

South Australia

## **Return to Work (Transitional Arrangements) (General) Variation Regulations 2015**

under the *Return to Work Act 2014*

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### **Part 1—Preliminary**

#### **1—Short title**

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

#### **2—Commencement**

These regulations will come into operation on 1 July 2015.

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

#### **4—Variation of regulation 5—Lump sum compensation—non-economic loss**

- (1) Regulation 5(1)—before the definition *2010 regulations* insert:

*relevant compensating authority* in relation to a 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;
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- (2) Regulation 5—after subregulation (2) insert:
- (3) Subregulation (4) applies (subject to subregulation (5)) in relation to a worker in respect of an existing injury that has given rise to an entitlement to compensation for non-economic loss under section 43 of the repealed Act if—
- (a) the existing injury has affected more than 1 part of the body; and
  - (b) there has been, before 1 July 2015, a determination under Part 4 Division 5 of the repealed Act, or an order of the Workers Compensation Tribunal, that has given rise to an entitlement to the payment of compensation under that Division but the determination or order (or a combination of both) has not covered all aspects of the non-economic loss suffered by the worker.
- (4) A worker to whom this subregulation applies may receive compensation for the non-economic loss to the extent that it has not been covered by a determination or order referred to in subregulation (3) if—
- (a) an application under this subregulation is made to the relevant compensating authority before 1 July 2016; and
  - (b) the injury to which the application relates has stabilised (whether before or after that date); and
  - (c) the relevant compensating authority is satisfied that the compensation for non-economic loss with respect to the injury to which the application relates is payable in accordance with the provisions of Part 4 Division 5 of the repealed Act (and the 2010 regulations in the manner contemplated by subregulation (2)).
- (5) Subregulation (4) does not apply in relation to—
- (a) an aggravation, acceleration, exacerbation, deterioration or recurrence of an existing injury that occurs on or after 1 July 2015; or
  - (b) any *sequelae* that occurs on or after 1 July 2015.
- (6) For the purposes of section 97 of the Act, a decision on an application under subregulation (4) is declared to be reviewable.

**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 25 June 2015

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