

**WORKERS COMPENSATION AND ASSISTANCE ACT 1981****WORKERS COMPENSATION BOARD AMENDMENT RULES 1990**

Made by the Chairman of the Workers Compensation Board.

**Citation and Commencement**

1. These rules may be cited as the *Workers Compensation Board Amendment Rules 1990 (2)* and shall come into effect on 1 June 1990.

**Principal Rules**

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

**Rule 9 amended**

3. The principal rules are amended by substituting for rule 9 a new rule in the following terms:

**"Commencement of proceedings and applications in pending proceedings**

9. (1) Subject to the provisions of the Act and of these rules every action in the Board must be commenced by application.

(2) Interlocutory applications in pending proceedings must be made to the Board or the Registrar in accordance with Form 19".

**New Rule 9A**

4. There shall be inserted a new rule 9A in the following terms:

**Application by worker**

"9A. (1) Except an application in chambers filed pursuant to rule 55, an application by the worker or by dependants for the determination of any matter or question by the Board shall be made by filing an application which, if the nature of the application permits, shall be in accordance with one of the forms in the Appendix A numbered inclusively 1 to 6 inclusive with such modifications as the circumstances require and the application shall state concisely the question which has arisen and the application together with one copy for each respondent to be served shall be delivered to the Registrar.

(2) Particulars shall appear upon or be annexed to the application and, without limiting the particulars to the following matters, shall contain—

- (a) a concise statement of the circumstances under which the application is made;
- (b) a statement whether there is an admission of liability to pay compensation or a denial of such liability, wholly or partially, with (in the latter case) a statement of the grounds upon and extent to which liability is denied;
- (c) a statement of the matters which the applicant desires to have determined by the Board; and
- (d) the full names and addresses of the respondents and of the applicant, and of his legal practitioner or agent, if the proceedings are commenced through a legal practitioner or agent."

**Rule 13 amended**

5. The principal rules are amended by substituting for rule 13 a new rule in the following terms:

**"Filing and service of application**

13. A party filing an application shall for the purpose of service on all other parties to the proceedings at the same time obtain from the Registrar such service copies under the Seal of the Board as shall be required to effect service of the application on all such parties and a Notice in accordance with Form 8 requiring each party to comply with Rule 14 hereof and advising of the procedure provided for by Rule 16."

**Rule 14 amended**

6. The principal rules are amended by substituting for rule 14 a new rule in the following terms:

**"Answer**

14. (1) Every respondent or other party who desires to contest any part of the applicant's claim shall within 14 days of service of the application file with the Registrar for sealing an answer and shall forthwith serve on each other party to the proceedings a copy of the sealed answer.

(2) The answer shall state concisely but fully and with particularity the matters to be traversed and relied upon by the respondent or other party in opposing the application."

#### **Rule 15 amended**

7. The principal rules are amended by substituting for rule 15 a new rule in the following terms:

##### **"Procedure where no answer**

15. (1) Within 7 days of effecting service in accordance with Rule 13 the applicant shall file with the Registrar an affidavit in accordance with Form 8A in Appendix A, with such variations as the circumstances require, unless prior thereto the respondent shall have filed an answer.

(2) In the absence of an answer, then subject to sub-rule (3), the facts alleged in the application, and in the case of a claim for compensation, the liability to pay compensation, shall be taken to be admitted.

(3) In the absence of an answer and in the event that the applicant does not consent at the hearing of the application to a respondent availing himself of any matter of which he should pursuant to this rule have given notice by filing an answer or have included in any answer filed, the Board may proceed with the hearing without permitting the respondent to avail himself of such matter and may treat the relevant facts alleged in the application as admitted, or may, upon such terms as the Board considers appropriate, permit an answer or an amended answer to be filed and relied upon, or may adjourn the hearing to some later time or date and make such orders generally in respect of the matter as the Board considers fit."

