

South Australia

Return to Work (Transitional Arrangements) (General) Regulations 2015

under the *Return to Work Act 2014*

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1—Short title

These regulations may be cited as the *Return to Work (Transitional Arrangements) (General) Regulations 2015*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations—

Act means the *Return to Work Act 2014*;

existing injury has the same meaning as in Part 10 of Schedule 9 of the Act.

4—Assessment of permanent impairment—seriously injured workers

(1) In this regulation—

designated worker means a worker who has suffered an existing injury that gave rise to a permanent impairment under the repealed Act that gave rise to a payment of compensation for non-economic loss by way of lump sum under that Act as in existence before 1 April 2009;

relevant compensating authority in relation to a designated worker means—

- (a) unless paragraph (b) applies—the Corporation;
- (b) if the relevant existing injury arose from employment by a self-insured employer—the self-insured employer.

(2) The relevant compensating authority must, on application under this regulation by a designated worker, arrange for an assessment of the degree of whole person impairment applying in relation to the worker in respect of the relevant existing injury to be undertaken for the purpose of determining whether the designated worker is a seriously injured worker under the Act.

- (3) An assessment under this regulation—
- (a) must be made in accordance with the Impairment Assessment Guidelines; and
 - (b) must be made by a medical practitioner who holds an accreditation under section 22 of the Act,
- (and an assessment will not be undertaken unless or until the Impairment Assessment Guidelines have been published and a suitable medical practitioner is available).
- (4) This regulation does not apply in relation to a designated worker if the relevant compensating authority has notified the worker that the relevant compensating authority is willing to make a determination under clause 34(2) of Schedule 9 of the Act.

5—Lump sum compensation—non-economic loss

- (1) In this regulation—
- 2010 regulations* means the *Workers Rehabilitation and Compensation Regulations 2010*.
- (2) The table set out in Schedule 4 of the 2010 regulations will continue to apply in respect of an existing injury—
- (a) despite the revocation of those regulations by regulations under the *Return to Work Act 2014*; and
 - (b) despite (if relevant) any assessment of a worker's degree of whole person impairment in respect of the existing injury being made under the *Return to Work Act 2014* rather than under the repealed Act (and if such an assessment is made under the *Return to Work Act 2014* in respect of an existing injury then regulation 39(1) and Schedule 4 of the 2010 regulations will apply as if any reference to a worker's whole of person impairment assessed under Part 4 Division 5 of the repealed Act were a reference to a worker's degree of whole person impairment assessed under Part 2 Division 5 of the *Return to Work Act 2014*).

6—Requirement that regulation not take effect until disallowance

- (1) Section 185(4) of the Act does not apply to a regulation made for the purposes of section 185(3)(k) of the Act that is expressed to come into operation on 1 July 2015.
- (2) Section 186(2) of the Act does not apply to a regulation made for the purposes of section 186(1)(i) of the Act that is expressed to come into operation on 1 July 2015.

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 19 March 2015

No 30 of 2015

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