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[1956

WORKERS' COMPENSATION ACT, 1912-1954.

The Workers' Compensation Board,

Perth, 22nd February, 1956.

Ex. Co. No. 283.

HIS Excellency the Governor in Executive Council, under the provisions of section 35 of the Workers' Compensation Act, 1912-1954, has been pleased to make The Workers' Compensation Board Rules, 1955, set forth in the Schedule hereunder.

NEWTON W. MEWS,
Chairman.

Schedule.

Preliminary.

Short title.

1. (1) These rules may be cited as "The Workers' Compensation Board Rules, 1955," and shall have effect under the Workers' Compensation Act, 1912-1954 (in these rules referred to as the Act) with reference to any matter or proceeding for the regulation of which rules may be made under the Act, and generally for carrying the Act into effect so far as it affects the proceedings before or in connection with the Workers' Compensation Board.

(2) These rules shall come into operation from the date of publication hereof in the *Government Gazette*.

2. The Local Court (Workers' Compensation) Rules, 1913 (in these rules referred to as "the former rules") are hereby revoked as from the coming into operation of these rules, but such revocation shall not affect anything done or omitted under the former rules before the revocation thereof, and any proceedings commenced under the former Rules may be continued under these Rules, or may if the Board so directs be continued as if the former Rules were still in force.

Interpretation.

3. (1) In these rules, unless the context requires otherwise, the expression—

"Act" means the Workers' Compensation Act, 1912-1954;

"Agent" means a person appointed under section 29 (3) (c) of the Act;

"Board" means the Workers' Compensation Board constituted under the provisions of the Act;

"Chairman" means the Chairman of the Board;

"Registrar" means the Registrar of the Board;

"Schedule" means a Schedule to the Act.

(2) Expressions used in these rules have the same meanings as the same expressions have when used in the Act.

(3) The Interpretation Act, 1918-1954, applies for the purpose of the interpretation of these rules as it applies for the purpose of the interpretation of an Act of Parliament.

Claim for Compensation.

4. A person who desires to claim compensation under the provisions of the Act shall prior to making formal application to the Board, support his claim by supplying to his employer, where requested so to do by him, or if an approved insurer is acting on behalf of the employer, then to the insurer, if so requested, all such *prima facie* evidence as is reasonably within his knowledge or power to supply, including information regarding the accident and the names and addresses of any witnesses thereto, the injury and any medical evidence thereof, and where the claim is based on relationship then the necessary certified birth, death or marriage certificates as the case may be to prove the relationship.

Where the employer or insurer requests that such evidence be in writing (and provides all clerical assistance necessary to render it in proper form), the claimant shall not, except for good cause shown to the Board, refuse to attest it by statutory declaration.

If in the course of a formal application it is shown that a person has failed to comply with this rule, the Board may take the failure into consideration in awarding costs.

Parties to Proceedings.

Parties.

5. (a) Where application is made for the determination by the Board of any matter which under the Act is to be heard and determined by the Board, the party making the application shall be called "the applicant"; and, subject to these rules all other persons whose presence at the hearing may be necessary to enable the Board effectively and completely to adjudicate upon and determine all the questions involved shall be made parties to the application, and shall be called "the respondents."

(b) In any case in which both the principal as defined by the Act and a contractor with him or two or more principals or employers are alleged to be liable to pay compensation under the Act, whether jointly or severally, or, in the alternative, they may be joined as respondents.

Joinder.

6. More persons than one may be joined as applicants in one application in any case in which any right to any relief arising out of the same injury to the same worker is alleged to exist whether jointly, severally or in the alternative, but the Board, upon the application of any respondent, may order separate hearings if it appears that such joinder may embarrass or delay proceedings.

Application of dependants.

7. (a) An application on behalf of the dependants of a deceased worker for the determination by the Board of the amount payable as compensation to the dependants may be made by the legal personal representatives, if any, of the deceased worker on behalf of the dependants or by the dependants themselves; and in either case the particulars to be filed as hereinafter mentioned shall contain particulars as to the dependants on whose behalf the application is made.

(b) If there is any conflict of interest between the dependants themselves, or if any dependants neglect or refuse to join in an application, the application may be made by or on behalf of some only of the dependants, the other dependants in either case being named as respondents.

