

Workers' Compensation and Injury Management Act 1981

## **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.