

South Australia

Workers Rehabilitation and Compensation (Dispute Resolution) Regulations 1996

under the *Workers Rehabilitation and Compensation Act 1986*

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Schedule 1—Notice of dispute

Schedule 2—Application for expedited decision

Legislative history

1—Short title

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

2—Commencement

These regulations will come into operation on 3 June 1996.

3—Interpretation

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.

4—Notice of dispute (section 90)

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

5—Application for an extension of time (section 90A)

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.

6—Nomination of person to reconsider a disputed decision (section 91)

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.

7—Costs

- (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:

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).
- (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.

8—Special jurisdiction

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

 WA WorkCover Compensation Tribunal	Action Number: _____ / 1996 <small>Office Use Only</small>
	NOTICE OF DISPUTE Page 2 of 2 FORM 1

If you require an interpreter, complete this section.	INTERPRETER
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Yes No If Yes, what Language

Describe the matter in dispute - if insufficient space attach a separate page	DETAILS OF DISPUTE
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Attach a copy of the decision that led to the dispute, together with your reasons for disputing it. Also, attach any additional information (such as medical reports) that may be relevant, but have not been previously supplied to your Employer / WorkCover / Agent.
Please provide a list of all attachments.

If you require a extension of time, complete this section	EXTENSION OF TIME
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Yes No
If Yes, state the grounds upon which extension is sought. If insufficient space attach a separate page.

Applicant or Representative must sign below	SIGNATURE
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Signature: _____ Date: ____/____/____

Office Use Only

Date lodged: _____ Entered to computer by: _____

01 Jun 06

Schedule 2—Application for expedited decision

		Action Number: _____ / 1996	
		<small>Office Use Only</small>	
APPLICATION FOR EXPEDITED DECISION		Page 1 of 2	
		FORM 14	
APPLICANT	Worker <input type="checkbox"/>	Other <input type="checkbox"/>	
	Employer <input type="checkbox"/>	If Other, Specify	<input type="text"/>
This section must be completed		WORKER'S DETAILS	
Given Name: _____		Family Name: _____	
Address: _____		Postcode: _____	
Date of Birth: ____/____/____		Phone: (____) _____	
Occupation: _____		Fax: (____) _____	
This section must be completed		EMPLOYER'S DETAILS	
Business Name: _____		Postcode: _____	
Address: _____		Phone: (____) _____	
Contact Person: _____		Fax: (____) _____	
Job Title: _____			
<i>If Employer is exempt, leave this section blank</i>		WORKCOVER / AGENT'S DETAILS	
Business Name: _____		Postcode: _____	
Address: _____		Phone: (____) _____	
Contact Person: _____		Fax: (____) _____	
Job Title: _____			
<i>If you ticked Other in APPLICANT section, complete this section</i>		OTHER APPLICANT'S DETAILS	
Business Name: _____		Postcode: _____	
Address: _____		Phone: (____) _____	
Contact Person: _____		Fax: (____) _____	
Job Title: _____			
<i>If APPLICANT has representation (e.g. union), complete this section</i>		REPRESENTATIVE'S DETAILS	
Business Name: _____		Postcode: _____	
Address: _____		Phone: (____) _____	
Contact Person: _____		Fax: (____) _____	
Job Title: _____			
Internal Reference: _____			

01 Jun 98



Action Number: _____ / 1996
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APPLICATION FOR EXPEDITED DECISION Page 2 of 2
FORM 14

Describe the claim - if insufficient space attach a separate page **CLAIM DETAILS**

*Attach any additional information (such as medical reports) that may be relevant, but have not been previously supplied to your Employer / WorkCover / Agent.
 Please provide a list of all attachments.*

Date of Injury: ____/____/____
 Description of Injury: _____
 Date of Claim: ____/____/____ Claim Number (if known): _____
 Circumstances of Claim:

If you require an interpreter, complete this section. **INTERPRETER**

Yes No If Yes, what Language

Applicant or Representative must sign below **SIGNATURE**

Signature: _____ Date: ____/____/____

Office Use Only

Date lodged: _____ Entered to computer by: _____

01-Jun-95

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1996	108	<i>Gazette 30.5.1996 p2704</i>	3.6.1996: r 2
2000	206	<i>Gazette 31.8.2000 p1042</i>	31.8.2000: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2
2009	26	<i>Gazette 26.3.2009 p1168</i>	1.4.2009: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
r 3		
GST	inserted by 206/2000 r 3	31.8.2000
GST law	inserted by 206/2000 r 3	31.8.2000
r 7		
r 7(1)	substituted by 206/2000 r 4(a)	31.8.2000
r 7(4) and (5)	substituted by 206/2000 r 4(b)	31.8.2000
r 7(6)—(9)	inserted by 206/2000 r 4(b)	31.8.2000
Schs 1 and 2	headings substituted by 147/2003 Sch 1	12.6.2003

Historical versions

Reprint No 1—31.8.2000