
WORKCOVER

WC301

Workers' Compensation and Injury Management Act 1981

**Workers' Compensation and Injury
Management Amendment Regulations 2018**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Workers' Compensation and Injury Management Amendment Regulations 2018*.

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 2018* Part 2 comes into operation.

3. Regulations amended

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

4. Regulation 2A amended

- (1) Delete regulation 2A(1) and insert:

- (1) If the minimum award rates that would be relevant to calculating the redemption amount (as defined in Schedule 5 clause 1 of the Act) for a particular financial year are not published, the amount to be calculated for that financial year (the *relevant year*) is to be obtained by varying the amount for the preceding financial year as described in subregulation (2).

- (2) In regulation 2A(2) delete “Labour Price Index (formerly known as the Wage Cost Index), ordinary time hourly rates of pay (excluding bonuses)” and insert:

wage price index for ordinary time hourly rates of pay excluding bonuses (all sectors) (original)

Note: The heading to amended regulation 2A is to read:

Indexation of redemption amount

5. Regulation 6AA amended

Delete regulation 6AA(3).

6. Regulation 11A inserted

After regulation 11 insert:

11A. Amount to discharge liability for child's allowance (Act s. 72J(5))

- (1) In this regulation —
relevant year, in relation to the payment of an amount to WorkCover WA under section 72J(5) of the Act, means the financial year in which the amount is to be paid.

- (2) For the purposes of section 72J(5) of the Act, the amount to be paid to WorkCover WA is to be calculated as follows —

$$C \times \left(1 + \frac{W}{2}\right) \times \frac{1 - 0.999962^{-N}}{-0.000038}$$

where —

- C is the child's allowance (as defined in Schedule 1A clause 5 of the Act);
- W is the percentage by which WPI (as defined in regulation 17AF(1)) varied between the second-last December quarter before the relevant year commenced and the last December quarter before the relevant year commenced;
- N is the number of weeks until the child attains the age of 21 years.

7. Regulation 16A amended

Before regulation 16A(1) insert:

- (1A) This regulation applies only if the injury of a worker occurred and the worker died before 1 July 2018.

Note: The heading to amended regulation 16A is to read:

Clause 1C notifications and elections (Act Sch. 1 cl. 1C, Sch. 8 cl. 10)

8. Regulation 17AE amended

Before regulation 17AE(1) insert:

- (1A) This regulation applies only if the injury of a worker occurred and the worker died before 1 July 2018.

Note: The heading to amended regulation 17AE is to read:

Amount prescribed for funeral expenses (Act Sch. 1 cl. 17(2), Sch. 8 cl. 10(1))

9. Regulations 17AF and 17AG inserted

After regulation 17AE insert:

17AF. Amount prescribed for child's allowance (Act Sch. 1A cl. 5(b))

- (1) In this regulation —
- WPI* means the wage price index for ordinary time hourly rates of pay excluding bonuses (all sectors)

(original) for Western Australia published by the Australian Statistician.

- (2) For the purposes of Schedule 1A clause 5(b) of the Act, the child's allowance is —
- (a) for the financial year commencing on 1 July 2018, the amount of \$135 per week; and
 - (b) for a financial year commencing on or after 1 July 2019 (the *relevant year*), the amount per week determined by —
 - (i) varying the amount for the preceding financial year by the percentage by which WPI varied between the second-last December quarter before the relevant year commenced and the last December quarter before the relevant year commenced; and
 - (ii) rounding the amount to the nearest whole number of dollars (with an amount that is 50 cents more than a whole number being rounded up to the next highest whole number).
- (3) Despite subregulation (2)(b), if the amount determined under that subregulation would result in a decrease in the amount prescribed for the child's allowance, the amount prescribed is the same amount as the amount for the preceding financial year.

17AG. Amount prescribed for funeral expenses (Act Sch. 1A cl. 9(2)(b))

- (1) In this regulation —
CPI means the all groups consumer price index for Perth published by the Australian Statistician.
- (2) For the purposes of Schedule 1A clause 9(2)(b) of the Act, the amount prescribed for funeral expenses is —
- (a) for the financial year commencing on 1 July 2018, \$9 903; and
 - (b) for a financial year commencing on or after 1 July 2019 (the *relevant year*), the amount determined by —
 - (i) varying the amount for the preceding financial year by the percentage by which CPI varied between the second-last March quarter before the relevant year commenced and the last March quarter before the relevant year commenced; and

- (ii) rounding the amount to the nearest whole number of dollars (with an amount that is 50 cents more than a whole number being rounded up to the next highest whole number).
- (3) Despite subregulation (2)(b), if the amount determined under that subregulation would result in a decrease in the amount prescribed for funeral expenses, the amount prescribed is the same amount as the amount for the preceding financial year.

10. Appendix I Form 2D deleted

In Appendix I delete Form 2D.

11. Appendix I Forms 14 and 15 amended

In Appendix I Forms 14 and 15 delete “Schedule 1 clauses 1, 1A, 1B, 1C, 2, 3, 4, 5 and 17(2)” and insert:

Schedule 1A

12. Appendix I Form 29 amended

In Appendix I Form 29 delete “(Schedule 1 clause 1C(1), (5))” and insert:

(Schedule 1 clause 1C(1) and (5), Schedule 8 clause 10)

13. Appendix I Form 30 amended

In Appendix I Form 30 delete “(Schedule 1 clause 1C(4)(a), (5))” and insert:

(Schedule 1 clause 1C(4)(a) and (5), Schedule 8 clause 10)

N. HAGLEY, Clerk of the Executive Council.