#### **Rule 16 amended**

8. The principal rules are amended by substituting for rule 16 a new rule in the following terms:

##### **"Procedure for Preliminary Hearing**

16. (1) Forthwith upon the filing of the applicant's affidavit of service pursuant to sub-rule 15(1) or the filing of the answer pursuant to Rule 14 whichever is the earlier the Registrar shall list the matter for a preliminary hearing in chambers and shall give or send to the parties notice of the date of such preliminary hearing in accordance with Form 9 in Appendix A and in the event of a change of date of the preliminary hearing the Registrar shall notify all parties accordingly.

(2) The date of the preliminary hearing shall be not less than 8 not more than 10 weeks from the date of the filing of the affidavit of service or the answer (whichever is the earlier) so as to enable all parties to settle the pleadings, exchange discovery of documents, administer and answer interrogatories and conduct preliminary enquiries into the questions in issue and the preliminary hearing may, at the Registrar's discretion, be adjourned to a date to be fixed or to a fixed date.

(3) Where liability is admitted after the listing for a preliminary hearing the Registrar shall vacate the date of the preliminary hearing and shall list the application for hearing in chambers for the making of consent orders.

(4) Unless expressly excused, every worker, employer and/or insurer, third party, intervener or other party to the matter shall, if an individual attend the hearing in person, or if a partnership or a body corporate shall attend the hearing by representative duly authorised to negotiate and, if appropriate, agree the terms of settlement.

(5) The Registrar shall conduct the preliminary hearing and shall do so in an informal manner as the circumstances permit.

(6) At the preliminary hearing, the Registrar—

(a) shall enquire into the likelihood of settlement, the delineation of issues in dispute, and the state of preparation of the cases of the respective parties and such procedural matters as he considers relevant; and

(b) shall give directions for the further conduct of the proceedings and, when appropriate fix a date for the hearing of the application.

(7) Parties attending a preliminary hearing under this rule shall make a bona fide endeavour to reach agreement on relevant matters in issue between them.

(8) Evidence of anything said, or of any admission made while discussing or negotiating terms of settlement in the course of such a hearing shall not be admissible in any further proceedings before the Board."

**New rule 16A**

9. There shall be inserted a new rule 16A in the following terms:

**"Documents required at Preliminary Hearing**

16A. (1) Not less than 48 hours before a preliminary hearing all parties to the proceedings shall, to the extent not already done, file and serve upon each other copies of all medical reports upon which they intend to rely at the hearing.

(2) Where a preliminary hearing has been listed in relation to an application for redemption, payment of expenses in excess of the maximum amount provided for by sub-clause 17(1) of Schedule 1 of the Act or involving the financial standing of a party in any way in relation to an application, that party shall produce at the hearing all relevant and significant documents which that party has in that party's possession, custody or control or which, with reasonable diligence, that party could obtain relating to—

- (a) the financial matters referred to in any pleading filed by that party; and
- (b) the value of any item of property in which that party has an interest."

**Rule 17 amended**

10. The principal rules are amended by substituting for rule 17 a new rule in the following terms:

**"Reference to the Board**

17. Where there is failure on the part of a party to proceedings:—

- (a) to comply with any of these rules;
- (b) to comply with an interlocutory order; or
- (c) to attend a preliminary hearing or other proceedings,

the Registrar may adjourn the preliminary hearing or other proceedings and/or refer the case to the Board and upon that reference the Board may order that the application be dismissed or that it be treated as undefended and on appropriate evidence make an award or make an order that the case be listed for hearing in the contested list or may make such other order as it considers appropriate."

**Rule 18 amended**

11. The principal rules are amended by substituting for rule 18 a new rule in the following terms:

**"CALLOVER**

18. Every matter to be called over

All matters which have been entered for trial will be called over before a Registrar in chambers not less than six nor more than 10 weeks before the trial date."

**Rule 19 amended**

12. The principal rules are amended by substituting for rule 19 a new rule in the following terms:

**"19. Attendance of parties and counsel**

(1) Unless expressly excused, every worker, employer and/or insurer, third party, intervener or other party to the matter shall, if an individual, attend the callover in person or, if a partnership or a body corporate, by representative duly authorised to negotiate and, if appropriate, agree the terms of a settlement.

