

# REPORTER

## Decision of the Appeal Division

**Number:** 2  
**Date:** May 29, 1991  
**Panel:** Connie Munro, Chief Appeal Commissioner  
**Subject:** Delegation by the Chief Appeal Commissioner

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Section 85(8) of the *Workers' Compensation Amendment Act, 1989*, provides that:

*The chief appeal commissioner may delegate in writing any of his powers and duties to an appeal commissioner subject to any terms and conditions set out in the delegation.*

Pursuant to Section 85(8), I now delegate certain powers and duties to the Appeal Commissioner appointed by me, from time to time, to serve as the Registrar. I retain the powers and duties delegated by me to the Registrar and will exercise these concurrently with the Registrar, except in the event of my determining that I am/would be exposed to a possible or actual conflict of interest or appearance of bias with respect to a given case. In these latter instances, I delegate all necessary powers to the Registrar to act in my place. I also delegate to the Registrar the power to act in my absence.

The following powers are delegated to the Registrar:

1. Under Section 91(1), the power to grant an extension of time for an appeal from a Review Board finding.
2. Under Section 96(6), the power to grant an extension of time to an employer for an appeal from an assessment, classification, special rate, differential or additional assessment, levy or contribution.
3. Under Section 96(6.1), the power to grant an extension of time to an employer for an appeal from a decision to levy a First Aid penalty under Section 70, or to charge an employer with claim costs under Section 47(2).
4. Under Section 91(3), the power to designate a longer period for the making of a decision by the Appeal Division where the appellant requests a delay in the proceedings.

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In matters where I am unable to act due to:

- (a) my absence, or
- (b) a possible or actual conflict of interest or appearance of bias,

I also delegate to the Registrar the following additional powers:

5. Under Section 85(7)(c), the power to preside at hearings or meetings of the Appeal Division.
6. Under Section 91(3), the power to designate a longer period for the making of a decision by the Appeal Division where the Registrar considers the longer period necessary because of an act or omission of the appellant or because of the complexity of the matter under appeal.
7. Under Section 85.2, the power to establish one or more panels of the Appeal Division, to refer a matter that is before the Appeal Division to a panel or a matter that is before a panel to the Appeal Division or another panel, to terminate a designation to a panel, or to fill any vacancy on a panel.
8. Under Section 96.1(3) or Section 17(5) of the *Workers' Compensation Amendment Act, 1989*, the power to direct that the Appeal Division reconsider a matter or that the applicant may make a new claim to the Board with respect to the matter.
9. Under Section 22(3) of the *Criminal Injury Compensation Act*, the power to grant leave for a further review of the decision of an officer of the Board, or the findings and report of an Appeal Committee.
10. Under Section 22.1 of the *Criminal Injury Compensation Act*, the power to direct that the Appeal Division reconsider a matter or that the applicant may make a new claim to the Board with respect to the matter.
11. Under Section 96(6.1), the power to grant an extension of time for an appeal from a notice relating to an assessment, classification, monetary penalty or apportionment or shifting of cost between classes for which no appeal to the Appeal Division is specifically provided in Section 96(6).

In exercising these delegated powers, the Registrar shall implement the policies of the Governors with respect to the administration of the Appeal Division pursuant to Section 85(7).

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I appoint Paul Petrie, Appeal Commissioner, to serve as Registrar of the Appeal Division on the basis set out above for one year from June 3, 1991 until June 2, 1992.