(c) For the purposes of this rule the expression "dependants" includes persons who claim or may be entitled to claim to be dependants, but as to whose claim to rank as dependants any question arises.

(d) An application for the determination of the amount payable as compensation shall contain particulars as to the persons in respect of whom compensation is claimed as dependants.

8. (a) In any case in which the amount payable as compensation to the dependants of a deceased worker has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the amount payable to each dependant, an application for the determination of the question by the Board may be made either by the legal personal representative, if any, of the deceased worker on behalf of the dependants or any of them, or by such dependants or any of them, against the other dependants, and the persons claiming or who may be entitled to claim to be dependants, but as to whose claim to rank as such a question arises; or such application may be made by the persons claiming to be dependants, but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased worker, and the dependants, and such of the persons claiming or who may be entitled to claim to be dependants, as are not applicants.

(b) In any such case, if the employer has paid the agreed or ascertained amount of compensation, it shall not be necessary to make him a respondent, but if such compensation or any part thereof is still in his hands he shall be made a respondent.

(c) The employer, if made a respondent, may pay the amount of compensation in his hands into the custody of the Board, to be dealt with as the Board may direct, and thereupon further proceedings against him shall be stayed.

(d) The Registrar shall send notice thereof to the applicant and to the other respondents (if any), and the employer shall not be liable to any further costs.

9. An application for the determination by the Board of the sum payable in respect of medical or hospital expenses of a worker, or of the funeral expenses of a deceased worker, may be made by the worker concerned, by his dependants, by his legal personal representative, or by any creditor or creditors to whom any such sums are claimed to be due as the case may be. Where application is made by a creditor then he shall in his application give particulars of any other persons known to him as persons to whom any expenses incurred in respect of the same injury are due, and in any such case the Board may, where it appears that the total expenses exceed the maximum statutory liability of the employer, apportion such expenses between the creditors whether parties to the application or not as it may think fit.

10. The provisions of the Local Court Rules, 1923, relating to parties suing or defending on behalf of other parties having the same interest, and as to partners and persons under disability, and being sued shall, with the necessary modifications, apply to proceedings before the Board, except that the Board may at any time direct that an infant shall appear either as applicant or respondent in the same manner as if he were of full age.

Applications for Determination by the Board.

11. (1) An application for the determination of any matter or question by the Board shall be made by the applicant filing with the Registrar an application, in accordance with one of the Forms Nos. 1-9 inclusive in the Appendix as shall be applicable to the case intitled in the matter of the Act, and in the matter of the proceeding, which shall state concisely the question which has arisen.

(2) Particulars shall be appended or annexed to the application containing—

- (a) a concise statement of the circumstances under which the application is made, the question which has arisen between the parties, and the relief or order which the applicant claims;
- (b) where the applicant is the injured worker the date of service of notice of the injury on the employer, or if such notice has not been served, the reason for such omission; and
- (c) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

(3) Where the applicant is the injured worker a copy of the notice of the injury shall be appended or annexed to the particulars. Where this rule cannot be complied with, the reason for the omission shall be stated in the particulars.

Application
by employer.

12. (a) Where an employer on whom a claim for compensation has been made desires to make an application for the hearing and determination of any matter by the Board, he shall file an application in accordance with these rules, to which the worker, or the legal personal representative, if any, and the persons claiming or who may be entitled to claim to be dependants of a deceased worker, or the other persons (as the case may be) on whose behalf the claim was made, shall be respondents.

(b) Particulars shall be appended or annexed to the application, containing—

- (i) a concise statement of the circumstances under which the application is made;
- (ii) a statement whether the applicant admits his liability to pay compensation or denies such liability, wholly or partially, with (in the latter case) a statement of the grounds on and extent to which he denies liability;
- (iii) a statement of the matters which the applicant desires to have determined by the Board; and
- (iv) the full names and addresses of the respondents and of the applicant and his solicitor, if the proceedings are commenced through a solicitor.

Forms of
application.
Forms 1-9
inclusive.

13. The application and particulars shall be according to such one of the Forms Nos. 1-9 inclusive in the Appendix as shall be applicable to the case, with such modifications as the circumstances require and the applicant shall deliver to the Registrar with the application and particulars one copy thereof for the use of the Board, and a copy for each respondent to be served.

