WC302

Workers' Compensation and Injury Management Act 1981

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.

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