

South Australia

Workers Rehabilitation and Compensation (Claims and Registration) Variation Regulations 2008

under the *Workers Rehabilitation and Compensation Act 1986*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Workers Rehabilitation and Compensation (Claims and Registration) Variation Regulations 2008*.

2—Commencement

These regulations will come into operation on 1 July 2008.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Workers Rehabilitation and Compensation (Claims and Registration) Regulations 1999*

4—Variation of regulation 5—Legislative definitions

Regulation 5(9)—delete subregulation (9)

5—Insertion of regulation 5A

After regulation 5 insert:

5A—Average weekly earnings

For the purposes of section 4(13)(b) of the Act, each of the following is prescribed as a class of non-cash benefit:

- (a) access to a discounted rate of interest on a loan;
- (b) payment of school fees;
- (c) payment of health insurance premiums;
- (d) payment of medical benefits;
- (e) a computer for personal use;
- (f) access to the Internet;
- (g) accommodation;
- (h) payment of, or towards, housing costs;
- (i) a motor vehicle and payment of costs associated with running or maintaining the vehicle;
- (j) a telephone and payment of costs associated with using or maintaining the telephone;
- (k) a staff discount program;
- (l) a credit card.

6—Revocation of regulation 7

Regulation 7—delete the regulation

7—Revocation of regulation 9

Regulation 9—delete the regulation

8—Variation of regulation 11—Registration

- (1) Regulation 11(1)—delete "must be in a form set out in Schedule 3—" and substitute:
must contain, or be accompanied by, the information required by Schedule 3.
- (2) Regulation 11(1)(d) and (e)—delete paragraphs (d) and (e)

- (3) Regulation 11(2)—delete subregulation (2)
- (4) Regulation 11(3)—delete "an exempt employer, or group of exempt" and substitute:
a self-insured employer, or group of self-insured
- (5) Regulation 11(4)(b)—delete "an exempt" and substitute:
a self-insured
- (6) Regulation 11(5)—delete subregulation (5)

9—Variation of regulation 12—Special provisions relating to self-insured employers

Regulation 12(1)—delete "an exempt employer (or as one of a group of exempt employers)" and substitute:

a self-insured employer (or as 1 of a group of self-insured employers)

10—Revocation of regulation 21

Regulation 21—delete the regulation

11—Revocation of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules

12—Substitution of Schedule 3

Schedule 3—delete the Schedule and substitute:

Schedule 3—Additional information to accompany application for registration under section 62

1—Financial information

The applicant must provide—

- (a) a copy of the audited financial statements of the applicant for the last 5 financial years immediately preceding the application; and
- (b) a statement, prepared by an actuary, of the liabilities that an employer would be undertaking over the first 12 months if the applicant were registered as a self-insured employer; and
- (c) details of the financial guarantee or other security arrangements, and the contract of insurance, that the applicant would obtain for the purposes of Schedule 4 if the applicant were registered as a self-insured employer.

2—Claims administration

The applicant must provide a detailed plan of the arrangements that the applicant would implement to administer claims under the Act, which must include details of—

- (a) the job specifications of the officers who would be responsible for administering the claims; and

- (b) the lines of accountability and control that would apply to those officers; and
- (c) the policies that would be adopted for the rehabilitation of disabled workers; and
- (d) the arrangements that would be implemented for the making of claims under the Act,

and a copy of any form that the applicant would require a claimant to complete must accompany the plan.

3—Claims record

The applicant must, in relation to the period of 5 financial years immediately preceding the application, provide details of—

- (a) the disabilities arising from employment that the applicant's workers have suffered over that period, identifying those disabilities according to—
 - (i) nature and severity; and
 - (ii) cause; and
- (b) the rehabilitation programs that the applicant has provided over that period for disabled workers; and
- (c) the success that the applicant has achieved over that period in returning workers who have suffered disabilities to work.

4—Safety policies

The applicant must provide—

- (a) a copy of any safety policy that has been adopted by the applicant; and
- (b) details of any programs that the applicant has implemented, or proposes to implement, to train workers in safe working procedures; and
- (c) details of the facilities and arrangements that the applicant has for providing first aid to workers; and
- (d) details of any safety committees that have been established by the applicant, and a copy of any minutes kept from meetings held by those committees over the period of 6 months immediately preceding the application.

5—Details of registered associations

The applicant must provide the name of any registered association of which any worker employed by the applicant is a member.

13—Variation of Schedule 4—Exempt employers terms and conditions of registration

- (1) Schedule 4, heading—delete "Exempt" and substitute:
Self-insured

- (2) Schedule 4, clause 7(3)(b)(i)—delete "exempt" wherever occurring and substitute in each case:
self-insured
- (3) Schedule 4, clause 9(1)(b)—delete "an exempt" and substitute:
a self-insured
- (4) Schedule 4, clause 10(1)(a)—delete "an exempt" and substitute:
a self-insured
- (5) Schedule 4, clause 10(2)(a)—delete "an exempt" and substitute:
a self-insured
- (6) Schedule 4, clause 10(5)—delete "an exempt" and substitute:
a self-insured
- (7) Schedule 4, clause 15—delete "exempt" wherever occurring and substitute in each case:
self-insured

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 26 June 2008

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