Where
applicant is
illiterate.

14. (a) Where any party to any proceedings is illiterate or unable to complete any form required to be used, it may be completed by the Registrar or other person appointed in that behalf.

Signing of
application;
appointment
of agent.
Form 55.

(b) Where an application is signed by an agent on behalf of the applicant it shall be accompanied by the appointment of the agent according to Form No. 55 in the Appendix, signed by the person entitled to apply. The applicant shall, until the appointment of his agent is duly cancelled, be bound by the acts of his agent.

Day of Hearing and Notice.

Day of
hearing.

15. On the filing of an application the Registrar shall, as soon as conveniently may be, appoint a day and hour for proceeding with the matter. The day shall be so fixed as to allow the copies of the application and particulars to be served on the respondents at least twenty clear days before the day so fixed.

Notice.

Form 11.

Form 12.

16. (1) On the day for proceeding with the matter being fixed, the Registrar shall give or send by post notice in writing to the applicant, according to Form No. 11 in the Appendix, stating the place at which and the day and hour on and at which the matter will be proceeded with, and shall issue the copies of the application and particulars, under the seal of the Board, for service on the respondents, together with notices according to Form No. 12 in the Appendix, under the seal of the Board, stating the place at which and the day and hour on and at which the matter will be proceeded with and that if the respondents do not attend in person or by their solicitors or agents such order will be made and proceedings taken as the Board may think just and expedient.

(2) Where the application is filed by an employer, the notices to be served on the respondents shall be modified by the omission of the words therein relating to the denial or admission of liability to pay compensation.

17. (1) The copies and notices mentioned in the last preceding rule shall be served on the respondents at least twenty (20) clear days before the day fixed for hearing. ^{Service.}

(2) The copies and notices may be served by the applicant or any competent person employed by him. ^{Who may serve.}

(3) The copies and notices may be served by delivering the same at, or sending them by post in a registered letter addressed to the residence or place of business of the person on whom they are to be served. ^{Mode of service.}

(4) Where the respondent is a body of persons, corporate or unincorporate by delivering the same at, or by sending them by post in a registered letter addressed to the respondent at the office, or if there be more than one office, any of the offices of such body. ^{Mode of service.}

(5) The applicant shall (unless the respondent files an answer) file with the Registrar an affidavit of service according to the Form No. 10 in the Appendix, with such variations as the circumstances of the case may require. ^{Affidavit of service. Form 10.}

(6) Where an affidavit of service is not so filed before the day appointed for hearing, the application shall be struck out, but may be restored for hearing on such terms as the Board may order. ^{No affidavit.}

Stay of Proceedings.

18. Where several applications are filed by different applicants against the same respondent in respect of matters arising out of the same circumstances, the respondent may, on filing an undertaking to be bound so far as his liability to pay compensation is concerned, by the order in such one of the said matters as may be selected by the Board, apply to the Board, for an order to stay proceedings in the matters other than the one so selected until an order is made in the selected matter.

Answer by Respondent.

19. (1) If a respondent desires to disclaim any interest in the subject matter of the proceedings, or considers that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any fact or document to the notice of the Board, or intends to rely on the fact that notice of the accident or of the death, disablement, or suspension was not given as required by the Act, or that the claim for compensation was not made within the time limited by the Act, or intends to deny (wholly or partially) his liability to pay compensation under the Act, he shall, seven clear days at least before the day fixed for proceeding with the matter, file with the Registrar an answer in Form No. 13 ^{Form 13.} in the Appendix or as appropriate, stating his name and address, and the name and address of his solicitor or agent (if any), and stating that he disclaims 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 he desires to bring to the notice of the Board, or on which he intends to rely, or the grounds on and extent to which he denies liability.

(2) The respondent shall, with such answer, file copies thereof for the applicant and the Board, and one copy for each of the other respondents (if any), and the Registrar shall transmit a copy by post to the applicant and the other respondents respectively.

(3) Subject to any answer so filed, and to the provisions of the next following paragraph, the applicant's particulars, and, in the case of a claim for compensation the liability to pay compensation under the Act, shall be taken to be admitted.

