

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.

[*Published in the Government Gazette on 8 April 1982 at pp. 1250-1275 with Corrigendum published on 7 May 1982 at p. 1463. Amendments published on 11 June 1982 at pp. 1937 and 1938, 12 August 1983 at pp. 2951 and 2952, 6 January 1984 at p. 19, 7 September 1984 at p. 2887, 4 August 1989 at p. 2496, 11 August 1989 at pp. 2678 and 2679 with Corrigenda published on 1 September 1989 at p. 3071 and 1 December 1989 at pp. 4430 and 4431, 16 February 1990 at pp. 1118 and 1119, 27 April 1990 at pp. 2095-2108 and 14 December 1990 at p. 6182.]

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

..... in the said State, 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. a medical practitioner nominated by the employer, and the certificates of both medical practitioners 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 his application.

6. It is now requested that a medical panel be appointed to enquire into and report on the following:—

Dated day of 19.....

..... Applicant

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 in a fit condition 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 the consulting rooms of
at
* 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.