

(Reprint No. 1)

SOUTH AUSTRALIA

**WORKERS REHABILITATION AND COMPENSATION (REVIEWS AND
APPEALS) REGULATIONS, 1987**

These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 8 February 1995.

It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.

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REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT, 1986

WORKERS REHABILITATION AND COMPENSATION (REVIEWS AND APPEALS) REGULATIONS, 1987

being

No. 233 of 1987: *Gaz.* 24 September 1987, p. 1008¹

as varied by

No. 214 of 1988: *Gaz.* 6 October 1988, p. 1245²

No. 157 of 1991: *Gaz.* 11 July 1991, p. 247

No. 147 of 1993: *Gaz.* 24 June 1993, p. 2114³

No. 32 of 1994: *Gaz.* 26 May 1994, p. 1302⁴

¹ Came into operation at 4 p.m. on 30 September 1987: reg. 2.

² Came into operation 17 October 1988: reg. 2.

³ Came into operation 1 July 1993: reg. 2.

⁴ Came into operation 26 May 1994: reg. 2.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

2 Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations, 1987

Citation

1. These regulations may be cited as the *Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations, 1987*.

Commencement

2. These regulations will come into operation at 4 p.m. on 30 September, 1987.

Interpretation

3. In these regulations—

"the Act" means the *Workers Rehabilitation and Compensation Act, 1986*;

"the Registrar" means the Registrar of the Tribunal.

Expenses for witnesses

4. For the purposes of section 91 of the Act (and subject to any contrary direction by the review authority), a witness in proceedings before a review authority is entitled to reimbursement of any expense that the review authority certifies has been, or is likely to be, reasonably incurred by the witness as a consequence of appearing before the review authority.

Costs on account of representation

5. (1) Pursuant to section 92a of the Act, the following limits on costs are fixed in relation to proceedings before a Review Officer, and related conciliation proceedings:

Item	Limit \$
Assistance in the preparation and lodgement of an application for review	65
Participation in the conciliation process	86
Participation in the dispute resolution/conclusion process	65
Preparation of case for a review hearing	129
Appearance before a Review Officer (to a maximum of \$270)	
First hour	86
Second hour	54
Third and subsequent hours	27

(2) Pursuant to section 92a of the Act, the costs awarded to a party who is represented in proceedings before the Tribunal cannot exceed 95 per cent of the costs that would have been payable on a party and party basis had the proceedings been proceedings before the Supreme Court.

(3) If a bill of costs is ordered to be made subject to examination, or is disputed—

(a) if the proceedings were before a Review Officer (or relate to conciliation proceedings)—the bill of costs must be submitted to a Review Officer for examination;

(b) if the proceedings were before the Tribunal—the bill of costs must be submitted to the Registrar for examination.

(4) A copy of a bill of costs submitted by a party to proceedings for examination under subregulation (3) must be served on all other parties to the proceedings.

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(5) An amount prescribed by subregulation (1) will be adjusted on an annual basis so that the relevant amount on or after 1 January 1992 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, 1990.

Reimbursement of medical costs

5A. The cost fixed in relation to a service in a scale published in the *Gazette* under section 32(9) of the Act is fixed as the limit on the costs which may be reimbursed for that service under section 92a of the Act.

Applications for review

6. (1) An application for review must be in the form set out in the first schedule containing the information required by the schedule.

(2) An application for review—

(a) must be signed by the applicant, or by the applicant's representative;

and

(b) must be delivered or posted to the office of the Review Panel.

(3) Where an application for review is received under subregulation (2), the Chief Review Officer, or an officer nominated by the Chief Review Officer, must cause notice of the application and a copy of the application (together with any accompanying documentation) to be sent to each of the following (other than the applicant):

(a) the Corporation;

(b) any employer or former employer who appears to the Chief Review Officer to have a proper interest in the decision sought to be reviewed;

(c) the worker.

Extensions of time

6A. An application for an extension of time pursuant to section 95(4) of the Act—

(a) must be in the form set out in the fourth schedule containing the information required by the schedule;

or

(b) at the discretion of the Chief Review Officer or another Review Officer authorized by the Chief Review officer for the purposes of section 95(4) of the Act—may be made orally.

Appeals

7. (1) An appeal to the Tribunal must be in the form set out in the second schedule containing the information required by the schedule.

(2) An appeal to the Tribunal must be lodged with the Registrar.

(3) The appellant must, within seven days of lodging the appeal, serve a copy of the appeal notice on any other person who was a party to the proceedings to which the appeal relates.

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4 Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations, 1987

Special references to review officers

8. For the purposes of section 102 of the Act, an application by a worker must be in the form set out in the third schedule containing the information required by the schedule.

