

WORKERS COMPENSATION COMMISSION RULES

Workplace Injury Management and Workers Compensation Act 1998

Order under section 364

I, Victor Dominello, Minister for Finance, Services and Property, pursuant to section 364 of the *Workplace Injury Management and Workers Compensation Act 1998*, do by this my Order amend the *Workers Compensation Commission Rules 2011* in the manner set out in the Schedule hereto.

These amendments take effect on and from 10 - 1 - 2019.

VICTOR DOMINELLO, MP

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Minister for Finance, Services and Property

Schedule to Order under Section 364

2019 amendments to Workers Compensation Commission Rules 2011

Rule	Amendment
1.4 (1)	<p>Add a definition of “decision notice”</p> <p>Add:</p> <p>“decision notice” means a notice issued under section 78 or 287A of the 1998 Act, and includes a notice issued under section 74 and 54 of the 1998 Act as in force immediately before 1 January 2019.”</p>
9.1 (1)	<p>Delete Rule 9.1 (1) and replace with the following:</p> <p>“(1) This Part applies to proceedings that are commenced by application for expedited assessment, and matters that are referred under s 292 of the 1998 Act for expedited assessment.</p> <p>(2) This Part is to be read in accordance with any relevant Workers Compensation Guideline and Practice Direction.”</p>
9.2 (1)	<p>Insert after rule 9.2 (1) (e):</p> <p>“(f) a work capacity decision made by an insurer under s 43 of the 1987 Act,”</p>
9.3	<p>Delete Rule 9.3(1)- (8) and replace with the following:</p> <p>“(1) If a dispute is determined under section 297 of the 1998 Act, an interim payment direction must be issued to the parties as soon as practicable after the determination of the dispute.</p> <p>(2) A brief statement of reasons is to be attached to the interim payment direction setting out the Registrar’s reasons for the direction.</p> <p>(3) For the avoidance of doubt, a reference to the Registrar includes a reference to the Commission.”</p>
11.1(9)	<p>Delete rule 11.1(9) and replace with the following:</p> <p>“(9) Without leave of the Commission, the failure of a worker to notify of an injury as required by the Workers Compensation Acts may not be raised as an issue in the reply by the party joined if that issue has not been included in a decision notice given in accordance with the 1998 Act by the party joined.”</p>
17.5(2)	<p>Delete rule 17.5 (2) and replace with the following:</p> <p>“(2) Without leave of the Commission, the failure of a worker to notify of an injury as and when required by the Workers Compensation Acts may not be raised as an issue in the pre-filing defence served by the defendant if that issue has not been included in the decision notice given in accordance with the 1998 Act.”</p>