteran is participating in a rehabilitation program or has rendered warlike service, and
- expand the range of supports available to family members under the current family support package.

This Bill also proposes to amend the *Income Tax Assessment Act 1997* to provide that acute support packages for veterans and their families are exempt from income tax and the *Social Security Act 1991* to provide that acute support packages for veterans and their families are not income for the purposes of the social security income test.

Military Rehabilitation and Compensation and Other Legislation Amendment (Incapacity Payments) Bill 2022

This Bill seeks to amend the *Military Rehabilitation and Compensation Act 2004* and *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* to:

- enable veterans engaged in an approved rehabilitation program and undertaking full-time study to continue to receive incapacity payments at 100% of their normal weekly earnings for an additional year up to 1 July 2023 and
- enable back-payments for student veterans who should have been eligible for the higher rate of payment to cover the period from 1 July 2022 until the amendments 's commence.

Veterans' Affairs Legislation Amendment (Exempting Disability Payments from Income Testing and Other Measures) Act 2021

This Act amends 9 Acts to:

- exempt certain payments, known as the adjusted disability pension, from the social security income test
- remove the Defence Force Income Support Allowance from the *Veterans' Entitlement Act 1986*
- remove the disability income rent test; and replace references to 'disability pension' with references that clarify the nature of the payment as a compensation payment
- adjust the mechanism for indexation of certain payments, and
- amend the *Military Rehabilitation and Compensation Act 2004* to establish a non-liability rehabilitation pilot to provide veterans with access to rehabilitation support without the requirement to have lodged a compensation claim.

Veterans' Entitlements (Point Cook Firefighters) Determination 2021

The 2021-22 Budget announced a range of support measures for Australian Defence Force (ADF) Firefighters who served at Royal Australian Air Force (RAAF) Base Point Cook between 1 January 1957 and 31 December 1986 under the Budget measure 'Supporting Australian Defence Force firefighters'. The proposed measures are provided in the *Veterans' Entitlements (Point Cook Firefighters) Determination 2021* (Determination) which commenced on 20 September 2021.

The Determination recognises that this group has been directly exposed to a wide range of hazardous (and at times unknown) substances during fire suppression training, at a time when personal protective equipment was not of the same standard available today. The effect of this Determination will allow the Repatriation Commission to provide a specified class of persons (eligible veterans, dependents and/or other persons) with treatment of a specified kind under subsection 88A(1) of the *Veterans Entitlement Act 1986*.

This will provide Point Cook firefighters with treatment measures as a part of a preventative health strategy, including colorectal and melanoma screening. In addition, this Determination provides for treatment for the Point Cook firefighters through participation in a Healthy Lifestyle Program.

New Zealand

Administrative and scheme delivery changes

Levy rates and industry classifications

The Accident Compensation Corporation (ACC) has a statutory obligation to consult on proposed levy rates and other levy related proposals every 3 years. ACC's previous consultation was held in late 2018, which set the levy rates for the 2019/20 and 2020/21 levy years. However, the beginning of the COVID-19 pandemic in 2020 meant that levy consultation for that year was cancelled, and Cabinet rolled over the 2020/21 rates so that they applied for the 2021/2022 levy year, to allow time for better understanding of the impact of COVID-19 on the Scheme.

In November 2021, the Minister for ACC approved the following levy rates for the 2022/23 to 2024/25 levy years:

- Average Work levies paid by employers and self-employed people decreased from 67 cents to 63 cents per \$100 of liable earnings in April 2022 and remain at this rate until 2025.
- Average Motor Vehicle levies, which include the annual licence levy and petrol levy, will remain at \$113.94. Electric vehicles continued to receive a subsidised levy.
- Earners' levies paid through PAYE (or invoiced directly through ACC for self-employed people) increased from \$1.21 per \$100 to \$1.27 in April 2022, \$1.33 in 2023 and \$1.39 in 2024.
- Supporting changes were also made to regulations that prescribe ACC's experience rating system, which adjusts the amount of Work Account levies payable by a business in an industry, based on the business's claims history.

Regulations setting new rates for certain treatment providers

Two sets of regulations, which came into force on 1 May 2021, amended the Accident Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003 and the Accident Compensation (Apportioning Entitlements for Hearing Loss) Regulations 2010, to increase by 2.05% the costs that ACC is liable to pay for certain treatment services covered by the respective regulations. Changes were also made to revoke provisions that apply to subsequent dentistry treatment on a tooth that has previously been treated (restored or crowned) – where previously ACC's liability for a subsequent treatment was reduced if ACC was not liable for the previous treatment. Raising the amount payable by ACC mitigates the pressure on providers to raise co-payments charged to claimants, and, in turn, mitigates barriers of access for the claimant.

Legislative Amendments

Accident Compensation (Maternal Birth Injuries and Other Matters) Amendment Act 2022

The Accident Compensation (Maternal Birth Injuries and Other Matters) Amendment Act (the Amendment Act) introduced a significant expansion to the Accident Compensation Scheme (the Scheme). Improving gender balance, fairness, and equity in the AC Scheme was the primary driver for the Bill. Evidence showed that women made fewer claims to ACC than men, had fewer injuries covered by the scheme than men, and each woman's claim cost the scheme a third less than a man's, on average, in entitlements. This reflects the inherent gender disparities in the Scheme that are the result of its focus on accident-related physical injuries, which are more common among men and in male-dominated types of work. The Amendment Act sought to lessen these inequities through providing more equitable coverage for injuries, and also providing greater clarity for claimants.

The Amendment Act's most significant change was extending the AC Scheme cover to maternal birth injuries, which shared similar features to injuries already covered under the AC Scheme. As the intent was for maternal birth injuries to be treated the same as other injuries in the AC Scheme, this expansion of cover brought this new group of injuries into the AC Scheme's existing settings.

The Amendment Act made the following 5 additional policy changes to the *Accident Compensation Act 2001* (AC Act):

1. Clarification of the test for work-related gradual process, disease, or infection cover to restore the more claimant-friendly test that was in place before 2010.
2. Introduced the requirement that occupational assessors must (rather than may) consider pre-incapacity earnings when undertaking occupational assessments to support certainty and transparency.
3. Reduced the threshold for injury-related hearing loss cover from 6% hearing loss to 5% hearing loss to ensure greater support for those with low-level hearing loss.
4. Increased the size of the Accident Compensation Board by one to assist the Board in representing a wider range of specialists and stakeholders.
5. Ensured legislative certainty that dependants of claimants are not disentitled from fatal injury entitlements covered under the AC Scheme following a claimant's assisted death, in accordance with the *End of Life Choice Act 2019*.

The Amendment Act also made the following 7 technical changes to the AC Act:

1. Moved the definition of 'medical practitioner' to the Accident Compensation (Definitions) Regulations 2019. This will allow the definition to be more easily updated in future via regulations.
2. Updated the definitions of the terms 'child' and 'other dependant' to improve the clarity of the AC Act.
3. Enabled a method to be set in regulations for the rate of interest for levy overpayments on interim assessments, to better and more efficiently enable the rate to reflect changes in economic circumstances.
4. Enabled ACC to use the most recent employer filing to Inland Revenue when determining a client's weekly compensation.
5. Aligned ACC's penalty rules with Inland Revenue's rules by charging the 1% monthly interest rate from the day after a levy invoice is due, rather than 30 days after the payment is due.
6. Excluded weekly compensation top-ups made under the *Veterans' Support Act 2014* from abatement against ACC's weekly compensation payments to better give effect to the policy intent for abatement.
7. Aligned the definitions of moped and motorcycle in the AC Act with the definitions in the *Land Transport Act 1998* to ensure legal clarity.