

South Australia

Workers Rehabilitation and Compensation (Dispute Resolution) 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 (Dispute Resolution) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 April 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 (Dispute Resolution) Regulations 1996*

4—Variation of regulation 3—Interpretation

Regulation 3, definitions of *GST* and *GST law*—delete the definitions

5—Variation of regulation 7—Costs

- (1) Regulation 7(1)—delete subregulation (1) and substitute:
- (1) Pursuant to section 95(1) of the Act, the costs awarded to a party who is represented in proceedings that take place under Part 6A of the Act (other than Division 6 of that Part) up to and including 31 December 2009 cannot exceed—
 - (a) for assistance in the preparation and lodgement of a notice of dispute and participation in the initial reconsideration of a disputed decision and in the initial conciliation process, including attendance at a conciliation conference—\$350; and
 - (b) for participation in the conciliation/dispute resolution process (including the preparation of any necessary documentation)—
 - (i) \$650; or
 - (ii) if the Tribunal determines, on application by the party, that the party is entitled to an award of costs of an amount greater than \$650—\$2 150.
 - (1a) However, if the proceedings in respect of which a party is entitled to an award of costs involve more than 1 notice of dispute, the party and the relevant compensating authority may agree, or the Tribunal may order, that the party is not to be awarded costs up to the relevant limit for participation in the conciliation/dispute resolution process in respect of each separate notice of dispute.
 - (1b) The relevant compensating authority is entitled to appear and be heard on an application under subregulation (1)(b)(ii).
- (2) Regulation 7(4)—delete subregulation (4) and substitute:
- (4) Pursuant to section 97C of the Act, the following limits on costs are fixed in relation to proceedings that take place under Part 6B of the Act up to and including 31 December 2009:

Item	Limit
Assistance in the preparation and lodgement of an application	\$120
Preparation of a case for hearing	\$230
Appearance before the Tribunal (to a maximum of \$460)	
(a) First hour	\$150
(b) Second hour	\$90
(c) Third and subsequent hour	\$50

- (3) Regulation 7(5)—delete "2001 calendar year" and substitute:
2010 calendar year

- (4) Regulation 7(6) to (9)—delete subregulations (6) to (9) (inclusive) and substitute:
- (6) An amount prescribed by subregulation (1) or (4) will be adjusted on 1 January of each year 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 dollar).
 - (7) If a limit on costs prescribed by subregulation (1) or (4) is varied or adjusted following the commencement of a process in relation to which an award of costs may be made under section 95 or 97C of the Act, the award of costs is subject to the limit that applied when the process was commenced.

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 March 2009

No 26 of 2009

MIR06/09CS