

South Australia

Workers Rehabilitation and Compensation (General) (Non-economic Loss) 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 (General) (Non-economic Loss) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on the day on which section 24 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—Substitution of regulation 14

Regulation 14—delete the regulation and substitute:

14—Lump sum compensation

- (1) For the purposes of section 43(2) of the Act, the portion of the prescribed sum to which a worker is entitled will be calculated in accordance with the table set out in Schedule 1, based on the worker's whole of person impairment assessed under Division 5 of Part 4 of the Act.
- (2) Pursuant to section 43(8)(b) of the Act, the amount of \$420 558 is prescribed for the purposes of the definition of *prescribed sum* under section 43 of the Act.
- (3) For the purposes of section 43(9)(b) of the Act, the amount prescribed by subregulation (2) will be indexed so that it is adjusted on 1 January in 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 dollar).

5—Revocation of regulations 24 and 25

Regulations 24 and 25—delete the regulations

6—Variation of regulation 27—Transitional provision—Compensation payable on death—lump sums

- (1) Regulation 27(2)—delete "For the" and substitute:
In relation to the
- (2) Regulation 27(2)—delete "section 43" and substitute:
section 43(8)(a)
- (3) Regulation 27—after subregulation (2) insert:
 - (3) To avoid doubt, the *prescribed sum* under section 45A of the principal Act in relation to the period between 1 January 2009 and the commencement of section 24 of the 2008 Amendment Act (disregarding any amount that must be deducted in a particular case) will be the prescribed sum applying under subregulation (2) on 1 January 2009, indexed from 1 January 2009 in accordance with the requirements of section 3(15) of the Act.

7—Insertion of regulation 31

After regulation 30 insert:

31—Transitional provision—lump sum compensation

- (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) The minimum amounts of compensation payable under Schedules 3 and 3A of the principal Act, as inserted by section 83 of the 2008 Amendment Act, will be taken to have been indexed from 1 January 2009 in the manner specified by section 3(15) of the principal Act.
- (3) For the purposes of clause 10 of Schedule 1 of the 2008 Amendment Act, the amount of compensation payable to a particular worker will be assessed as a proportion of—
 - (a) in respect of a compensable disability occurring before 1 January 2009—\$400 000 as the prescribed sum;
 - (b) in respect of a compensable disability occurring on or after 1 January 2009 and before the commencement of section 24 of the 2008 Amendment Act—\$400 000, indexed from 1 January 2009 in the manner specified by section 3(15) of the principal Act, as the prescribed sum.

8—Insertion of Schedule 1

After regulation 31 (as inserted by these regulations) insert:

Schedule 1—Scale of entitlements—section 43(2)

Scale of entitlements

For the purposes of this scale—

- (a) *WPI degree* is the worker's degree of whole of person impairment assessed under Division 5 of Part 4 of the Act;
- (b) the amounts set out in Column 2 apply in respect of compensable disabilities occurring before 1 January 2009;
- (c) the amounts set out in Column 3 apply in respect of compensable disabilities occurring during 2009;

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

- (d) the amounts set out in Column 4 apply in respect of compensable disabilities occurring on or after 1 January 2010 and the words *(index adjusted)* indicate that an amount will be indexed so that it is adjusted on 1 January in 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 dollar).

WPI degree	Compensation amount for 2008 and all preceding years	Compensation amount for 2009	Compensation amount for year succeeding 2009
0	0	0	0
1	0	0	0
2	0	0	0
3	0	0	0
4	0	0	0
5	\$10 000	\$10 514	\$10 514 (index adjusted)
6	\$11 424	\$12 012	\$12 012 (index adjusted)
7	\$12 874	\$13 536	\$13 536 (index adjusted)
8	\$14 363	\$15 102	\$15 102 (index adjusted)
9	\$15 902	\$16 720	\$16 720 (index adjusted)
10	\$17 500	\$18 400	\$18 400 (index adjusted)
11	\$19 168	\$20 154	\$20 154 (index adjusted)
12	\$20 916	\$21 991	\$21 991 (index adjusted)
13	\$22 753	\$23 923	\$23 923 (index adjusted)
14	\$24 689	\$25 958	\$25 958 (index adjusted)
15	\$26 731	\$28 105	\$28 105 (index adjusted)
16	\$28 889	\$30 374	\$30 374 (index adjusted)
17	\$31 170	\$32 772	\$32 772 (index adjusted)
18	\$33 582	\$35 308	\$35 308 (index adjusted)
19	\$36 132	\$37 990	\$37 990 (index adjusted)
20	\$38 827	\$40 823	\$40 823 (index adjusted)
21	\$41 673	\$43 815	\$43 815 (index adjusted)
22	\$44 676	\$46 973	\$46 973 (index adjusted)
23	\$47 842	\$50 301	\$50 301 (index adjusted)
24	\$51 176	\$53 807	\$53 807 (index adjusted)
25	\$54 683	\$57 494	\$57 494 (index adjusted)
26	\$58 368	\$61 368	\$61 368 (index adjusted)
27	\$62 236	\$65 435	\$65 435 (index adjusted)

