

---

**WORKCOVER**

---

WC301

Workers' Compensation and Injury Management Act 1981

**Workers' Compensation and Injury  
Management Amendment Regulations 2020**

SL 2020/149

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Workers' Compensation and Injury Management Amendment Regulations 2020*.

**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 after that day.

**3. Regulations amended**

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

**4. Regulation 12 amended**

(1) Delete regulation 12(1) and insert:

(1AA) In this regulation —

*lodge* means to lodge in accordance with regulation 57.

(1) A memorandum of an agreement referred to in section 76 of the Act is sent to the Director in accordance with that section by lodging it as soon as practicable after the agreement has been entered into.

(2) Delete regulation 12(3) and insert:

(3) The memorandum is to be signed by or on behalf of each party to the agreement.

(3) In regulation 12(4a) delete “notify the Director by completing Form 15E in Appendix I, and forwarding that completed form to the Director.” and insert:

lodge a notice in the form of Form 15E in Appendix I.

(4) In regulation 12(6) delete “give the Director” and insert:

lodge

**5. Regulation 17AB amended**

In regulation 17AB(3) in the definition of *MBS item* delete “Health and Aged Care;” and insert:

Health;

**6. Regulation 22 amended**

(1) In regulation 22(1) delete “with the Director.” and insert:

in accordance with regulation 57.

(2) Delete regulation 22(2)(a) and insert:

(a) register the election in a register kept for that purpose as soon as practicable after the election form is lodged; and

**7. Regulation 23 amended**

- (1) In regulation 23(2):
  - (a) in paragraph (a) delete “lodging with the Director” and insert:

lodging, in accordance with regulation 57,
  - (b) delete paragraph (b) and insert:
    - (b) lodging, in accordance with regulation 57, anything that this regulation requires to accompany the application form.
  
- (2) In regulation 23(3)(a) delete “lodged, the Director has to be provided with —” and insert:

lodged it must be accompanied by —
  
- (3) In regulation 23(5):
  - (a) in paragraph (a)(i) delete “the Director has to be provided with a copy of the worker’s request; and” and insert:

a copy of the worker’s request must accompany the application form; and
  - (b) in paragraph (a)(ii) delete “the Director has to be provided with a copy of the notification;” and insert:

a copy of the notification must accompany the application form;
  
- (4) In regulation 23(6):
  - (a) delete paragraph (a)(i) and insert:
    - (i) a copy of the worker’s request for an assessment of the worker’s degree of permanent whole of person impairment must accompany the application form; and
  - (b) in paragraph (a)(ii) delete “the Director has to be provided with a copy of the notification;” and insert:

a copy of the notification must accompany the application form;

**8. Part 8 inserted**

After regulation 53 insert:

**Part 8 — Lodging documents****54. Terms used**

In this Part —

**agreement** means either —

- (a) an agreement referred to in section 76(1) of the Act; or
- (b) an agreement referred to in section 92(f) of the Act;

**application** means an application or election made for the purposes of Part IV Division 2 of the Act;

**EDS** means the electronic document system operated by or on behalf of the Director that, amongst other things, enables Part 8 documents to be lodged with the Director;

**EDS exempt**, in relation to an agreement or application, has the meaning given in regulation 56;

**Part 8 document** means any of the following —

- (a) an election, determination, agreement, notice, application or other thing in the form of a Form 1, 1A, 2, 2C, 2CA, 14, 15C, 15D, 15E, 34 or 35 in Appendix I;
- (b) written consent referred to in regulation 12(6);
- (c) a written request referred to in regulation 20 or 21;
- (d) a memorandum referred to in section 92(f) of the Act;
- (e) any document accompanying a document referred to in paragraphs (a) to (d);
- (f) any document the Director considers relevant to an agreement or application.

**55. Completion of documents**

Every Part 8 document —

- (a) where relevant, must be clearly written, typed or reproduced; and
- (b) must be properly completed.

**56. EDS exempt**

- (1) A person is EDS exempt in relation to an agreement or application at a particular time if, at that time —
  - (a) the person —
    - (i) is a party to the agreement or the person who lodged the application; and
    - (ii) is self-represented in relation to the agreement or application; and
    - (iii) is neither an insurer nor a self-insurer;or
  - (b) the person is exempt in relation to the agreement or application under subregulation (3).
- (2) A person is self-represented in relation to an agreement or application if —
  - (a) in the case of a worker — a legal practitioner is not engaged by or on behalf of the worker in relation to the agreement or application; or
  - (b) in the case of an employer — the employer is uninsured.
- (3) The Director may exempt a person from a requirement to use the EDS in relation to —
  - (a) an agreement or application, if satisfied that it would be unreasonable for the person to be required to use the EDS in relation to the agreement or application; or
  - (b) all agreements and applications, if satisfied that it would be unreasonable for the person to be required to use the EDS in relation to the agreements and applications.