(2) The personal attendance of all counsel who will be appearing at the trial of the matter will be required at callover."

**Rule 20 amended**

13. The principal rules are amended by substituting for rule 20 a new rule in the following terms:

**"20. Enquiry of Registrar**

At callover counsel will be required to inform the Registrar of all circumstances bearing on the progress of the application to trial including:

- (a) Prospects of settlement;
- (b) Availability of medical witnesses;
- (c) Unsuitability of trial date for any reason;
- (d) Dates of any outstanding medical reviews;
- (e) State of preparation of matter for trial;
- (f) Availability of counsel and
- (g) Determination of matters still in issue."

**New rule 20A**

14. There shall be inserted a new rule 20A in the following terms:

**"20A. Vacation after callover**

Where a matter has been called over, a trial listing cannot be vacated or not proceeded with except by Order of the Chairman."

**Form 1 amended**

15. Appendix A of the principal rules is amended by substituting for Form 1 the following:

**"FORM 1****(Rule 9)****APPLICATION TO THE BOARD BY INJURED WORKER WITH  
RESPECT TO COMPENSATION CLAIMED BY HIM****In the Workers' Compensation Board of Western Australia**

No. .... of 19.....

**BETWEEN**

.....  
of ..... } Applicant  
and

..... } Respondent(s)  
of .....

1. On ..... 19..... ("the material date")  
the applicant suffered disability at .....
2. \*On the material date the applicant was a worker employed by the  
respondent or  
\*The applicant was a worker employed by  
each respondent in manner following:—

3. The applicant claims:

- (a) \*weekly payments for total/partial incapacity for the period  
..... to .....
- (b) \*a lump sum redemption payment of \$.....
- (c) \*a lump sum payment pursuant to Schedule 2 of the Act amounting to  
\$..... representing .....% loss of/loss  
of use of .....
- (d) \*(other)
- (e) \*Together with:
- (i) \*Medical and other expenses
- (ii) \*Costs

\*Delete as inapplicable

4. An application under the abovementioned Act is hereby made by the  
applicant for determination of the said claim.
5. Particulars are hereto appended (if insufficient space separate sheets may  
be added).

**PARTICULARS**

- |  |  |
|--|--|
| 1. Name and address of applicant   |  |
| 2. Applicant's date of birth   |  |
| 3. Name and place of business of respondent  |  |
| 4. Nature of business of respondent  |  |
| 5. Nature of employment of applicant on material<br>date(s)  |  |
| 6. If person(s) by whom applicant employed on<br>material date(s) is not respondent state basis<br>upon which claim is brought against respon-<br>dent |  |
| 7. Full particulars of work in which applicant<br>engaged at time of disability and manner in<br>which it occurred.                                    |  |
| 8. Nature of disability.   |  |

9. Particulars of (a) incapacity (b) whether total or partial, and (c) estimated duration of incapacity.
10. Weekly earnings immediately prior to incapacity.
11. Weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the incapacity.
12. Payments, allowances or benefits received from employer during the period of incapacity.
13. Date and manner of compliance with Section 130.
14. Particulars of dependants:
  - (a) Spouse;
  - (b) children under the age of 16 years.
  - (c) other.
15. If relief sought comprises or includes redemption, details in full of the special need of the applicant and/or other special circumstances.
16. If relief sought comprises or includes expenses of the type referred to in Clause 17(1) of Schedule 1 in excess of the maximum amount provided for by that sub-clause give (a) details in full of the social and financial circumstances of the worker, (b) his reasonable financial needs and (c) his capacity to meet his reasonable expenses referred to in sub-clause 18(1) of Schedule 1 from any source available to him including weekly payments payable under Clause 7 of Schedule 1 or Section 122.
17. Any other relevant facts

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

(Signed) .....

Applicant, or Applicant's Solicitor, or Agent.

Address .....

Note—If application is signed by an agent it must be accompanied by appointment of such agent."