SECOND SCHEDULE

Workers Rehabilitation and Compensation Act, 1986

Appeal notice for use in an appeal to the Workers Compensation Appeal Tribunal against a decision of a Review Officer

Office use only W C A T number

To the Registrar, Workers Compensation Appeal Tribunal

Full name of appellant

Address

Postcode

Appellant status (Please tick appropriate box) Worker Employer Exempt Employer WorkCover Other - please specify

Decision appealed against

I am dissatisfied with a decision of a Review Officer made under the Workers Rehabilitation and Compensation Act, 1986:-

In the matter of (specify names of the parties appearing in the heading of the decision)

Date of the decision* Review Determination number* (* taken from printed copy of Review Officer determination)

I/we appeal against that decision

The grounds of the appeal are as follows

The relief sought on this appeal is as follows

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Details of other persons directly affected by the decision appealed against

(Please tick box(es) and provide details where appropriate)

Worker Name

Address

Employer Name

Address

WorkCover (If "WorkCover" or "the Corporation" appears in the heading of the Review Officer's determination)

Other Name

Address

Is the employer an exempt employer? Yes

No (Tick "no" if WorkCover or the Corporation appears in the heading of the Review Officer's determination)

My/our address for service of documents is

Postcode

Signed

Dated

Procedural requirements

1 Filing of Appeal notice-

This appeal must be delivered or posted to:

The Registrar of the Workers Compensation Appeal Tribunal.

2 The appellant **must** within seven days of lodging the appeal serve a copy of the appeal notice on the employer and any other person who was a party to the proceedings to which the appeal relates including "the Corporation" ("WorkCover") if appropriate.

3 If a party wishes to be heard on the hearing of the appeal, that party must file an address for service in accordance with Form 1 of the Workers Compensation Appeal Tribunal Rules within seven days of the service of this appeal notice and serve a copy thereof on the appellant.

THIRD SCHEDULE

Workers Rehabilitation and Compensation Act, 1986
Special application to
Review Officer for assistance in
resolving delay in claim determination

Claim number

(Section 102)

This form is for use by workers seeking the help of a Review Officer where a determination on a claim has been delayed for two weeks or more. If you want a review of a decision that has been made, use the form "Application for review" instead.

Worker's name

[Text box for Worker's name]

Address

[Text box for Address]

[Text box for Address]

[Text box for Address]

Postcode Telephone number

Are you represented?
(eg. solicitor, union,
employee advocate)

Yes

No (please tick the relevant box)

If yes, by whom?

[Text box for representation]

[Text box for representation]

Telephone number

Do you require an
interpreter?

Yes

No

If yes, which language?

[Text box for interpreter language]

Details of claim

Date claim lodged

[Text box for date lodged]

(Must be more than 14 days)

Was the claim lodged with
(tick relevant box)

Employer

WorkCover

Type of injury

[Text box for type of injury]

Date of injury

[Text box for date of injury]

Employer's name

[Text box for employer's name]

Address

[Text box for employer's address]

[Text box for employer's address]

[Text box for employer's address]

Postcode Telephone number

What issue needs to
be determined?

(eg. acceptance of
claim, lump sum)

[Text box for issue to be determined]

[Text box for issue to be determined]

Has the claim been
acknowledged?

No

Yes If yes, give details

[Text box for acknowledgment details]

Have any payments
been received since
lodging the claim?

No

Yes If yes, give details

[Text box for payment details]

Have any other
related claims been
made?

No

Yes If yes, give details

[Text box for related claims details]

Signed

[Text box for signature]

Dated

[Text box for date]

Where possible, please attach copies of any relevant correspondence eg. copy of claim or medical certificates, etc.

APPENDIX

LEGISLATIVE HISTORY

Regulation 3:	definition of "the Registrar" substituted by 157, 1991, reg. 2
Regulation 5:	substituted by 157, 1991, reg. 3
Regulation 5A:	inserted by 32, 1994, reg. 3
Regulation 6:	redesignated as reg. 6(1) by 147, 1993, reg. 3
Regulation 6(2) and (3):	inserted by 147, 1993, reg. 3
Regulation 6a:	inserted by 147, 1993, reg. 4
Regulation 7(1):	varied by 214, 1988, reg. 3; 157, 1991, reg. 4
Regulation 7(2):	varied by 157, 1991, reg. 4
First schedule:	substituted by 147, 1993, reg. 5
Second schedule:	substituted by 214, 1988, reg. 4; 147, 1993, reg. 5
Third schedule:	substituted by 147, 1993, reg. 5
Fourth schedule:	inserted by 147, 1993, reg. 5