WC302

WORKERS' COMPENSATION AND REHABILITATION ACT 1981
WORKERS' COMPENSATION BOARD AMENDMENT RULES 1991
Made by the Chairman of the Workers' Compensation Board.

Citation
1. These rules may be cited as the Workers' Compensation Board Amendment Rules 1991 and shall come into effect on 8 March 1991.

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


New Rule 21A
3. The principal rules are amended by inserting a new rule in the following terms:

  * Medical Panels

  21A. (1) An application to the Chairman under section 70 of the Act for a matter to be referred to a medical panel shall be in Form 9A in Appendix A and shall be signed by the applicant and such medical certificates, medical reports, or other documents as are desired to be referred to the medical panel shall be filed with the application.

  (2) Within 7 days after the service of the application referred to in subrule (1) the respondent to the application shall file such medical certificates, medical reports, or other documents as are desired to be referred to the medical panel.

  (3) Where under sections 70 or 145 of the Act, the Chairman or the Board (as the case may be) makes an order referring a matter to a medical panel, the Chairman or the Board (as the case may be) shall appoint 3 medical practitioners to constitute the panel and shall supply each of them with a copy of the order in the form of Form 9B in Appendix A, the terms of reference, and any medical certificates, medical reports, or other documents to be considered by the panel.

  (4) All appointments to a medical panel under this rule shall be from the Register of Specialists maintained under section 146 of the Act.
(5) An order that the worker attend and be examined by a medical panel shall be in the form of Form 9C in Appendix A but if the Chairman or the Board (as the case may be) is satisfied the worker is unfit to travel to attend the panel the order may require that the examination be at a place convenient to the worker.

(6) The Chairman or the Board (as the case may be) may make such orders as he or it thinks fit as to the worker's expenses of attending a medical panel.

(7) Except with the leave of and in accordance with any directions by the medical panel, no party (except for the worker in person) is entitled to appear before a medical panel, either in person or by an agent or solicitor, and no party (the worker included) may call witnesses or adduce any evidence before the panel.

(8) A certificate of a medical panel under section 70 (3) of the Act shall be in the form of Form 9D in Appendix A and shall be sent to the Registrar as soon as practicable after the examination of the worker by the panel.

(9) On receiving the certificate of a medical panel under section 70 (3) of the Act or the determination of a medical panel under section 145 of the Act the Registrar shall send a copy to each of the parties."

New Forms 9A, 9B, 9C and 9D

4. Appendix A of the principal rules is amended by inserting new forms in the following terms:

"Form 9A
Workers Compensation and Rehabilitation Act 1981
APPLICATION FOR REFERENCE TO A MEDICAL PANEL
(Section 70.)
In the matter of the Workers' Compensation and Assistance Act 1981, and in the matter of a claim for compensation made by ....................................

1. ........................................................ of........................................................
in the State of Western Australia, claims that he, a worker in the employ of......................................................................................................................
on the ................................................................................
of............................................... 19 ........... at ...............................................
.............................suffered a disability.

2. A question has arisen between the parties as to the condition of the worker and his fitness for employment.

3. The said worker submitted himself to Dr..............................................
a medical practitioner of his own choice, and also to Dr............................
nominated by the employer, and the certificates of both medical practitio-
ners accompany this application.

4. I. ................................................................................ , the person making this application, hereby declare that the certificate or a copy of the certificate of Dr...........................................................................................
was first received by me or by any responsible person on my behalf not earlier than the ..............................................................................................
day of ..........................................................19..........

5. A list of all medical practitioners who have examined the worker in connection with the alleged disability, together with all medical certificates, X-rays and other relevant documents in the knowledge or possession of the applicant accompany this application.

6. It is now requested that a medical panel be appointed to enquire into
Dated day of 19

To the Chairman
Workers' Compensation Board.
FORM 9B
Workers' Compensation and Rehabilitation Act 1981
ORDER OF REFERENCE
In the matter of the Workers' Compensation and Rehabilitation Act 1981, and in the matter of a claim for compensation by

1. On the application of .................................................................
a copy of which is annexed, I hereby appoint ..................................................
to act as a Medical Panel duly appointed for the purpose of the Act to examine ..................................................
and to give a report on the matters set out in the application.
2. Copies of all available reports of medical practitioners by whom the said has been examined are annexed hereto.
   *3. I am satisfied that the said .................................................................
who now resides at .................................................................
is a fit person to travel for the purpose of being examined, and he has been directed to attend .................................................................
at ................................................................. on the ................................................................. day of ................................................................. 19 ................................................................. at the hour of ................................................................. o'clock in the ................................................................. noon, for that purpose.
4. The report of the Panel together with all the attached certificates should be forwarded to the Registrar of the Workers' Compensation Board as early as possible after the examination and decision.

Dated ...................... day of ................................................................. 19

CHAIRMAN
Workers' Compensation Board

To: .................................................................

* or as suitable to the circumstances

FORM 9C
Workers' Compensation and Rehabilitation Act 1981
ORDER ON INJURED WORKER TO SUBMIT HIMSELF FOR EXAMINATION BY A MEDICAL PANEL
In the matter of the Workers' Compensation and Rehabilitation Act 1981.
In the matter of a claim for compensation made by .................................................................
of .................................................................
against .................................................................
of .................................................................
No. of matter .................................................................

To .................................................................
of .................................................................
TAKE NOTICE that I have appointed .................................................................
a Medical Panel duly appointed for the purposes of the Workers' Compensation and Rehabilitation Act 1981, to examine you in accordance with the application in the abovementioned matter for a reference to a Medical Panel.

You are hereby required to submit yourself for examination by the Panel, and to attend for that purpose at .................................................................
at ................................................................. at the hour of ................................................................. o'clock in the ................................................................. noon, on ................................................................. the ................................................................. day of ................................................................. 19..

Dated ...................... day of ................................................................. 19

CHAIRMAN
Workers' Compensation Board
FORM 9D
Workers' Compensation and Rehabilitation Act 1981

CERTIFICATE OF MEDICAL PANEL

In the matter of the Workers' Compensation and Rehabilitation Act 1981, and in the matter of a claim for compensation made by ... ("the worker"). The Medical Panel appointed under the provisions of the above Act to examine the worker met and conducted such examination on the ..... day of ..... 19..... at ..... at the consulting rooms of ..... * It is certified that the medical condition of the worker is as follows:—

* As to whether the disability is a fresh disability or a recurrence of an old disability, it is certified as follows:—

* As to the extent that the worker's incapacity is due to the disability it is certified as follows:—

(* as required)

Dated day of 19

CHAIRMAN

MEMBER

MEMBER

J. GOTJAMANOS, Chairman, Workers' Compensation Board.