

SOUTH AUSTRALIA

**WORKERS REHABILITATION AND COMPENSATION (REVIEWS AND  
APPEALS) REGULATIONS 1999**

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

**WORKERS REHABILITATION AND COMPENSATION (REVIEWS AND  
APPEALS) REGULATIONS 1999**

being

No. 238 of 1999: *Gaz.* 25 November 1999, p. 2740<sup>1</sup>

<sup>1</sup> Came into operation 1 December 1999: reg. 2.

## 2 Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1999

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### Citation

1. These regulations may be cited as the *Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1999*.

### Commencement

2. These regulations will come into operation on 1 December 1999.

### Revocation

3. The *Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1987* (see *Gazette* 24 September 1987 p. 1008), as varied, are revoked.

### Interpretation

4. (1) In these regulations, unless the contrary intention appears—

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

"**Chief Review Officer**" means a person acting with the authority of the Corporation in the position of Chief Review Officer for the purposes of proceedings to which these regulations apply;

"**1987 Regulations**" means the *Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1987*, as in force immediately before the commencement of these regulations;

"**Registrar**" means the Registrar of the Tribunal;

"**review authority**" has the meaning given by the Act immediately before 3 June 1996;

"**Tribunal**" means the Workers Compensation Appeal Tribunal.

(2) These regulations apply to proceedings commenced under the Act before 3 June 1996.

(3) A reference in these regulations to a section of the Act is a reference to that section as in force immediately before 3 June 1996.

### Expenses for witnesses

5. 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

6. (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 . . . . .	80
Participation in the conciliation process . . . . .	100
Participation in the dispute resolution/conclusion process . . . . .	80
Preparation of case for a review hearing . . . . .	150

Appearance before a Review Officer (to a maximum of \$320)	
First hour . . . . .	100
Second hour . . . . .	60
Third and subsequent hours . . . . .	30

(2) Pursuant to section 92a of the Act, the costs awarded to a party who is represented in proceedings before the Tribunal cannot exceed 85 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.

(5) At amount prescribed by subregulation (1) will be adjusted on an annual basis so that the relevant amount on or after 1 January 2000 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, 1998.

**Reimbursement of medical costs**

7. 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**

8. (1) An application for review must be in the form set out in the first schedule of the 1987 Regulations containing the information required by that 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) If 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**

9. 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 of the 1987 Regulations containing the information required by that 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**

10. (1) An appeal to the Tribunal must be in the form set out in the second schedule of the 1987 Regulations containing the information required by that 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.

**Special references to review officers**

11. 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 of the 1987 Regulations containing the information required by that schedule.