

South Australia

Workers Rehabilitation and Compensation (Territorial Application of Act) Regulations 2007

under the *Workers Rehabilitation and Compensation (Territorial Application of Act) Amendment Act 2006*

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1—Short title

These regulations may be cited as the *Workers Rehabilitation and Compensation (Territorial Application of Act) Regulations 2007*.

2—Commencement

These regulations will come into operation on 13 September 2007.

3—Interpretation

In these regulations—

CPI means the Consumer Price Index within the meaning of the principal Act;

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

Schedule 1 means Schedule 1 of the *Workers Rehabilitation and Compensation (Territorial Application of Act) Amendment Act 2006*.

4—Transitional arrangements

- (1) For the purposes of clause 4(2)(a)(i)(B) of Schedule 1, an adjustment must be made to the worker's notional weekly earnings at the time of the incapacity based on—
- (a) changes in the rates of remuneration payable to workers generally or to workers engaged in the kind of employment from which the worker's disability arose; or
 - (b) if the worker applies, in a form approved by the Corporation, for the adjustment to be made on the basis of changes in rates of remuneration prescribed by an award or enterprise agreement payable to a group of workers of which the worker was a member at the time of the occurrence of the disability—changes in those rates of remuneration,
- between the time of the incapacity and the commencement of that clause.

- (2) For the purposes of subparagraph (i)(C) of clause 4(2)(a) of Schedule 1, any factor that applies to the calculation of weekly payments under section 35 of the principal Act applies to weekly payments payable under that subparagraph.
- (3) For the purposes of clause 4(2)(a)(ii)(B) of Schedule 1, an adjustment is to be made to the worker's notional weekly earnings at the time of death based on—
- (a) changes in the rates of remuneration payable to workers generally or to workers engaged in the kind of employment from which the worker's disability arose; or
 - (b) if the claimant applies, in a form approved by the Corporation, for the adjustment to be made on the basis of changes in rates of remuneration prescribed by an award or enterprise agreement payable to a group of workers of which the worker was a member at the time of the occurrence of the disability—changes in those rates of remuneration,
- between the time of death and the commencement of that clause.
- (4) For the purposes of subparagraph (ii)(C) of clause 4(2)(a) of Schedule 1, any factor that applies to the calculation of weekly payments under section 44 of the principal Act applies to weekly payments payable under that subparagraph.
- (5) For the purposes of clause 4(2)(c) and (d) of Schedule 1—
- (a) compensation in the form of a funeral benefit under section 44(1)(a) of the principal Act; and
 - (b) compensation in the form of a lump sum under section 44(1)(b)(i) of the principal Act,

must be adjusted by the percentage variation (to 2 decimal points) between the CPI for the quarter immediately preceding the death of the worker and the CPI for the quarter immediately preceding the commencement of that clause and rounded to the nearest dollar.

5—Ex gratia payments—prescribed period

For the purposes of clause 5(2) of Schedule 1, a person seeking an *ex gratia* payment under clause 5 of Schedule 1 must make an application within 6 months after the commencement of that clause.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 30 August 2007

No 228 of 2007

07WKC004CS