

South Australia

Workers Rehabilitation and Compensation (Dispute Resolution) Regulations 1996

under the *Workers Rehabilitation and Compensation Act 1986*

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Schedule 1—Notice of dispute

Schedule 2—Application for expedited decision

Legislative history

1—Short title

These regulations may be cited as the *Workers Rehabilitation and Compensation (Dispute Resolution) Regulations 1996*.

2—Commencement

These regulations will come into operation on 3 June 1996.

3—Interpretation

In these regulations—

Act means the *Workers Rehabilitation and Compensation Act 1986*.

4—Notice of dispute (section 90)

A notice of dispute under section 90 of the Act must be in the form of Schedule 1.

5—Application for an extension of time (section 90A)

An application for extension of time under section 90A(3) of the Act is made by completing the appropriate part of the form set out in Schedule 1.

6—Nomination of person to reconsider a disputed decision (section 91)

For the purposes of section 91(2)(b) of the Act, the nomination of a person to the Registrar is made by a relevant compensating authority providing, in writing, the following information about the person to the Registrar:

- (a) the person's full name;
- (b) the name of the person's employer (if the person is an employee), or a relevant business name;
- (c) the person's position in the organisation in which he or she works, or his or her occupation;
- (d) details of any relevant qualifications and experience;
- (e) an address for correspondence;
- (f) the person's business telephone number, and a facsimile number.

7—Costs

- (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) Pursuant to section 95(1) of the Act, the costs awarded to a party who is represented in proceedings before the Tribunal under Division 6 of Part 6A of the Act cannot exceed 85 per cent of the costs that would be payable on a party and party basis if the proceedings were proceedings before the Supreme Court.

- (3) Pursuant to section 95(2)(b) of the Act, costs may be awarded to reimburse disbursements incurred by a party to a dispute up to a reasonable amount reasonably incurred, subject to the qualification that costs for medical services reimbursed as disbursements in the dispute resolution process are limited to the scales of charges that apply for the purposes of section 32 of the Act or, if a service is not covered by a scale of charges under that section, to an amount determined in accordance with the principles that apply under that section.
- (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

- (5) The limits on costs in relation to proceedings under Part 6A of the Act (other than under Division 6 of that Part) and Part 6B of the Act that take place in the 2010 calendar year or a subsequent calendar year are to be determined by adjusting the amounts prescribed by subregulations (1) and (4) respectively in accordance with subregulation (6).
- (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.

8—Special jurisdiction

An application to the Tribunal under Part 6B of the Act must be in the form of Schedule 2.



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NOTICE OF DISPUTE Page 2 of 2
FORM 1

If you require an interpreter, complete this section. **INTERPRETER**

Yes No If Yes, what Language

Describe the matter in dispute - if insufficient space attach a separate page **DETAILS OF DISPUTE**

Attach a copy of the decision that led to the dispute, together with your reasons for disputing it. Also, attach any additional information (such as medical reports) that may be relevant, but have not been previously supplied to your Employer / WorkCover / Agent.
Please provide a list of all attachments.

If you require an extension of time, complete this section **EXTENSION OF TIME**

Yes No

If Yes, state the grounds upon which extension is sought. If insufficient space attach a separate page.

Applicant or Representative must sign below **SIGNATURE**

Signature: _____

Date: ___/___/___

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Date lodged: _____

Entered to computer by: _____

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Schedule 2—Application for expedited decision

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APPLICATION FOR EXPEDITED DECISION

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FORM 14

APPLICANT Worker Other
 Employer If Other, Specify _____

This section must be completed **WORKER'S DETAILS**

Given Name: _____ Family Name: _____
 Address: _____ Postcode: _____
 Date of Birth: ___/___/___ Phone: (__) _____
 Occupation: _____ Fax: (__) _____

This section must be completed **EMPLOYER'S DETAILS**

Business Name: _____
 Address: _____ Postcode: _____
 Contact Person: _____ Phone: (__) _____
 Job Title: _____ Fax: (__) _____

If Employer is exempt, leave this section blank **WORKCOVER / AGENT'S DETAILS**

Business Name: _____
 Address: _____ Postcode: _____
 Contact Person: _____ Phone: (__) _____
 Job Title: _____ Fax: (__) _____

If you ticked OTHER in APPLICANT section, complete this section **OTHER APPLICANT'S DETAILS**

Business Name: _____
 Address: _____ Postcode: _____
 Contact Person: _____ Phone: (__) _____
 Job Title: _____ Fax: (__) _____

If APPLICANT has representation (e.g. union), complete this section **REPRESENTATIVE'S DETAILS**

Business Name: _____
 Address: _____ Postcode: _____
 Contact Person: _____ Phone: (__) _____
 Job Title: _____ Fax: (__) _____
 Internal Reference: _____



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APPLICATION FOR EXPEDITED DECISION Page 2 of 2
FORM 14

Describe the claim - if insufficient space attach a separate page CLAIM DETAILS

Attach any additional information (such as medical reports) that may be relevant, but have not been previously supplied to your Employer / WorkCover / Agent. Please provide a list of all attachments.

Date of Injury: ___/___/___
Description of Injury: _____
Date of Claim: ___/___/___ Claim Number (if known): _____
Circumstances of Claim:

If you require an interpreter, complete this section. INTERPRETER

Yes No If Yes, what Language

Applicant or Representative must sign below SIGNATURE

Signature: _____ Date: ___/___/___

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Date lodged: _____ Entered to computer by: _____

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Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Workers Rehabilitation and Compensation (Dispute Resolution) Regulations 1996* were revoked by Sch 5 cl 3 of the *Workers Rehabilitation and Compensation Regulations 2010* on 1.11.2010.

Principal regulations and variations

Year	No	Reference	Commencement
1996	108	<i>Gazette 30.5.1996 p2704</i>	3.6.1996: r 2
2000	206	<i>Gazette 31.8.2000 p1042</i>	31.8.2000: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2
2009	26	<i>Gazette 26.3.2009 p1168</i>	1.4.2009: r 2

Provisions varied

Provision	How varied	Commencement
r 3		
<i>GST</i>	<i>inserted by 206/2000 r 3</i>	<i>31.8.2000</i>
	<i>deleted by 26/2009 r 4</i>	<i>1.4.2009</i>
<i>GST law</i>	<i>inserted by 206/2000 r 3</i>	<i>31.8.2000</i>
	<i>deleted by 26/2009 r 4</i>	<i>1.4.2009</i>
r 7		
r 7(1)	substituted by 206/2000 r 4(a)	31.8.2000
	substituted by 26/2009 r 5(1)	1.4.2009
r 7(1a) and (1b)	inserted by 26/2009 r 5(1)	1.4.2009
r 7(4)	substituted by 206/2000 r 4(b)	31.8.2000
	substituted by 26/2009 r 5(2)	1.4.2009
r 7(5)	substituted by 206/2000 r 4(b)	31.8.2000
	varied by 26/2009 r 5(3)	1.4.2009
r 7(6) and (7)	inserted by 206/2000 r 4(b)	31.8.2000
	substituted by 26/2009 r 5(4)	1.4.2009
r 7(8) and (9)	<i>inserted by 206/2000 r 4(b)</i>	<i>31.8.2000</i>

	<i>deleted by 26/2009 r 5(4)</i>	1.4.2009
Schs 1 and 2	headings substituted by 147/2003 Sch 1	12.6.2003

Historical versions

Reprint No 1—31.8.2000
12.6.2003