



Workers Compensation Amendment (Compensation Court) Regulation 2003

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,

Minister for Commerce

Explanatory note

The object of this Regulation is to make certain amendments to the *Workers Compensation Regulation 2003* (**the Regulation**) that are consequential on the commencement, on 1 January 2004, of so much of the *Compensation Court Repeal Act 2002* as is currently uncommenced. That Act abolishes the Compensation Court and transfers proceedings instituted and pending in that Court immediately before the abolition to the following:

- (a) in the case of proceedings concerning any matter arising under the *Workers Compensation Act 1987* or the *Workplace Injury Management and Workers Compensation Act 1998* (except for certain proceedings relating to coal miners and proceedings exempted from that transfer by the regulations)—the Workers Compensation Commission,
- (b) in the case of all other proceedings (including those exempted from the transfer to the Workers Compensation Commission)—the District Court.

The amendments made by this Regulation:

- (a) replace references to the Compensation Court in the Regulation with references to the Workers Compensation Commission or the District Court (as appropriate), and
- (b) omit from the Regulation matter that is rendered redundant by the abolition of the Compensation Court, and
- (c) make consequential amendments.

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This Regulation also inserts a new provision (in place of the superseded clause 226) to provide that existing claims in respect of which proceedings instituted in the Compensation Court were pending on 31 December 2003 are to be treated as new claims for the purposes of the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*.

This Regulation is made under the *Workers Compensation Act 1987*, including clause 5 of Part 18C of Schedule 6 (the power to make regulations requiring a class or classes of existing claims under the Act to be treated as new claims).

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Workers Compensation Act 1987

1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Compensation Court) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

3 Amendment of Workers Compensation Regulation 2003

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 15 Notice of intention to discontinue or reduce weekly payments

Omit clause 15 (1) (e) (i). Insert instead:

- (i) in the case of a dispute about a coal miner matter, the worker may apply to the District Court for determination of the dispute, or

[2] Clause 15 (1) (e) (ii)

Insert “(other than a coal miner matter)” after “a claim”.

[3] Clauses 15 (1) (f), 25 (4), 30 (including the heading to clause 30), 42 and 197 (c)

Omit “Compensation Court” wherever occurring.

Insert instead “District Court”.

[4] Clause 34 Notice of dispute about liability

Omit clause 34 (1) (d). Insert instead:

- (d) include a statement to the effect that the claimant may refer the dispute to the Registrar for determination by the Commission, and

[5] Clause 41 Application to refer matter to medical referee or panel etc

Omit clause 41 (2). Insert instead:

- (2) This clause applies only in respect of the following:
 - (a) existing claims, and existing claim matters, within the meaning of Chapter 7 of the 1998 Act,
 - (b) coal miner matters.

[6] Clause 197 Uninsured Liability and Indemnity Scheme—modification of provisions of the Act

Omit “the Compensation Court or” from clause 197 (f).

[7] Clause 226

Omit the clause. Insert instead:

226 Transfer of existing claims pending in Compensation Court on abolition of that Court

- (1) On and from 1 January 2004, each existing claim in respect of which proceedings instituted in the Compensation Court were pending on 31 December 2003 is to be treated as a new claim for the purposes of the Workers Compensation Acts (under clause 5 of Part 18C of Schedule 6 to the 1987 Act).
- (2) Subclause (1) does not apply to a claim in respect of which the relevant proceedings are exempted from transfer to the Commission by operation of the *Compensation Court Repeal (Transitional) Regulation 2003*.

Note. This clause does not apply in respect of coal miner claims. See clause 3 of Part 18 of Schedule 6 to the *Workers Compensation Act 1987*.

[8] Clause 232 Definitions

Omit the definition of *Compensation Court conciliator*.

[9] Clauses 233 and 234

Omit the clauses.