

## WORKERS COMPENSATION AND REHABILITATION

WC101

### WORKERS' COMPENSATION AND REHABILITATION ACT 1981

#### WORKERS' COMPENSATION BOARD AMENDMENT RULES 1991 (4)

Made by the Chairman of the Workers' Compensation Board.

#### Citation

1. These rules may be cited as the *Workers' Compensation Board Amendment Rules 1991 (4)* and shall come into effect on the date of publication of these rules in the *Gazette*.

#### Principal Rules

2. In these rules the *Workers' Compensation Board Rules 1982\** are referred to as "the principal rules."

#### Rule 16 Amended

3. The principal rules are amended by substituting for Rule 16 a new rule in the following terms—

##### " Procedure for Pre-Trial Conference

16. (1) Forthwith upon the filing of the applicant's affidavit of service pursuant to sub-rule 15(1) or the filing of the answer pursuant to Rule 14 whichever is the earlier the Registrar shall list the matter for a pre-trial conference in chambers and shall give or send to the parties notice of the date of such pre-trial conference in accordance with Form 9 in Appendix A and in the event of a change of date of the pre-trial conference the Registrar shall notify all parties accordingly.

(2) The date of the pre-trial conference shall be not less than 8 and not more than 10 weeks from the date of the filing of the affidavit of service or the answer (whichever is the earlier) so as to enable all parties to settle the pleadings, exchange discovery of documents, administer and answer interrogatories and conduct preliminary enquiries into the questions in issue and the pre-trial conference may, at the Registrar's discretion, be adjourned to a date to be fixed or to a fixed date.

(3) Notwithstanding the provisions of sub-rule (2) the parties may by consent seek a pre-trial conference at any stage of the proceedings.

(4) Where liability is admitted after the listing for a pre-trial conference the Registrar shall vacate the date of the pre-trial conference and shall list the application for hearing in chambers for the making of consent orders.

(5) Unless expressly excused, every worker, employer and/or insurer, third party, intervener or other party to the matter shall, if an individual attend the conference in person, or if a partnership or a body corporate shall attend the conference by representative duly authorised to negotiate and, if appropriate, agree the terms of settlement.

(6) The Registrar or a member shall conduct the pre-trial conference and shall do so in an informal manner as the circumstances permit.

(7) At the pre-trial conference, the Registrar or a member—

(a) shall enquire into the likelihood of settlement, the delineation of issues in dispute, and the state of preparation of the cases of the respective parties and such procedural matters as he considers relevant; and

(b) shall give directions for the further conduct of the proceedings and, when appropriate fix a date for the hearing of the application.

(8) Parties attending a pre-trial conference under this rule shall make a *bona fide* endeavour to reach agreement on relevant matters in issue between them.

(9) Evidence of anything said, or of any admission made while discussing or negotiating terms of settlement in the course of such a conference shall not be admissible in any further proceedings before the Board. "

#### Rule 16A Amended

4. The principal rules are amended by substituting for Rule 16A a new rule in the following terms—

##### " Documents required at Pre-Trial Conference

16A. (1) Not less than 48 hours before a pre-trial conference all parties to the proceedings shall, to the extent not already done, file and serve upon each other copies of all medical reports upon which they intend to rely at the conference.

(2) Where a pre-trial conference has been listed in relation to an application for redemption, payment of expenses in excess of the maximum amount provided for by sub-clause 17(1) of Schedule 1 of the Act or involving the financial standing of a party in any way in relation to an application, that party shall produce at the pre-trial conference all relevant and significant documents which that party has in that party's possession, custody or control or which, with reasonable diligence, that party could obtain relating to—

- (a) the financial matters referred to in any pleading filed by that party; and
- (b) the value of any item of property in which that party has an interest. "

**Rule 17 Amended**

5. The principal rules are amended by deleting wherever they appear from rule 17(c) the words "preliminary hearing" and substituting in each case the following—

" pre-trial conference "

**Appendix A: Forms 8-9**

6. Appendix A of the principal rules is amended as follows—

- (a) by deleting the words "preliminary hearing" wherever appearing in Forms 8 and 9 and substituting in each case the following—

" pre-trial conference "

- (b) by deleting "13(2)" from the reference to the rule in the heading of form 8A and substituting the following—

" 15(1) "

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J. GOTJAMANOS, Chairman, Workers' Compensation Board.