**57. Lodging documents**

- (1) A Part 8 document in relation to an agreement or application must be lodged using the EDS unless —
  - (a) the person lodging the document is EDS exempt in relation to the agreement or application; or
  - (b) the EDS is unavailable at the time of lodging.
- (2) A person who is EDS exempt in relation to an agreement or application may lodge a Part 8 document in relation to the agreement or application with the Director in the following manner —
  - (a) by presenting it at the office of the Director when the office is open for business; or

- (b) by sending it to the office of the Director by pre-paid post; or
  - (c) by sending it to the Director by email in accordance with regulation 58(2) and (3); or
  - (d) by using the EDS.
- (3) While the EDS is unavailable for use a Part 8 document may be lodged in the manner referred to in subregulation (2)(a), (b) or (c).
- (4) The Director may at any time require a person who has lodged a Part 8 document by email or by using the EDS to lodge the document in person or by post.
- (5) A person who lodges an agreement under this regulation must confirm that the agreement has been executed in accordance with the laws of the State.

#### **58. Lodging by email**

- (1) For the purposes of regulation 57(2)(c), the Director may —
- (a) approve and publish an email address for the lodgment of documents under this regulation; and
  - (b) determine and publish requirements as to the permissible format and the maximum size of documents that may be lodged under this regulation.
- (2) An email by which documents are lodged under this regulation must —
- (a) state the sender's name; and
  - (b) state a telephone number by which the sender can be contacted; and
  - (c) list and describe the documents being lodged by the email.
- (3) Documents lodged under this regulation must comply with any published requirements as to format and size.

#### **59. Day of lodgment**

- (1) In this regulation —  
*working day* means a day other than a Saturday, a Sunday or a public holiday throughout the State.
- (2) A document is taken to have been lodged —
- (a) if the whole document is received before 5 pm on a particular working day, on that day; or
  - (b) otherwise, on the next working day.

**60. Notification by Director**

- (1) In this regulation —  
*electronic notification*, in relation to a person, includes notification by an email sent to an email address provided by the person;  
*notify* includes to despatch or send a notice to.
- (2) A requirement for the Director to notify a person, or give them a copy of a document, in relation to an agreement or application is satisfied, on a day, if —
  - (a) before 5 pm on that day —
    - (i) the notice or document becomes accessible to the person by using the EDS; and
    - (ii) electronic notification that the notice or document is accessible is sent to the person;
  - or
  - (b) the notice or document is sent to the person by pre-paid post 2 business days before that day;  
or
  - (c) the notice or document is sent to an email address provided by the person before 5 pm on that day.
- (3) Subregulation (2)(a) does not apply if the person —
  - (a) is EDS exempt in relation to the agreement or application; and
  - (b) does not have access to the EDS in relation to the agreement or application.

**9. Appendix I amended**

- (1) In Appendix I Form 15A:
  - (a) after “MEMORANDUM” insert:  
  
**OF AGREEMENT**
  - (b) delete “Memorandum, copy of which is hereto annexed,” and insert:  
  
Memorandum of Agreement
- (2) In Appendix I Form 15C:
  - (a) delete “disability” (each occurrence) and insert:

injury

- (b) delete “in the presence of:”;
- (c) delete “in the presence of-”.
- (3) In Appendix I Form 35:
- (a) delete:

**How to lodge this form**

|    |  |
|----|--|
| 1. | This form should be lodged with:<br>Director<br>WorkCover WA<br>Perth, WA                            |
| 2. | <b>WHEN LODGING THIS FORM ALSO PROVIDE ANYTHING ELSE THAT REGULATION 23 REQUIRES YOU TO PROVIDE.</b> |

and insert:

**How to lodge this form**

|    |  |
|----|--|
| 1. | This form should be lodged in accordance with regulation 57.                                     |
| 2. | <b>WHEN LODGING THIS FORM ALSO LODGE ANYTHING ELSE THAT REGULATION 23 REQUIRES YOU TO LODGE.</b> |

- (b) delete:

**Copies of extension sent to**

|                 |                                    |      |                                  |
|-----------------|------------------------------------|------|----------------------------------|
| <b>worker</b>   | _____                              | Date | <input type="text" value="/ /"/> |
|                 | (signature of person sending copy) |      |                                  |
| <b>employer</b> | _____                              | Date | <input type="text" value="/ /"/> |
|                 | (signature of person sending copy) |      |                                  |

R. NEILSON, Clerk of the Executive Council.