

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 January 2009.

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—Insertion of regulations 3B and 3C

After regulation 3A insert:

3B—Rehabilitation and return to work co-ordinators—filling of vacancies

For the purposes of section 28D(6) of the Act, a period of 3 months after the occurrence of a vacancy in the office of a co-ordinator is prescribed.

3C—Rehabilitation and return to work co-ordinators—exemptions from requirements

- (1) Subject to subregulation (2), an employer is exempt from the requirement to appoint a co-ordinator under section 28D of the Act—
 - (a) in respect of a particular financial year if—
 - (i) the employer, as at the relevant time, employs fewer than 30 workers; or
 - (ii) the employer, as at the relevant time, holds an exemption from the Corporation under this paragraph granted on the ground that the Corporation is satisfied—
 - (A) that the employer reasonably expects not to employ 30 or more workers during the financial year for any continuous period of 3 (or more) months; and
 - (B) that in the particular circumstances it is appropriate to grant the exemption; or
 - (b) in respect of part of a particular financial year if—
 - (i) the employer, at a particular time during the financial year, employs fewer than 30 workers; and
 - (ii) the employer obtains an exemption from the Corporation under this paragraph on the ground that the Corporation is satisfied that it is appropriate in the circumstances to grant the exemption.
- (2) An exemption under subregulation (1) ceases to apply if at any time the employer employs 30 or more workers for a continuous period of 3 (or more) months.
- (3) If an exemption ceases to apply under subregulation (2), the employer must appoint a person to the office of co-ordinator within 3 months after the cessation of the exemption.

- (4) An employer is exempt from the requirement set out under section 28D(2)(a) of the Act—
- (a) in respect of a particular financial year if—
 - (i) the employer, as at the relevant time, holds an approval from the Corporation under this paragraph granted on the ground that the employer is a member of a group or association recognised by the Corporation for the purposes of this provision; and
 - (ii) the employer complies with any requirements determined by the Corporation for the purposes of this provision; or
 - (b) in respect of part of a financial year if—
 - (i) the employer, during the financial year, obtains an approval from the Corporation under this paragraph on the ground that the employer has become a member of a group or association recognised by the Corporation for the purposes of this provision; and
 - (ii) the employer complies with any requirements determined by the Corporation for the purposes of this provision.
- (5) The Corporation may vary or revoke an approval or determination under subregulation (4).
- (6) In this regulation—
- relevant time*, in relation to an employer, means—
- (a) unless paragraph (b) applies—the commencement of each financial year;
 - (b) if the employer is not (or was not) subject to the operation of this Act at the commencement of a particular financial year—the time at which the employer becomes subject to the operation of this Act.

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

- (1) Regulation 8(1)—delete "36(5c), (6) or (7), or 42B(5)" and substitute:
32A(8), 36(5c), (6) or (7), 42B(5) or 50H(2)
- (2) Regulation 8(2)(b)—after "section" insert:
32A(8)(b),
- (3) Regulation 8(4)—delete "36(5c)(a), (6) or (7), or section 42B(5)(a)," and substitute:
32A(8)(a), 36(5c)(a), (6) or (7), 42B(5)(a) or 50H(2)

6—Insertion of regulation 18AA

After regulation 18 insert:

18AA—Period of notice if provisional weekly payments not commenced

For the purposes of section 50D of the Act, a period of 7 days after initial notification of the disability under section 50B of the Act is prescribed.

7—Variation of regulation 29—Transitional provision—Rehabilitation and return to work co-ordinators

Regulation 29—after subregulation (3) insert:

- (4) Regulation 3B applies from 1 April 2009 and, in relation to a vacancy that has occurred before that date, the prescribed period for the purposes of section 28D(6) of the Act is a period expiring on 30 June 2009.

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 18 December 2008

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