

(Reprint No. 1)

South Australia

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

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 31 August 2000.*

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

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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. 2704<sup>1</sup>

as varied by

No. 206 of 2000: *Gaz.* 31 August 2000, p. 1042<sup>2</sup>

<sup>1</sup> Came into operation 3 June 1996: reg. 2.

<sup>2</sup> Came into operation 31 August 2000: reg. 2.

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix.

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## 4 Workers Rehabilitation and Compensation (Dispute Resolution) Regulations 1996

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### 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*;

"GST" means the tax payable under the GST law;

"GST law" means—

- (a) *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
- (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things.

### 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 that take place under Part 6A of the Act (other than under Division 6 of that Part) up to and including 31 December 2000:

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Item	Limit \$
Assistance in the preparation and lodgement of a notice of dispute . . . . .	88
Participation in the initial reconsideration of a disputed decision and in the initial conciliation process, including attendance at a conciliation conference . . . . .	110
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) . . . . .	88
Preparation of a case for an arbitration hearing . . . . .	176
Appearance before an arbitration officer for an arbitration hearing (to a maximum of \$341)	
First hour . . . . .	110
Second hour . . . . .	66
Third and subsequent hours . . . . .	33

(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 that take place under Part 6B of the Act up to and including 31 December 2000:

Item	Limit \$
Assistance in the preparation and lodgement of an application . . . . .	88
Preparation of a case for hearing . . . . .	176
Appearance before the Tribunal (to a maximum of \$341)	
First hour . . . . .	110
Second hour . . . . .	66
Third and subsequent hour . . . . .	33

(5) The limits on costs in relation to proceedings under Part 6A of the Act (other than under Division 6 of that Part) and Part 6B of the Act that take place in the 2001 calendar year or a subsequent calendar year are to be determined by adjusting the amounts prescribed by subregulations (1) and (4) respectively in accordance with subregulation (6).

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(6) Subject to subregulation (7), an amount prescribed by subregulation (1) or (4) will be adjusted on an annual basis so that the adjusted amount will on 1 January 2001 and on 1 January of each subsequent year be an amount (calculated to the nearest multiple of \$10) that bears to the amount prescribed by subregulation (1) or (4) the same proportion, subject to subregulation (8), 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.

(7) In the application of subregulation (6), the maximum amount—

- (a) for preparation of a case for an arbitration hearing prescribed by subregulation (1) will be taken to be \$165 and not \$176;
- (b) for appearance before an arbitration officer for an arbitration hearing prescribed by subregulation (1) will be taken to be \$330 and not \$341;
- (c) for preparation of a case for hearing prescribed by subregulation (4) will be taken to be \$165 and not \$176;
- (d) for appearance before the Tribunal prescribed by subregulation (4) will be taken to be \$330 and not \$341.

(8) For the purpose of making the adjustment referred to in subregulation (6), the amount of the Consumer Price Index for the September quarter, 2000, and for the September quarter of each subsequent year will be reduced by the amount of the component of the weighted average of the Consumer Price Index for the eight Australian capital cities for the September quarter, 2000, that, in the opinion of the Australian Bureau of Statistics, is attributable to the impact of the GST.

(9) If the Australian Bureau of Statistics has not determined and published the amount of the component referred to in subregulation (8) that is attributable to the GST by 1 January 2001, the adjustment under subregulation (6) for that year will be delayed until the amount has been published by the Bureau.

### **Special jurisdiction**

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

**SCHEDULE 1**

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SCHEDULE 2

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

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**SCHEDULE 2**



## APPENDIX

### LEGISLATIVE HISTORY

Regulation 3:	definitions of "GST" and "GST law" inserted by 206, 2000, reg. 3
Regulation 7(1):	substituted by 206, 2000, reg. 4(a)
Regulation 7(4) and (5):	substituted by 206, 2000, reg. 4(b)
Regulation 7(6) - (9):	inserted by 206, 2000, reg. 4(b)