
WORKCOVER

WC301*

Workers' Compensation and Injury Management Act 1981

**Workers' Compensation and Injury
Management Amendment Regulations 2011**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Workers' Compensation and Injury Management Amendment Regulations 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Workers' Compensation and Injury Management Amendment Act 2011* section 6 comes into operation.

3. Regulations amended

These regulations amend the *Workers' Compensation and Injury Management Regulations 1982*.

4. Regulation 6A amended

In regulation 6A(1):

- (a) delete “57A(1)(b)(i),” and insert:

57A(1)(b)(i) and

- (b) delete “and 231(1)(b)(i)”.

5. Regulation 7 amended

At the end of regulation 7 insert:

- (3) The period commencing on the making of an application for conciliation of a dispute about the intention of an employer to discontinue or reduce weekly payments to a worker and ending when a certificate under section 182H or 182O is issued in respect of the dispute is to be disregarded for the following purposes —
 - (a) calculating the period of notice of the intention of the employer under section 61(1);
 - (b) calculating the time within which the worker may apply for an order of an arbitrator under section 61(3).

Note: The heading to amended regulation 7 is to read:

Discontinuance or reduction of weekly payments

6. Regulation 10 amended

Delete regulation 10(2) and insert:

- (2) Where an employer, or an employer's insurer, disputes the identity or entitlement, or both, of a worker, the employer or insurer —
 - (a) may apply under section 182E of the Act for resolution of the dispute by conciliation; and

- (b) if the dispute is not resolved by conciliation, may apply under section 182ZT for determination of the dispute by arbitration.

7. Regulation 10A deleted

Delete regulation 10A.

8. Regulation 12 amended

In regulation 12(1) delete “the DRD” and insert:

WorkCover WA

9. Regulation 17AB amended

In regulation 17AB(2) delete “information to the arbitrator in writing —” and insert:

evidence in writing of the exceptional circumstances —

10. Regulation 17B amended

In regulation 17B delete “a dispute resolution authority” and insert:

the Registrar or an arbitrator

11. Regulation 18B amended

- (1) In regulation 18B delete the definition of *taxing officer*.
- (2) In regulation 18B insert in alphabetical order:

commencement day means the day of the coming into operation of the *Workers’ Compensation and Injury Management Amendment Act 2011* section 6;

dispute resolution authority, in relation to the period commencing on 14 November 2005 and ending on the day before commencement day, has the meaning given in section 5 of the former provisions;

former provisions means the Act as enacted before the commencement day;

taxing officer means the Director, the Registrar, a conciliation officer or an arbitrator.

12. Regulation 18C amended

(1) In regulation 18C:

(a) delete “A person” and insert:

(1) A person

(b) delete “may apply under the *Workers’ Compensation (DRD) Rules 2005*” and insert:

before commencement day may apply under the
*Workers’ Compensation and Injury Management
Arbitration Rules 2011*

(2) At the end of regulation 18C insert:

(2) A person who has paid or is liable to pay, or who is entitled to receive or has received, costs as a result of an order for the payment of an unspecified amount of costs made by a dispute resolution authority on or after commencement day may apply under the *Workers’ Compensation and Injury Management Conciliation Rules 2011* or the *Workers’ Compensation and Injury Management Arbitration Rules 2011*, as relevant, for an assessment of the whole of, or any part of, those costs by a taxing officer.

13. Regulation 18D amended

In regulation 18D(2) delete “*Workers’ Compensation (DRD) Rules 2005* Part 3.” and insert:

*Workers’ Compensation and Injury Management
Conciliation Rules 2011* or the *Workers’ Compensation
and Injury Management Arbitration Rules 2011* as
relevant.

14. Regulation 18LA inserted

At the end of Part 2A insert:

18LA. Transitional provision

(1) In this regulation —

pending application means an application for the assessment of costs by a taxing officer —

(a) made under the *Workers’ Compensation (DRD) Rules 2005* before commencement day; and

