

South Australia

# **Workers Rehabilitation and Compensation (Claims and Registration) (Discontinuance Fee) Variation Regulations 2009**

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) (Discontinuance Fee) Variation Regulations 2009*.

### **2—Commencement**

These regulations will come into operation on the day on which section 51 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 (Claims and Registration) Regulations 1999*

### 4—Insertion of regulation 16A

After regulation 16 insert:

#### 16A—Discontinuance fee

- (1) For the purposes of section 76AA(1)(a) of the Act, but subject to this regulation, in relation to an employer who ceases to be registered under section 59 of the Act, the fee to be paid by the employer will be calculated as follows:

$$DF \text{ (GST inclusive)} = \frac{1.1 \times TEL \text{ (GST exclusive)}}{TSL} \times SUL$$

where—

**DF** is the fee to be paid

**TEL** is the total amount of levies paid or payable with respect to the relevant period by the employer

**TSL** is the total amount of levies paid or payable with respect to the relevant period by all employers registered under section 59 of the Act, as shown in the relevant audited accounts of the Corporation

**SUL** is the unfunded liability of the scheme under the Act, being the amount by which the total consolidated liabilities of the Corporation exceed the total consolidated assets of the Corporation, as shown in the most recently published audited accounts of the Corporation (as at the relevant day).

- (2) The Corporation may, as it thinks fit, waive the whole or a part of any fee payable under this regulation.
- (3) In this regulation—

**levy** is levy payable under Division 4 of Part 5 of the Act;

**relevant day**, in relation to an employer, is the day on which the employer ceases to be registered under section 59 of the Act;

**relevant period**, in relation to an employer, is a period comprising the last 3 financial years for which audited accounts of the Corporation are available (as at the relevant day).

#### 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.

**Workers Rehabilitation and Compensation (Claims and Registration) (Discontinuance Fee) Variation  
Regulations 2009**

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

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**Made by the Governor**

with the advice and consent of the Executive Council  
on 26 March 2009

No 28 of 2009

MIR07/09CS