#### Form 2 amended

17. Appendix A of the principal rules is amended by substituting for Form 2 the following:

#### "FORM 2

(Rule 9—Schedule 1, clauses 1, 2 and 3)

**APPLICATION TO THE BOARD BY OR ON BEHALF OF DEPENDANTS  
OF DECEASED WORKER, CONCERNING THE COMPENSATION  
PAYABLE IN RESPECT OF THE WORKER'S DEATH TO SUCH  
DEPENDANTS, WHERE DEATH HAS RESULTED FROM A DISABILITY  
TO THE WORKER, AND FOR THE DETERMINATION OF QUESTIONS  
AS TO WHO ARE DEPENDANTS, AND THE APPORTIONMENT AND  
APPLICATION OF SUCH COMPENSATION**

**IN THE WORKERS COMPENSATION BOARD OF WESTERN  
AUSTRALIA**

No. .... of 19....

#### BETWEEN

..... } Applicant  
of ..... }  
and

..... } Respondent(s)  
of .....

1. On ..... 19.... ("the material date")  
deceased (names) .....  
suffered disability resulting in his death on .....

2. \*On the material date the deceased was a worker employed by the respondent or  
 \*The applicant was a worker employed by each respondent in manner following:—
3. The applicant as \*legal personal representative/dependant claims
- (a) a benefit of \$ ..... for \*himself/herself as sole surviving spouse of the deceased who was totally/partially dependent upon the deceased prior to his death.
  - (b) child's allowance(s) in respect of the ..... surviving \*child(ren) of the deceased details of whom are set out in the particulars hereto.
  - (c) Other .....
  - (d) A funeral allowance of \$ .....
  - (e) Costs.

\*Delete as inapplicable

4. An application under the abovementioned Act is hereby made by the applicant for determination of the said claim.
5. Particulars are hereto appended (if insufficient space separate sheets may be added).

#### PARTICULARS

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Name and address of deceased</li> <li>2. Deceased's date of birth</li> <li>3. Name and place of business of respondent.</li> <li>4. Nature of business of respondent</li> <li>5. Nature of employment of deceased on material date(s)</li> <li>6. If person(s) by whom applicant employed on material date(s) is not respondent state name and address thereof and basis upon which claim is brought against respondent</li> <li>7. Full particulars of work in which deceased engaged at time of disability and manner in which it occurred.</li> <li>8. Nature of disability.</li> <li>9. Weekly earnings immediately prior to incapacity.</li> <li>10. Amount of weekly payments (if any) made to deceased under the Act and of any sum paid in redemption thereof or any lump sum paid as compensation</li> <li>11. The like particulars as to any dependents who are made respondents (N.B. If there is a legal personal representative who is not the applicant, he must be made a respondent)</li> <li>12. Date and manner of compliance with Section 130.</li> <li>13. Particulars of dependants:               <ul style="list-style-type: none"> <li>(a) Spouse;</li> <li>(b) children under the age of 16 years.</li> </ul> </li> <li>14. Particulars of any persons claiming or who may be entitled to claim to be dependants but as to whose claim a question arises and who are therefore made respondents.</li> <li>15. Particulars of the manner in which the applicant claims to have the amount of compensation sought apportioned or applied (if any)</li> <li>16. Any other relevant facts</li> </ol> |  |
|---|--|



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

(Signed) .....

Applicant, or Applicant's Solicitor, or Agent.

Address .....

Note—If application is signed by an agent it must be accompanied by appointment of such agent."

### Form 3 amended

18. Appendix A of the principal rules is amended by substituting for Form 3 the following:

### "FORM 3

(Rule 9—Schedule 1, clause 5)

### APPLICATION TO THE BOARD BY OR ON BEHALF OF DEPENDANTS OF DECEASED WORKER, CONCERNING THE COMPENSATION PAYABLE IN RESPECT OF THE WORKER'S DEATH TO SUCH DEPENDANTS, WHERE DEATH HAS NOT RESULTED FROM A DISABILITY TO THE WORKER, AND FOR THE DETERMINATION OF QUESTIONS AS TO WHO ARE DEPENDANTS, AND THE APPORTIONMENT AND APPLICATION OF SUCH COMPENSATION IN THE WORKERS COMPENSATION BOARD OF WESTERN AUSTRALIA

No. .... of 19.....

