

South Australia

Workers Rehabilitation and Compensation (General) 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 (General) 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 (General) Regulations 1999*

4—Variation of regulation 8—Recovery of certain amounts paid to workers

- (1) Regulation 8(1)—delete "sections 36(5)" and substitute:
section 36(5c)
- (2) Regulation 8(2)(b)—delete "section 36(5)(b)" and substitute:
section 36(5c)(b)
- (3) Regulation 8(3)—delete subregulation (3) and substitute:
 - (3) If the Corporation is satisfied on reasonable grounds that the worker provided false or misleading information to the Corporation, the Corporation may commence the proceedings or exercise the right of set off referred to in subregulation (2) at any time within 10 years after the date on which the Corporation becomes entitled to take action under the Act.
- (4) Regulation 8(4)—delete "section 36(5)(a)" and substitute:
section 36(5c)(a)
- (5) Regulation 8(5)(c)—delete paragraph (c) and substitute:
 - (c) unless the Corporation is satisfied on reasonable grounds that the worker has provided false or misleading information to the Corporation, the Corporation must grant the following remissions if the total amount payable is repaid within the following periods:
 - (i) a 15% remission if the total amount is repaid within 1 month of the date on which the worker first receives a written notification of the amount that the worker is liable to pay;
 - (ii) a 10% remission if the total amount is repaid within 6 months of the date on which the worker first receives a written notification of the amount that the worker is liable to pay.

5—Revocation of regulations 9 and 10

Regulations 9 and 10—delete the regulations

6—Variation of regulation 15—Compensation payable on death

- (1) Regulation 15(1)—delete "section 44(1)(a)" and substitute:
section 45B(1)
- (2) Regulation 15—after subregulation (2) insert:
 - (3) For the purposes of section 45A(15) of the Act, the prescribed rate of interest on an amount of compensation payable under that section will be the prime bank rate (within the meaning of regulation 17) for the financial year in which the compensation is paid.

7—Revocation of regulation 19

Regulation 19—delete the regulation

8—Variation of regulation 20—Notification by self-insured employers

- (1) Regulation 20—delete "an exempt" wherever occurring and substitute in each case:
a self-insured
- (2) Regulation 20—delete "the exempt" wherever occurring and substitute in each case:
the self-insured

9—Insertion of regulations 26 and 27

After regulation 25 insert:

26—Transitional provision—Weekly payments

- (1) In this regulation—
principal Act means the *Workers Rehabilitation and Compensation Act 1986*;
2008 Amendment Act means the *Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008*.
- (2) To avoid doubt, the substitution of section 35 of the principal Act, as in existence immediately before 1 July 2008, does not affect the operation of that section, as in existence before its substitution, to workers who suffer compensable disabilities before 1 July 2008 (and the section in that form will be taken to continue to apply to such workers as if the substitution had not been effected).
- (3) Subregulation (2) ceases to apply in relation to a worker if or when the worker becomes subject to the operation of subclauses (2) and (3) of clause 4 of Schedule 1 of the 2008 Amendment Act.

27—Transitional provision—Compensation payable on death—lump sums

- (1) In this regulation—
principal Act means the *Workers Rehabilitation and Compensation Act 1986*;
2008 Amendment Act means the *Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008*.
- (2) For the period between the commencement of section 26 of the 2008 Amendment Act and section 24 of the 2008 Amendment Act, the *prescribed sum* under section 45A of the principal Act, as enacted by the 2008 Amendment Act, will be the prescribed sum under section 43 of the principal Act as if section 24 of the 2008 Amendment Act had come into operation (less any amount paid to the relevant worker under section 43 of the principal Act).

28—Transitional provision—References to exempt employers

A reference in a statutory instrument, any other kind of instrument or a contract, agreement or other document to an exempt employer will have effect as if it were a reference to a self-insured employer.

10—Revocation of Schedules 1 to 6

Schedules 1 to 6 (inclusive)—delete the Schedules

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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