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WPI degree	Compensation amount for 2008 and all preceding years	Compensation amount for 2009	Compensation amount for year succeeding 2009
28	\$66 288	\$69 695	\$69 695 (index adjusted)
29	\$70 531	\$74 156	\$74 156 (index adjusted)
30	\$75 000	\$78 855	\$78 855 (index adjusted)
31	\$79 594	\$83 685	\$83 685 (index adjusted)
32	\$84 421	\$88 760	\$88 760 (index adjusted)
33	\$89 446	\$94 044	\$94 044 (index adjusted)
34	\$94 673	\$99 539	\$99 539 (index adjusted)
35	\$100 101	\$105 246	\$105 246 (index adjusted)
36	\$105 732	\$111 167	\$111 167 (index adjusted)
37	\$111 566	\$117 300	\$117 300 (index adjusted)
38	\$117 604	\$123 649	\$123 649 (index adjusted)
39	\$123 845	\$130 211	\$130 211 (index adjusted)
40	\$130 288	\$136 985	\$136 985 (index adjusted)
41	\$136 932	\$143 970	\$143 970 (index adjusted)
42	\$143 775	\$151 165	\$151 165 (index adjusted)
43	\$150 817	\$158 569	\$158 569 (index adjusted)
44	\$158 055	\$166 179	\$166 179 (index adjusted)
45	\$165 486	\$173 992	\$173 992 (index adjusted)
46	\$173 107	\$182 004	\$182 004 (index adjusted)
47	\$180 916	\$190 215	\$190 215 (index adjusted)
48	\$188 907	\$198 616	\$198 616 (index adjusted)
49	\$197 078	\$207 207	\$207 207 (index adjusted)
50	\$205 424	\$215 982	\$215 982 (index adjusted)
51	\$213 940	\$224 936	\$224 936 (index adjusted)
52	\$222 621	\$234 063	\$234 063 (index adjusted)
53	\$231 461	\$243 357	\$243 357 (index adjusted)
54	\$240 455	\$252 814	\$252 814 (index adjusted)
55	\$250 000	\$262 849	\$262 849 (index adjusted)
56	\$258 877	\$272 182	\$272 182 (index adjusted)
57	\$268 292	\$282 081	\$282 081 (index adjusted)
58	\$277 832	\$292 112	\$292 112 (index adjusted)
59	\$287 491	\$302 267	\$302 267 (index adjusted)
60	\$297 260	\$312 538	\$312 538 (index adjusted)
61	\$307 131	\$322 916	\$322 916 (index adjusted)
62	\$317 094	\$333 392	\$333 392 (index adjusted)
63	\$327 140	\$343 954	\$343 954 (index adjusted)

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WPI degree	Compensation amount for 2008 and all preceding years	Compensation amount for 2009	Compensation amount for year succeeding 2009
64	\$337 260	\$354 594	\$354 594 (index adjusted)
65	\$347 444	\$365 301	\$365 301 (index adjusted)
66	\$357 680	\$376 063	\$376 063 (index adjusted)
67	\$367 959	\$386 871	\$386 871 (index adjusted)
68	\$378 270	\$397 712	\$397 712 (index adjusted)
69	\$388 600	\$408 573	\$408 573 (index adjusted)
70	\$400 000	\$420 558	\$420 558 (index adjusted)
71	\$400 000	\$420 558	\$420 558 (index adjusted)
72	\$400 000	\$420 558	\$420 558 (index adjusted)
73	\$400 000	\$420 558	\$420 558 (index adjusted)
74	\$400 000	\$420 558	\$420 558 (index adjusted)
75	\$400 000	\$420 558	\$420 558 (index adjusted)
76	\$400 000	\$420 558	\$420 558 (index adjusted)
77	\$400 000	\$420 558	\$420 558 (index adjusted)
78	\$400 000	\$420 558	\$420 558 (index adjusted)
79	\$400 000	\$420 558	\$420 558 (index adjusted)
80	\$400 000	\$420 558	\$420 558 (index adjusted)
81	\$400 000	\$420 558	\$420 558 (index adjusted)
82	\$400 000	\$420 558	\$420 558 (index adjusted)
83	\$400 000	\$420 558	\$420 558 (index adjusted)
84	\$400 000	\$420 558	\$420 558 (index adjusted)
85	\$400 000	\$420 558	\$420 558 (index adjusted)
86	\$400 000	\$420 558	\$420 558 (index adjusted)
87	\$400 000	\$420 558	\$420 558 (index adjusted)
88	\$400 000	\$420 558	\$420 558 (index adjusted)
89	\$400 000	\$420 558	\$420 558 (index adjusted)
90	\$400 000	\$420 558	\$420 558 (index adjusted)
91	\$400 000	\$420 558	\$420 558 (index adjusted)
92	\$400 000	\$420 558	\$420 558 (index adjusted)
93	\$400 000	\$420 558	\$420 558 (index adjusted)
94	\$400 000	\$420 558	\$420 558 (index adjusted)
95	\$400 000	\$420 558	\$420 558 (index adjusted)
96	\$400 000	\$420 558	\$420 558 (index adjusted)
97	\$400 000	\$420 558	\$420 558 (index adjusted)
98	\$400 000	\$420 558	\$420 558 (index adjusted)
99	\$400 000	\$420 558	\$420 558 (index adjusted)

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WPI degree	Compensation amount for 2008 and all preceding years	Compensation amount for 2009	Compensation amount for year succeeding 2009
100	\$400 000	\$420 558	\$420 558 (index adjusted)

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 27 of 2009

MIR09/09CS