### BETWEEN

..... } Applicant  
of ..... }  
and

..... } Respondent(s)  
of ..... }

1. On ..... 19..... ("the material date")  
deceased (names) .....  
suffered disability and died on ..... but  
his death did not result from the disability.

2. \*On the material date the deceased was a worker employed by the  
respondent or

\*The applicant was a worker employed by each respondent in manner  
following:—

3. The applicant as \*legal personal representative/dependant claims

(a) a benefit of \$ ..... for \*himself/herself as sole surviving  
spouse of the deceased who was totally/partially dependent upon the  
deceased prior to his death.

(b) child's allowance(s) in respect of the ..... surviving  
\*child(ren) of the deceased details of whom are set out in the  
particulars hereto.

(c) Other .....

(d) Costs.

\*Delete as inapplicable

4. An application under the abovementioned Act is hereby made by the  
applicant for determination of the said claim.

5. Particulars are hereto appended (if insufficient space separate sheets may  
be added)

### PARTICULARS

1. Name and address of deceased
2. Deceased's date of birth
3. Name and place of business of respondent.
4. Nature of business of respondent
5. Nature of employment of deceased on material  
date(s)

6. If person(s) by whom applicant employed on material date(s) is not respondent state name and address thereof and basis upon which claim is brought against respondent
7. Full particulars of work in which deceased engaged at time of disability and manner in which it occurred.
8. Nature of disability.
9. Weekly earnings immediately prior to incapacity.
10. Amount of weekly payments (if any) made to deceased under the Act and of any sum paid in redemption thereof or any lump sum paid as compensation
11. The like particulars as to any dependants who are made respondents (N.B. If there is a legal personal representative who is not the applicant, he must be made a respondent)
12. Date and manner of compliance with Section 130.
13. Particulars of dependants:
  - (a) Spouse;
  - (b) children under the age of 16 years.
14. Particulars of any persons claiming or who may be entitled to claim to be dependants but as to whose claim a question arises and who are therefore made respondents.
15. Particulars of the manner in which the applicant claims to have the amount of compensation sought apportioned or applied (if any)
16. Any other relevant facts

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

(Signed) .....

Applicant, or Applicant's Solicitor, or Agent.

Address .....

Note—If application is signed by an agent it must be accompanied by appointment of such agent."

#### Form 4 amended

19. Appendix A of the principal rules is amended by substituting for Form 4 the following:

#### "FORM 4

(Rule 9)

#### APPLICATION TO THE BOARD BY WORKER DISABLED ON A WESTERN AUSTRALIAN SHIP CONCERNING THE COMPENSATION CLAIMED BY HIM IN THE WORKERS' COMPENSATION BOARD OF WESTERN AUSTRALIA.

No. .... of 19.....

#### BETWEEN

..... }  
of ..... } Applicant

and  
The owners of the ship "....." }  
of ..... } Respondent(s)

1. On ..... 19..... ("the material date")  
the applicant who was \*the master/a seaman or .....  
..... (as the case may be) employed (or engaged) on the ship  
"....." suffered disability.
2. On the material date the applicant was a worker employed by the respondent.



## 3. The applicant claims:

- (a) \*weekly payments for total/partial incapacity for the period .....
- (b) \*a lump sum redemption payment of \$ .....
- (c) \*a lump sum payment pursuant to Schedule 2 of the Act amounting to \$ ..... representing .....% loss of/loss of use of .....
- (d) (other) .....

