

WORKERS COMP LAW CHANGES

Amendments to the *Workers Compensation and Rehabilitation Act 1988* were recently passed by Parliament and took effect on 31st October 2007.

The key changes include:

- Improved compensation for industrial deafness. In the past some workers were unable to establish a claim for industrial deafness because their employer had failed to conduct baseline audiometric testing.
- A fairer method of calculating the rate of weekly compensation, especially for workers who have a short employment history and where the award does not include an 'ordinary-time rate of pay'.
- Workers compensation coverage for jockeys.
- Addressing a Supreme Court decision that limited the ability of employers to recover compensation costs from a negligent third party.
- Clarifying coverage of luxury hire car drivers and consolidating provisions relating to taxi drivers.
- Amending the work-relatedness test for injury from 'arising out of and in the course of' to 'arising out of or in the course of', so it is clear that injuries can be compensable even when symptoms only become apparent after the worker has left the relevant employment (however to be compensable all injuries and diseases must be caused by work).
- Measures to better deal with disputes between insurers or disputes between employers. This is to ensure that payment of compensation is not delayed because of a dispute between insurers or between employers.

Other changes will:

- Suspend weekly payments while the worker is in prison;
- **Require employers to display a summary of the Act and evidence of insurance cover;**
- Require employers to keep relevant employment records; and
- Make clearer that weekly payments are to be paid in the same way that wages were paid (unless there is a genuine agreement on an alternative method).



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