

South Australia

Workers Rehabilitation and Compensation (General) Variation Regulations 2008

under the *Workers Rehabilitation and Compensation Act 1986*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 5—Transportation for initial treatment
 - 5 Variation of regulation 6—Compensation for property damage
 - 6 Insertion of regulations 29 and 30
 - 29 Transitional provision—Rehabilitation and return to work co-ordinators
 - 30 Transitional provision—Compensation for medical expenses
-

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 the day on which section 11 of the *Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008* comes into operation.

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 5—Transportation for initial treatment

- (1) Regulation 5—delete "\$150" and substitute:
\$240
-

- (2) Regulation 5—after its present contents (as varied by this regulation and now to be designated as subregulation (1)) insert:
- (2) The amount prescribed by subregulation (1) will be indexed so that it is adjusted on 1 January of each year, beginning on 1 January 2010, by multiplying the stated amount by a proportion obtained by dividing the Consumer Price Index for the September quarter of the immediately preceding year by the Consumer Price Index for the September quarter 2008 (with the amount so adjusted being rounded up to the nearest multiple of \$5).

5—Variation of regulation 6—Compensation for property damage

- (1) Regulation 6(1)(b)—delete "\$1 500" and substitute:
- \$1 970
- (2) Regulation 6(2)—delete subregulation (2) and substitute:
- (2) The amount prescribed by subregulation (1) will be indexed so that it is adjusted on 1 January of each year, beginning on 1 January 2009, by multiplying the stated amount by a proportion obtained by dividing the Consumer Price Index for the September quarter of the immediately preceding financial year by the Consumer Price Index for the September quarter 2007 (with the amount so adjusted being rounded up to the nearest multiple of \$10).

6—Insertion of regulations 29 and 30

After regulation 28 insert:

29—Transitional provision—Rehabilitation and return to work co-ordinators

- (1) In this regulation—
- co-ordinator* means a rehabilitation and return to work co-ordinator under the designated section;
- designated section* means section 28D of the principal Act, as enacted by the 2008 Amendment Act;
- 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) Subject to subregulation (3), the designated section will apply to employers registered under the principal Act on and from 1 December 2008 (including employers whose registration commenced before that date).

- (3) An employer is not required to appoint a co-ordinator under the designated section until 1 July 2009 (and may appoint a co-ordinator before that date subject to complying with any training or operational guidelines published by the Corporation from time to time for the purposes of the designated section but otherwise not derogating from the full operation of the designated section from that date).

30—Transitional provision—Compensation for medical expenses

- (1) In this regulation—

designated set of regulations means—

- (a) the *Workers Rehabilitation and Compensation (Scales of Charges—Medical Practitioners) Regulations 1999*; or
- (b) the *Workers Rehabilitation and Compensation (Scales of Medical and Other Charges) Regulations 1995*;

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) Subject to subregulations (3) and (4), a designated set of regulations, as in force immediately before the commencement of section 11 of the 2008 Amendment Act, remains in force after that commencement.
- (3) If the Minister, by notice published under section 32 of the principal Act as amended by the 2008 Amendment Act, sets a scale of charges that is expressed to supersede any part of—
- (a) the *Workers Rehabilitation and Compensation (Scales of Charges—Medical Practitioners) Regulations 1999*; or
 - (b) the *Workers Rehabilitation and Compensation (Scales of Medical and Other Charges) Regulations 1995*,
- then the relevant regulations will be taken to be superseded to the extent provided by the notice insofar as the regulations apply in relation to workers who have suffered compensable disabilities under the principal Act.
- (4) A designated set of regulations will cease to have effect when entirely superseded by 1 or more notices published by the Minister under section 32 of the principal Act.

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 2 October 2008

No 269 of 2008

MIR23/08CS