

Workers' Compensation and Injury Management Arbitration Amendment Rules 2018

Made by the Minister under section 293B of the Act.

1. Citation

These rules are the *Workers' Compensation and Injury Management Arbitration Amendment Rules 2018*.

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*;
- (b) the rest of the rules — on the day on which the *Workers' Compensation and Injury Management Amendment Act 2018* Part 2 comes into operation.

3. Rules amended

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

4. Rule 3 amended

- (1) In rule 3 insert in alphabetical order —

fatality compensation application means an application under any of the following —

- (a) section 72H(3);
- (b) section 72I(3);
- (c) section 72J(8);
- (d) Schedule 1A clause 8(6) of the Act;
- (e) Schedule 1A clause 8(7) of the Act;

- (2) In rule 3 in the definition of ***application for arbitration*** delete “means an application under section 182ZT;” and insert:

means —

- (a) an application under section 182ZT; or

- (b) a fatality compensation application, whether or not liability is accepted in respect of the compensation claimed;

5. Rule 22A inserted

At the beginning of Part 4 insert:

22A. Application of this Part to fatality compensation applications

- (1) In this section —
accepted claim means a claim for compensation made under section 72E in relation to which liability is accepted.
- (2) Rules 23 and 24 do not apply in relation to a fatality compensation application.
- (3) Rules 25, 27, 28, 29 and 30 —
 - (a) do not apply in relation to a fatality compensation application made in respect of an accepted claim; and
 - (b) cease to apply in relation to a fatality compensation application if the claim in respect of which it is made becomes an accepted claim after the application is made.
- (4) Despite subrule (3), an arbitrator may order that a rule referred to in that subrule applies in relation to an application referred to in that subrule.

W. JOHNSTON, Minister for Commerce and Industrial Relations.
