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**TRANSITION INFORMATION**

**Personal Compensation Stream**

**Workers Rehabilitation and Compensation Act 1988**

The following is a brief summary of the changes to the legislation and where current legislative operations are maintained or preserved in the new *Tasmanian Civil and Administrative Tribunal Act* *2020.*

* 1. The statutory reforms to implement the Tasmanian Civil and Administrative Tribunal have resulted in some changes to the *Workers Rehabilitation and Compensation Act* 1988, but had minimal effect upon the existing day to day processes under this legislation.
  2. It is important to note that two sections of the *Tasmanian Civil and Administrative Tribunal Act* 2020 that operate to preserve the existing statutory processes under the Workers Rehabilitation and Compensation Act 1998. Section 7A of the *Tasmanian Civil and Administrative Tribunal Act* 2020 *establishes* that if any inconsistency arises between a provision of the *Tasmanian Civil and Administrative Tribunal Act* 2020and a relevant Act or Regulation, then the relevant Act or Regulations prevail. The *Workers Rehabilitation and Compensation Act* 1988 (and its Regulations)is a ‘relevant Act.’ Likewise, Section 59(7) of the *Tasmanian Civil and Administrative Tribunal Act* 2020establishes that certain provisions under Schedule 2 of the *Tasmanian Civil and Administrative Tribunal Act* 2020override other provisions of that Act.
  3. The following sections have been repealed (Sections 16, 17, 17A, 18, 19, 23A and 24) as they are no longer required, given the Tribunal provisions under the *Tasmanian Civil and Administrative Tribunal Act* 2020(see Part 3 and Section 143).
  4. Section 42B has been amended to establish who may conduct conciliation under Division 2 of the *Workers Rehabilitation and Compensation Act* 1988by (A Registrar, Deputy Registrar or person authorised by the President).
  5. Section 46, relating to adjournments, is repealed however, the *Tasmanian Civil and Administrative Tribunal Act* 2020has comparable power under Section 83.
  6. The preservation of the existing representation regime is maintained by the inclusion of Section 47(3) that excludes the operation of Section 98 of the *Tasmanian Civil and Administrative Tribunal Act* 2020.
  7. Section 49(1) which excludes the rules of evidence is repealed and replaced by Section 79 of the *Tasmanian Civil and Administrative Act* 2020.
  8. Section 56(1), which relates to the taking of evidence and the production of documents, is omitted but the *Tasmanian Civil and Administrative Act* 2020 has a comparable power under Section 104.
  9. The statutory requirement for hearings to be convened in private except where parties agree otherwise is preserved by the additional of Section 48(3) which excludes the operation of Section 81 of the *Tasmanian Civil and Administrative Tribunal Act* 2020.
  10. Regulation 5 of the Workers Rehabilitation and Compensation Regulation 2021 has been rescinded. However, the existing statutory regime for costs are preserved through amendments to Section 59 of the *Workers Rehabilitation and Compensation Act* 1988by the inclusion of two new subsections (See Section 59(3) and (4).)
  11. Section 60 is repealed which addressed contempt of the Tribunal given the new provisions of the *Tasmanian Civil and Administrative Tribunal Act* 2020under Section 128.
  12. Section 63 is repealed given the new appeal provisions set out in Section 136 of the *Tasmanian Civil and Administrative Tribunal Act* 2020 which reproduces the same rights within that section.

**OTHER CHANGES:**

* 1. The President has issued a Practice Direction pursuant to Section 93 of the *Tasmanian Civil and Administrative Tribunal Act* 2020. Practitioners should ensure they have had regard to those Practice Directions and ensure compliance with their requirements.