- (b) which has not been determined by a taxing officer before commencement day.
- (2) A pending application is to be dealt with and determined under this Part as if it were an application made under the *Workers' Compensation and Injury Management Arbitration Rules 2011*.
- 15. Regulation 19L amended**
- Delete regulation 19L(1)(a) and insert:
- (a) a dispute that arises under section 93D(8) of the Act; or
- 16. Regulation 19O amended**
- In regulation 19O delete "*Workers' Compensation (DRD) Rules 2005*" and insert:
- Workers' Compensation and Injury Management Conciliation Rules 2011* or the *Workers' Compensation and Injury Management Arbitration Rules 2011*, as relevant,
- 17. Regulation 27A amended**
- In regulation 27A(c) delete "Dispute Resolution Directorate." and insert:
- Conciliation Service or the Arbitration Service.
- 18. Regulation 43 deleted**
- Delete regulation 43.
- 19. Regulation 46 deleted**
- Delete regulation 46.
- 20. Appendix I amended**
- (1) In Appendix I Form 2 delete "(iii) lung cancer," and insert:
- (iii) lung cancer;
(iv) diffuse pleural fibrosis,

- (2) In Appendix I at the beginning of the form between Form 2 and Form 2C, immediately before the words “**Workers Compensation Claim Form**”, insert:

Form 2B

[r. 6AA]

Workers' Compensation and Injury Management Act 1981

(Section 178(1)(b))

- (3) In Appendix I Form 2C under “WORKERS DECLARATION” delete “Dispute Resolution Directorate,”.
- (4) In Appendix I Form 3 in the heading delete “57B(1)(b), 61(1) and 231(1)(b)” and insert:
- 57B(1)(b) and 61(1))
- (5) In Appendix I Form 3B delete the second and third dot points of the Note and insert:
- seek advice in relation to the dispute from WorkCover WA;
 - if reasonable attempts have been made to resolve the dispute by negotiation with the employer and the insurer, apply to the Director under section 182E of the Act for resolution of a dispute by conciliation;
- (6) In Appendix I Form 3C:
- (a) delete “Dispute Resolution” (first occurrence);
- (b) delete the second and third dot points of the Note and insert:
- seek advice in relation to the dispute from WorkCover WA;
 - if reasonable attempts have been made to resolve the dispute by negotiation with the employer and the insurer, apply to the Director under section 182E of the Act for resolution of a dispute by conciliation;
- (7) In Appendix I Form 3D delete the second and third dot points of the Note and insert:
- seek advice in relation to the dispute from WorkCover WA;
 - if reasonable attempts have been made to resolve the dispute by negotiation with the employer, apply to the Director under section 182E of the Act for resolution of a dispute by conciliation;
- (8) In Appendix I Form 3E:
- (a) delete “Dispute Resolution” (first occurrence);

(b) delete the first and second dot points of the Note and insert:

- seek advice in relation to the dispute from WorkCover WA;
- if reasonable attempts have been made to resolve the dispute by negotiation with the employer, apply to the Director under section 182E of the Act for resolution of a dispute by conciliation;

(9) Delete Appendix I Form 7.

(10) In Appendix I Form 15F:

(a) delete “Commissioner.” and insert:

Registrar.

(b) delete “Dispute Resolution”.

(11) In Appendix I Form 29 delete “Dispute Resolution Directorate”.

(12) In Appendix I Form 31 under “**How to lodge this form**” delete “Director, Dispute Resolution Directorate” and insert:

Director

(13) In Appendix I in the Forms listed in the Table delete “Director Dispute Resolution” (each occurrence) and insert:

Director

Table

Form 15A	Form 15B
Form 15C	Form 22
Form 22A	Form 22B
Form 23	Form 23A
Form 23B	Form 26
Form 27	Form 28
Form 35	Form 36
Form 39	

21. Appendix IV clause 5 amended

- (1) In Appendix IV clause 5(2) delete “the Commissioner, an officer of the DRD” and insert:

the Director, the Registrar, an officer of the Conciliation Service or the Arbitration Service

- (2) In Appendix IV clause 5(3):

- (a) in paragraph (a) delete “the Commissioner, officers of the DRD” and insert:

the Director, the Registrar, officers of the Conciliation Service and the Arbitration Service

- (b) in paragraph (c), (d) and (e) after “Director” insert:

or Registrar

22. Appendix V amended

- (1) Before Appendix V item 1 insert:

1A.	57A(2A)	Failing to claim under policy of insurance.....	\$200.00
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- (2) After Appendix V item 2 insert:

3A.	57A(8A)	Failing to make weekly payment	\$400.00
3B.	57A(8)	Failing to make weekly payment having received payment from insurer	\$400.00

- (3) After Appendix V item 5 insert:

6A.	57B(8)	Failing to make weekly payment	\$400.00
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By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
