

96. Delegation of certain functions to Registrar

- (1) In this section —
“**Registrar**” means the Registrar or a Deputy Registrar.
- (2) Subject to subsection (3), the regulations may provide for and in relation to the delegation to a Registrar of all or any of the functions of the Commission in relation to the following —
 - (a) claims referred to in section 29(1)(b);
 - (b) the review of awards for the purposes of section 40B;
 - (c) applications under section 49I(7).
- (3) The powers of the Commission —
 - (a) to make an order under section 23A;
 - (b) to make an order that an employee has not been allowed by his or her employer a benefit to which he or she is entitled under his or her contract of service; and
 - (c) to make an order under section 40B,cannot be delegated to a Registrar.
- (4) The Chief Commissioner may from time to time give directions in writing to a Registrar with respect to the performance of any of the Registrar’s functions under this section and the Registrar is to give effect to any such direction.
- (5) A direction may be either general or with respect to a particular matter.
- (6) A function performed by a Registrar as a delegate of the Commission is to be taken to be performed by the Commission.
- (7) A function may be performed by the Commission despite it being a delegated function.
- (8) Except as provided in subsection (4) and despite any other provision of this Act, the *Public Sector Management Act 1994* or any other written law, a Registrar is not subject to the direction or control of any person in relation to the manner in which the Registrar performs a delegated function.
- (9) A party to proceedings in which a Registrar has performed a delegated function may, within the time prescribed by, or within such further time as is allowed in accordance with, the regulations, apply to the Commission to review a direction, determination or order made by a Registrar in the performance of the delegated function.
- (10) The Commission constituted by a Commissioner may, on application under subsection (9), review the direction, determination or order and may —
 - (a) affirm the direction, determination or order; or
 - (b) revoke the direction, determination or order and make a direction, determination or order the Commission considers appropriate with respect to the matter to which the performance of the delegated function related.
- (11) The Chief Commissioner of his or her own motion may review, or may assign a Commissioner to review, a direction, determination or order made

by a Registrar in the performance of a delegated function and the Commission constituted by the Chief Commissioner or the Commissioner assigned may —

- (a) affirm the direction, determination or order; or
 - (b) revoke the direction, determination or order and make a direction, determination or order the Commission considers appropriate with respect to the matter to which the performance of the delegated function related.
- (12) A review under subsection (11) may be carried out within the time prescribed by, or within such further time as is allowed in accordance with, the regulations.
- (13) The Chief Commissioner may make regulations for the purposes of this section.

[Section 96 inserted by No. 20 of 2002 s. 161.]