Together with:

- (i) \*Medical and other expenses
- (ii) \*Costs

\*Delete as inapplicable

- 4. An application under the abovementioned Act is hereby made by the applicant for determination of the said claim.
- 5. Particulars are hereto appended (if insufficient space separate sheets may be added)

## PARTICULARS

1. Name and address of applicant
2. Applicant's date of birth
3. Nature of employment of applicant on material date(s)
4. Where disability suffered
5. Full particulars of work in which applicant engaged at time of disability and manner in which it occurred.
6. Nature of disability.
7. Particulars of (a) incapacity (b) whether total or partial, and (c) estimated duration of incapacity.
8. Weekly earnings immediately prior to incapacity.
9. Weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the incapacity.
10. Payments, allowances or benefits received from employer during the period of incapacity.
11. Date and manner of compliance with Section 130.
12. Particulars of dependants:
  - (a) Spouse;
  - (b) children under the age of 16 years.
13. If relief sought comprises or includes redemption details in full of the special need of the applicant and/or other special circumstances.
14. If relief sought comprises or includes expenses of the type referred to in Clause 17(1) of Schedule 1 in excess of the maximum amount provided for by that sub-clause give (a) details in full of the social and financial circumstances of the worker, (b) his reasonable financial needs and (c) his capacity to meet his reasonable expenses referred to in sub-clause 18(1) of Schedule 1 from any source available to him including weekly payments payable under Clause 7 of Schedule 1 or Section 122.
15. Any other relevant facts

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

(Signed) .....

Applicant, or Applicant's Solicitor, or Agent.

Address .....

Note—If application is signed by an agent it must be accompanied by appointment of such agent."

**Form 5 amended**

20. Appendix A of the principal rules is amended by substituting for Form 5 the following:

**"FORM 5**

(Rule 9 Schedule 1 cl. 4)

**APPLICATION TO THE BOARD BY OR ON BEHALF OF  
DEPENDANTS OF WORKER DISABLED ON WESTERN AUSTRALIAN  
SHIP AND WHOSE DEATH RESULTED FROM THE DISABILITY  
IN THE WORKERS' COMPENSATION BOARD OF WESTERN  
AUSTRALIA.**

No. .... of 19.....

**BETWEEN**

..... }  
of ..... } Applicant

and  
The owners of the ship "....." }  
of ..... } Respondent(s)

1. On the ..... day of ..... 19..... ("the material date")  
the deceased ..... (names), (the master of  
the ship ....., or a seaman, or as the case may be)  
suffered disability resulting in his death on.....
  2. \*On the material date the deceased was a worker employed by the  
respondent or  
\*The applicant was a worker employed by each respondent in manner  
following:—
  3. The applicant as \*legal personal representative/dependant claims
    - (a) benefit of \$ ..... for \*himself/herself as sole surviving  
spouse of the deceased who was totally/partially dependent upon the  
deceased prior to his death.
    - (b) child's allowance(s) in respect of the ..... surviving  
\*child(ren) of the deceased details of whom are set out in the  
particulars hereto.
    - (c) Other .....
    - (d) A funeral allowance of \$.....
    - (e) Costs.
- \*Delete as inapplicable
4. An application under the abovementioned Act is hereby made by the  
applicant for determination of the said claim.
  5. Particulars are hereto appended (if insufficient space separate sheets may  
be added)

**PARTICULARS**

- |  |  |
|--|--|
| 1. Name and address of deceased  |  |
| 2. Deceased's date of birth  |  |
| 3. Nature of employment of deceased on material<br>date(s)   |  |
| 4. Where disability suffered   |  |
| 5. Full particulars of work in which deceased<br>engaged at time of disability and manner in<br>which it occurred.   |  |
| 6. Nature of disability.   |  |
| 7. Weekly earnings immediately prior to incapac-<br>ity.   |  |
| 8. Amount of weekly payments (if any) made to<br>deceased under the Act and of any sum paid in<br>redemption thereof or any lump sum paid as<br>compensation                               |  |
| 9. The like particulars as to any dependants who<br>are made respondents (N.B. If there is a legal<br>personal representative who is not the appli-<br>cant, he must be made a respondent) |  |

10. Date and manner of compliance with Section 130.
11. Particulars of dependants:
  - (a) Spouse;
  - (b) children under the age of 16 years.
12. Particulars of any persons claiming or who may be entitled to claim to be dependants but as to whose claim a question arises and who are therefore made respondents.
13. Particulars of the manner in which the applicant claims to have the amount of compensation sought apportioned or applied (if any)
14. Any other relevant facts

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

(Signed) .....

Applicant, or Applicant's Solicitor, or Agent.