(4) In the case of non-compliance with this rule, and of the applicant's not consenting at the hearing to permit a respondent to avail himself of any matter of which he should, pursuant to this rule have given notice by filing an answer, the Board may either proceed with the hearing and allow the respondent to avail himself of such matter, or adjourn the hearing to enable the respondent to file such answer.

(5) The provisions of this rule shall, with the necessary modifications, apply to a case in which a request is filed by an employer; but a respondent who fails to file an answer shall not be taken to admit the truth of any statement in the applicant's particulars in which he denies, wholly or partially, his liability to pay compensation.

Submission to Order or Payment into Board by Respondent.

20. (1) Where a respondent from whom compensation is claimed admits liability he may at any time before the day fixed for proceeding with the matter—

Form 14.

(a) where the application is made by an injured worker, file with the Registrar a notice as in Form No. 14 in the Appendix or as appropriate that the respondent submits to an order for the payment of a weekly sum, to be specified in such notice; or that he submits to a determination for the payment of a lump sum, to be specified in the notice; which he considers to be sufficient to cover his liability in the circumstances of the case, and pay such sum into the Board; or

(b) where the application is made on behalf of the dependants of a deceased worker, or for the determination of the sum payable in respect of medical attendance on, or the burial of a deceased worker who leaves no dependants, pay into the Board such sum of money as the respondent considers sufficient to cover his liability in the circumstances of the case.

Form 15.

(2) The Registrar shall, on a notice being filed or payment being made pursuant to the last preceding paragraph, send notice thereof in Form No. 15 in the Appendix (with, where a notice is filed, a copy of such notice) to the applicant, and to the other respondents (if any).

Form 16.

(3) If the applicant elects or is willing to accept in satisfaction of his claim the weekly payment or lump sum specified in the respondent's notice, he shall send to the Registrar and to the respondent, or where there is more than one respondent to each of them, by post or by leaving it at the office of the Registrar and the residence or place of business of the respondent or respondents, a written notice in Form No. 16 in the Appendix stating his acceptance, within such reasonable time before the day fixed for proceeding with the matter as the time of filing of notice of submission by the respondent permits.

(4) If a respondent, other than the respondent who has given notice, is willing to accept the sum paid into the Board in satisfaction of the compensation applied for, he shall in like manner give notice of his willingness to the Registrar and to the applicant and any other respondents.

(5) If the applicant is a worker and elects to accept in satisfaction of his claim the weekly payments submitted to by the respondent, or if in any other case the applicant and all the other respondents (if any) give notice of their willingness to accept the sum paid into the Board, the following provisions apply:—

(a) Where the respondent submits to an order for the payment of a weekly sum, the Board may forthwith make an order directing payment of such weekly sum accordingly.

- (b) Where the respondent has paid money into the Board, further proceedings against the respondent shall be stayed except as hereinafter mentioned; and
- (i) if the applicant and the other respondents agree as to the apportionment and application of the sum, the Board may, on application made on behalf of or with the consent of all the parties, forthwith make an order for the apportionment and application;
 - (ii) in any other case the matter may proceed as between the applicant and the other respondents.
- (c) In any such case the Board may, in its discretion, order the respondent filing notice of submission to an order or paying money into the Board to pay such costs as the applicant and the other respondents or any of them may have properly incurred before the receipt of notice of submission to an order or payment into the Board, and his or their costs properly incurred in relation to the notice of submission to an order or payment into the Board, and to notice of acceptance, including, if the Board on consideration of the facts of the case shall so order, any items which might have been allowed by order of the Board at the hearing.
- (d) If the applicant or any respondent intends to apply for any costs, he shall give notice of his intention so to do in writing with his acceptance or submission or where the time of filing notice of submission to an order or the time of payment into the Board by the respondent does not permit of notice of acceptance being given, the applicant or any respondent may apply for costs without giving the notice.

(6) Where any party has not given notice of acceptance in accordance with this rule, he may nevertheless accept the weekly payment which the respondent has submitted to pay, or the sum paid into the Board, at any time before the proceedings are called on and opened, subject to the payment of any costs which may have been reasonably incurred by the respondent since the date of filing notice of submission, or the date of payment into the Board, and which may be allowed by the Board; and the Board may order any costs so allowed to be paid by the party so accepting, and may order the costs to be set off against any costs payable to the party, or to be deducted from any weekly payment or compensation awarded to the party.

