

Workers' Compensation and Injury Management Conciliation Amendment Rules 2015

Made by the Minister under section 293A.

1. Citation

These rules are the *Workers' Compensation and Injury Management Conciliation Amendment Rules 2015*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette* (**gazettal day**);
- (b) the rest of the rules — on the later of —
 - (i) the day after gazettal day; or
 - (ii) 1 July 2015.

3. Rules amended

These rules amend the *Workers' Compensation and Injury Management Conciliation Rules 2011*.

4. Rule 26 amended

(1) After rule 26(1) insert:

- (2A) A party proposing to rely on a document in the conciliation of a dispute must lodge the document within any time limit which the conciliation officer directs.
- (2B) A party who has lodged a document outside a time limit directed under subrule (2A) may only rely on that document in the conciliation of the dispute at the discretion of the conciliation officer.
- (2C) In exercising discretion under subrule (2B), a conciliation officer is to have regard to the time when the party lodging the document first obtained it.

(2) After rule 26(2)(c) insert:

- (da) by sending it to the Conciliation Service by email in accordance with rule 28A; or
- (3) In rule 26(3) delete “fax” and insert:

fax, by email

5. Rule 28A inserted

After rule 27 insert:

28A. Lodging by email

- (1) The Director —
 - (a) may approve and publish an email address for the service of documents under this rule; and
 - (b) may determine and publish requirements as to the permissible format and the maximum size of documents which may be lodged under this rule.
- (2) An email by which documents are lodged under this rule must —
 - (a) state the sender’s name, postal address and email address; and
 - (b) state a telephone number through which the sender can be contacted; and
 - (c) list and describe the documents being lodged by the email.
- (3) Documents lodged under this rule must comply with any published requirements as to form and size.
- (4) A person who lodges a document under this rule must —
 - (a) create and retain for the duration of the conciliation proceedings a physical copy of the email and the documents lodged; and
 - (b) produce the items mentioned in paragraph (a) if required by the conciliation officer.

M. MISCHIN, Minister for Commerce.

Workers' Compensation and Injury Management Arbitration Amendment Rules 2015

Made by the Minister under section 293B.

1. Citation

These rules are the *Workers' Compensation and Injury Management Arbitration Amendment Rules 2015*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette* (***gazettal day***);
- (b) the rest of the rules — on the later of —
 - (i) the day after gazettal day; or
 - (ii) 1 July 2015.

3. Rules amended

These rules amend the *Workers' Compensation and Injury Management Arbitration Rules 2011*.

4. Rule 3 amended

In rule 3 insert in alphabetical order:

interlocutory application means an application or request for an order in a proceeding, other than an order that finally determines the dispute between the parties;

5. Rule 22 replaced

Delete rule 22 and insert:

22. Certificate of service

A person who serves a document must lodge a certificate of service with the Registrar —

- (a) if the document is a sealed copy of an application under rule 24(1) for an extension of time; or
- (b) in any other case, if an arbitrator or the Registrar so directs.

6. Rule 25 amended

In rule 25(4) delete “14 days,” and insert:

28 days,

7. Rule 29 amended

In rule 29(6) delete “14 days,” and insert:

28 days,

8. Rule 31 deleted

Delete rule 31.

9. Rule 32 amended

After rule 32(2)(a) insert:

- (ba) a notice of discontinuance signed by all parties to the proceedings is lodged with the Registrar;
or

10. Rule 37 amended

- (1) Delete rule 37(1).
- (2) After rule 37(4) insert:
 - (5) Except as otherwise ordered by an arbitrator, a party served with a copy of an interlocutory application must no later than 2 working days before the time fixed for hearing that application lodge and serve either —
 - (a) a notice consenting to the application; or
 - (b) a notice opposing the application, and stating the grounds on which the application is opposed.
 - (6) If a party fails to lodge and serve a notice required by subrule (5) the interlocutory application may be determined as if that party did not oppose any part of the application.

11. Rule 48 amended

- (1) In rule 48(1) after “lodging” insert:

an interlocutory application and

- (2) In rule 48(2) delete “produced.” and insert:

produced, or within such other time as an arbitrator may order.

12. Rule 57 amended

After rule 57(1) insert:

- (2A) Except with the leave of an arbitrator, the evidence in chief of a witness from whom oral evidence is adduced is to be confined to the evidence set out in the document lodged and served under subrule (1) in relation to that witness.

13. Rule 63A inserted

- (1) After rule 62 insert:

63A. Submission on application for order as to costs or for assessment of costs

- (1) Except as otherwise ordered by an arbitrator, a party served with a copy of an application under rule 61 or 62 must within 14 days of the service lodge and serve either —
- (a) a notice consenting to the application; or
 - (b) a notice opposing the application, and stating the grounds on which the application is opposed.
- (2) If a party fails to lodge and serve a notice required by subrule (1) the application may be determined as if that party did not oppose any part of the application.

M. MISCHIN, Minister for Commerce.