Address .....

Note—If application is signed by an agent it must be accompanied by appointment of such agent.<sup>5</sup>

#### Form 6 amended

21. Appendix A of the principal rules is amended by substituting for Form 6 the following:

#### "FORM 6

(Rule 9 Schedule 1 cl. 5)

#### APPLICATION TO THE BOARD BY OR ON BEHALF OF DEPENDANTS OF WORKER DISABLED ON WESTERN AUSTRALIAN SHIP AND WHOSE DEATH DID NOT RESULT FROM THE DISABILITY IN THE WORKERS' COMPENSATION BOARD OF WESTERN AUSTRALIA.

No. .... of 19.....

#### BETWEEN

..... } Applicant  
of .....

and

The owners of the ship "....." } Respondent(s)  
of .....

1. On the.....day of ..... 19..... ("the material date(s)") the deceased ..... (names), (the master of the ship ".....", or a seaman, or as the case may be) suffered disability and the deceased died on the ..... day of ..... but his death did not result from the disability.
2. \*On the material date the deceased was a worker employed by the respondent or  
\*The applicant was a worker employed by each respondent in manner following:—

#### 3. The applicant as \*legal personal representative/dependant claims

- (a) benefit of \$..... for \*himself/herself as sole surviving spouse of the deceased who was totally/partially dependent upon the deceased prior to his death.
- (b) child's allowance(s) in respect of the ..... surviving \*child(ren) of the deceased details of whom are set out in the particulars hereto.
- (c) Other .....
- (d) Costs.

\*Delete as inapplicable

4. An application under the abovementioned Act is hereby made by the applicant for determination of the said claim.
5. Particulars are hereto appended (if insufficient space separate sheets may be added)

#### PARTICULARS

1. Name and address of deceased
2. Deceased's date of birth
3. Nature of employment of deceased on material date(s)
4. Where disability suffered
5. Full particulars of work in which deceased engaged at time of disability and manner in which it occurred.
6. Nature of disability.
7. Weekly earnings immediately prior to incapacity.
8. Amount of weekly payments (if any) made to deceased under the Act and of any sum paid in redemption thereof or any lump sum paid as compensation
9. The like particulars as to any dependants who are made respondents (N.B. If there is a legal personal representative who is not the applicant, he must be made a respondent).
10. Date and manner of compliance with Section 130.
11. Particulars of dependants:
  - (a) Spouse;
  - (b) children under the age of 16 years.
12. Particulars of any persons claiming or who may be entitled to claim to be dependants but as to whose claim a question arises and who are therefore made respondents.
13. Particulars of the manner in which the applicant claims to have the amount of compensation sought apportioned or applied (if any)
14. Any other relevant facts

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

(Signed) .....

Applicant, or Applicant's Solicitor, or Agent.

Address .....

Note—If application is signed by an agent it must be accompanied by appointment of such agent."

#### Form 8 amended

22. Appendix A of the principal rules is amended by substituting for Form 8 the following:

#### "FORM 8

(Rule 13 (1)) (Heading as in application)

#### NOTICE TO RESPONDENT/THIRD PARTY TO FILE ANSWER

No. .... of 19....

#### BETWEEN

..... }  
 of ..... } Applicant  
                     and

..... }  
 of ..... } Respondent(s)

Take notice that if you wish to defend the application/third party notice a service copy of which is sent to you herewith or disclaim any interest in the subject matter of the proceedings or consider that the applicant's particulars are

in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the Board, or intend to rely on any fact or to deny (wholly or partially) your liability to pay compensation under the Act/or to indemnify the third party, you must file with me an Answer stating your name and address, and the name and address of your solicitor or agent (if any) and stating that you disclaim any interest in the subject matter of the proceedings or stating in what respect the applicant's particulars are inaccurate or incomplete or stating concisely any fact or document which you desire to bring to the notice of the Board, or on which you intend to rely, or the ground on, and extent to which, you deny liability.

Such Answer, together with a copy thereof for the Board, and a copy for the applicant and for each of the other respondents (if any) must be filed with me within 14 days of service of the application/third party notice upon you.