(7) In default of notice of acceptance, the matter may proceed, but if no greater weekly payment or compensation is awarded than that which the respondent has submitted to pay or has paid into the Board, the respondent shall not be liable to pay any further costs than such as he might have been ordered to pay if the weekly payment offered or sum paid into the Board had been accepted; and the Board may order the costs incurred by the respondent after notice of submission to an order or payment into the Board to be paid by any party who has not given notice of acceptance of the weekly payment or sum, and may order the costs to be set off against any other costs payable to the party, or to be deducted from any weekly payment or compensation awarded to the party. The Board may also order the costs incurred after notice of payment into the Board by any party who has given notice of acceptance to be paid by any other party who has not given the notice and to be deducted from any compensation awarded to the last-mentioned party.

(8) The provisions of this rule, with the necessary modifications, apply to a case in which an employer who has filed a request admits liability to pay compensation.

(9) Where in the case of an injured worker an employer admits liability, he may at any time before the time fixed for proceeding with the matter, instead of filing a notice that he submits to an order for the payment of a weekly sum, file a notice that he submits to an order for the payment of a lump sum, to be specified in the notice, which he considers to be sufficient to cover his liability in the circumstances of the case, and may thereupon pay such sum into the Board; and the provisions of this rule shall, with the necessary modifications, apply to a case in which an employer files a notice and pays money into the Board under this paragraph.

Notice to Parties against whom Indemnity Claimed
under Section 16.

Notice
of claim.

Form 20.

Appearance
by third
party.

Default of
appearance
by third
party.

Directions.

21. Where a respondent claims to be entitled under section 16 of the Act to indemnity against any person not a party to the proceedings, he shall, seven clear days at least before the day fixed for the hearing, file a notice of his claim, according to the Form No. 20 in the Appendix; and the Registrar shall seal the notice and deliver it to the respondent, who shall serve the same, together with a copy of the application and particulars, and of the notice of the day of hearing upon the person against whom the claim is made.

22. (a) Where a person served with a notice under the last preceding rule (in these rules called the third party) desires to dispute the applicant's claim as against the respondent on whose behalf the notice has been given, or his own liability to the respondent, he shall appear before the Board on the day fixed for the hearing, or on any day to which he may receive notice from the Registrar that the proceedings have been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any order made against the respondent as to any matter which the Board has jurisdiction to decide in the proceedings as between the applicant and the respondent, whether the order is made by consent or otherwise, and his own liability to indemnify the respondent to the extent claimed in the notice served on him by the respondent.

(b) Where it appears to the Board before or at the hearing that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the Board may adjourn the proceedings on such terms, as to costs and otherwise, as may be just.

23. (a) Where the third party fails to appear within the time mentioned in Rule 22, or, if the proceedings are adjourned under that rule, on the day to which the proceedings are adjourned, then if the hearing results in an order in favour of the applicant, the Board may, on the application of the respondent, make such order as the nature of the case may require in favour of the respondent against the third party; but execution thereon shall not issue without leave of the Board until after satisfaction by the respondent of the order against him, but the Board may set aside or vary any order made against the third party under this rule upon such terms as may be just.

24. The third party or the respondent may apply before or at the hearing to the Board for directions; and the Board upon the hearing of the application may, if satisfied that there is a question proper to be determined as to the liability of the third party to make the indemnity claimed, in whole or in part, order the question of such liability as between the third party and the respondent, giving the notice to be determined at or after the hearing, and if not so satisfied may make such order as the nature of the case may require in favour of the respondent, giving the notice against the third party; or the Board may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, and

generally may give such directions as the Board may think proper for having the question most conveniently determined, and as to the mode or extent in or to which the third party shall be bound or made liable by the order of the Board.

25. The Board may decide all questions of costs as between the third party and the other parties to the proceedings and may order any one or more to pay the costs of any other or others, or give such directions as to costs as the justice of the case may require. ^{Costs.}

Notice to Parties against whom Indemnity Claimed
under Section 18.

26. (1) Where a respondent claims that if compensation is recovered against him he will be entitled under section 18 of the Act, or otherwise than under section 16, to indemnify against any person not a party to the proceedings, he shall file and serve a notice of his claim in accordance with Rule 21.

