

SOUTH AUSTRALIA

**WORKERS REHABILITATION AND COMPENSATION (DISPUTE
RESOLUTION) REGULATIONS 1996**

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SCHEDULE 1

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**REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION
ACT 1986**

*Workers Rehabilitation and Compensation (Dispute Resolution)
Regulations 1996*

being

No. 108 of 1996: *Gaz.* 30 May 1996, p. 2704¹

¹ Came into operation 3 June 1996: reg. 2.

Citation

1. These regulations may be cited as the *Workers Rehabilitation and Compensation (Dispute Resolution) Regulations 1996*.

Commencement

2. These regulations will come into operation on 3 June 1996.

Interpretation

3. In these regulations—

"Act" means the *Workers Rehabilitation and Compensation Act 1986*.

Notice of dispute (s. 90)

4. A notice of dispute under section 90 of the Act must be in the form of schedule 1.

Application for an extension of time (s. 90A)

5. An application for extension of time under section 90A(3) of the Act is made by completing the appropriate part of the form set out in schedule 1.

Nomination of person to reconsider a disputed decision (s. 91)

6. For the purposes of section 91(2)(b) of the Act, the nomination of a person to the Registrar is made by a relevant compensating authority providing, in writing, the following information about the person to the Registrar:

- (a) the person's full name;
- (b) the name of the person's employer (if the person is an employee), or a relevant business name;
- (c) the person's position in the organisation in which he or she works, or his or her occupation;
- (d) details of any relevant qualifications and experience;
- (e) an address for correspondence;
- (f) the person's business telephone number, and a facsimile number.

Costs

7. (1) Pursuant to section 95(1) of the Act, the following limits on costs are fixed in relation to proceedings under Part 6A of the Act (other than under Division 6 of that Part):

Item	Limit \$
Assistance in the preparation and lodgement of a notice of dispute	80
Participation in the initial reconsideration of a disputed decision and in the initial conciliation process, including attendance at a conciliation conference	100

3.

Participation in the conciliation/dispute resolution process (payable only if the matter is resolved through the conciliation process, and including the preparation of any necessary documentation)	80
Preparation of a case for an arbitration hearing	150
Appearance before an arbitration officer for an arbitration hearing (to a maximum of \$300)	
First hour	100
Second hour	60
Third and subsequent hours	30

(2) Pursuant to section 95(1) of the Act, the costs awarded to a party who is represented in proceedings before the Tribunal under Division 6 of Part 6A of the Act cannot exceed 85 per cent of the costs that would be payable on a party and party basis if the proceedings were proceedings before the Supreme Court.

(3) Pursuant to section 95(2)(b) of the Act, costs may be awarded to reimburse disbursements incurred by a party to a dispute up to a reasonable amount reasonably incurred, subject to the qualification that costs for medical services reimbursed as disbursements in the dispute resolution process are limited to the scales of charges that apply for the purposes of section 32 of the Act or, if a service is not covered by a scale of charges under that section, to an amount determined in accordance with the principles that apply under that section.

(4) Pursuant to section 97C of the Act, the following limits on costs are fixed in relation to proceedings under Part 6B of the Act:

Item	Limit \$
Assistance in the preparation and lodgement of an application	80
Preparation of a case for hearing	150
Appearance before the Tribunal (to a maximum of \$300)	
First hour	100
Second hour	60
Third and subsequent hour	30

(5) An amount prescribed by subregulation (1) or (4) will be adjusted on an annual basis so that the relevant amount on or after 1 January 1997 will be an amount (calculated to the nearest multiple of \$10) that bears to the amount as prescribed on the commencement of this regulation the same proportion as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1995.

Special jurisdiction

8. An application to the Tribunal under Part 6B of the Act must be in the form of schedule 2.

4.

SCHEDULE 1

[Form appears in *Gaz.* 30 May 1996, p. 2704]

5.

SCHEDULE 2

[Form appears in *Gaz.* 30 May 1996, p. 2704]