If an Answer is not filed, and subject to such Answer, if any, the applicant's particulars and your liability to pay compensation/indemnity will be taken to be admitted.

And further take notice that in due course you will be advised of the date of a preliminary hearing of the matter which you will be required to attend.

Dated this                      day of                      19

Registrar

To .....  
of ....."

#### New Form 8A

23. Appendix A of the principal rules is amended by the inclusion of a new rule 8A as follows:

#### "FORM 8A

#### Rule 13(2)) (Heading as in application) AFFIDAVIT OF SERVICE

No. .... of 19.....

#### BETWEEN

..... } Applicant  
of ..... and  
..... }

..... } Respondent(s)  
of .....

I ..... of .....  
..... in the State of Western Australia  
..... being duly sworn make oath and say as follows:—

1. I am over the age of 16 years.

2. \*I did on the                      day of  
19

serve the abovenamed with the application in this matter numbered  
of 19                      , which application was dated the                      day of  
19                      , and appeared to me to bear the seal of the Workers' Compensation  
Board of Western Australia.

3. \*Such service was effected by delivering the said application to the  
said

personally,

or  
by delivering the said application to the  
(residence  
(place of business of the said

or  
by sending it in a registered letter addressed to the  
(residence  
(place of business

of the said

4. \*I at the same time and place and in the same manner served the said  
with notice appointing as day of

hearing the                      day of                      19  
Sworn at                      in the State of Western  
Australia this                      day of                      19  
before me—

.....  
Justice of the Peace

\*Complete as appropriate  
or  
Delete as inapplicable"

**Form 9 amended**

24. Appendix A of the principal rules is amended by substituting for Form 9 the following:

**"FORM 9**

(Rule 16(1)) (Heading as in application)

**NOTICE TO PARTIES OF DATE OF PRELIMINARY HEARING**

No. .... of 19.....

**BETWEEN**

..... } Applicant  
of ..... }  
and ..... }  
..... } Respondent(s)  
of ..... }

Take notice that I will proceed with the preliminary hearing of this matter at ..... on the day of ..... , at the hour of ..... o'clock in the ..... noon.

And further take notice that if you do not attend either in person or by your solicitor, agent or by representative duly authorised to negotiate and, if appropriate, agree the terms of a settlement, at the time and place above-mentioned such order will be made and proceedings taken as I may think just and expedient.

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

Registrar

To .....  
of ....."

J. GOTJAMANOS, Chairman, Workers' Compensation Board.

*\*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 and with Corrigenda published on 1 September 1989 at p. 3071, 1 December 1989 at pp. 4430 and 4431 and 16 February 1990 at pp. 1118 and 1119.*

**TENDERS****BUILDING MANAGEMENT AUTHORITY**

Tenders, closing at West Perth, at 2.30 pm on the dates mentioned hereunder, are invited for the following projects.

Tenders are to be addressed to:—

The Minister for Works,  
c/o Contract Office,  
Dumas House,  
2 Havelock Street,  
West Perth, Western Australia 6005

and are to be endorsed as being a tender for the relevant project.  
The highest, lowest, or any tender will not necessarily be accepted.

Tender No.	Project	Closing Date	Tender Documents now available from:
24867....	Pemberton District High School—Construction. Builders Categorisation Category C. Deposit on Documents: \$300. Documents available Wednesday, April 4.	2/5/90	BMA West Perth BMA Bunbury
24869....	Graylands—World Swimming Championship 1991—Temporary Grandstands	2/5/90	BMA West Perth
24870....	Gosnells Primary School—Alterations and Additions to Library and Administration. Builders Categorisation Category D	9/5/90	BMA West Perth
24872....	Transportable Classrooms (3)—Primary Schools—Special Aboriginal Projects	9/5/90	BMA West Perth
24873....	North Perth Junior Primary School—Conversion to Office Accommodation for Swimming/Music	9/5/90	BMA West Perth
24875....	Royal Perth Hospital Alterations—Medical Gases Block Q	9/5/90	BMA West Perth