(2) (a) Where any person served with a notice under the last preceding paragraph (in these rules called the third party) desires to dispute the applicant's claim as against the respondent on whose behalf the notice has been given, he must appear before the Board on the day fixed for the hearing, or on any day to which he may have received notice from the Registrar that the proceedings have been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any order made against such respondent as to any matter which the Board has jurisdiction to decide as between the applicant and the respondent, whether such order is made by consent or otherwise.

(b) Where it appears to the Board before or at the hearing that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that, for any other sufficient cause the third party is unable to appear on such day, the Board may adjourn the proceedings on such terms, as to costs or otherwise, as may be just.

(3) The third party or the respondent may apply before or at the hearing to the Board for directions; and the Board, upon the hearing of the application, may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or appear at the hearing and take such part therein as may be just, and generally may give such directions as the Board shall think proper.

(4) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of rule 25 as to costs shall apply.

(5) Nothing in this rule shall empower the Board to decide (otherwise than by consent) any question as to the liability of the third party to indemnify the respondent, or to make any order in favour of the respondent against the third party, or to make any further or other order than that the third party shall not be entitled in any future proceedings between the respondent and the third party to dispute the validity of the order as to any matter which the Board has jurisdiction to decide as between the applicant and the respondent.

(6) Except that, with the consent of the respondent and the third party—

(a) if the proceedings result in an order in favour of the applicant, and the third party admits his liability to indemnify the respondent, the Board may, on application made at or after the hearing or the final decision, make such order as the nature of the case may require in favour of the respondent against the third party; but execution thereon shall not issue without leave of the Board until after satisfaction by the respondent of the order against him; or

- (b) the Board may on an application for directions, order any question as to the liability of the third party to make the indemnity claimed to be settled, as between the respondent and the third party, after the hearing between the applicant and the respondent, and may on such subsequent hearing make such order as the nature of the case may require in favour of either party against the other.
- (c) In any such case the Board may decide all questions of costs as between the respondent and the third party, and may order either of the parties to pay the costs of the other (including any costs payable by the party to any other party to the proceedings) or give such directions as to such costs as the justice of the case may require.

Third Party Procedure Where Employer is Applicant.

27. The provisions of Rules 22 and 26 shall, with the necessary modifications, apply to a case in which an employer who has filed an application claims to be entitled to indemnity against any person not a party to the proceedings.

Claim to Indemnity as Between Respondents.

28. (1) Where a respondent claims to be entitled to indemnity against any other respondent, a like notice shall be issued and the like procedure shall thereupon be adopted for the determination of questions between the respondents as might be issued and adopted against the other respondent if the last-mentioned respondent were a third party.

(2) Nothing herein contained shall prejudice the rights of the applicant against any respondent.

Abridgement of Time for Service.

29. The Board may for good cause shown abridge the time for service of an application on any respondent, or the time for filing an answer, or serving a third party notice under these rules; and if an order is made to that effect a copy of the order shall be annexed to and served with the notice to be served on the respondent.

Procedure at Hearing.

Procedure. 30. (1) Subject to the special provisions of these rules and any special direction of the Board the procedure at the hearing of an application shall conform as nearly as may be to the procedure at the hearing of an action in Local Courts established under the provisions of the Local Court Act, 1904-1954.

Burden of proof. (2) The burden of proof of any fact which is not admitted shall be with the party alleging it.

Award and Enforcement.

Award. 31. (1) The award of the Board on any determination shall be signed by the chairman and shall be sealed and filed.

Corrections. (2) The Board shall have power at any time to correct any clerical mistake or error in an award arising from any accidental slip or omission.

(3) Every award shall be noted in the appropriate record, but it shall not be necessary in every case, unless by the direction of the chairman, to draw up any formal award or order.

Certificate. (4) The Registrar shall upon application being made by any person or by the solicitor or duly appointed agent of any person in whose favour an award or order has been recorded or made, issue to such person, solicitor, or agent a certificate thereof, in the Form 21 (a), (b), (c). appropriate form in the Appendix.

(5) A person in whose favour an award or order has been promulgated by the Board may file or cause to be filed the certificate issued as in paragraph (4) of this rule in a Local Court established under the provisions of the Local Courts Act, 1904-1954, having jurisdiction within the district where the debtor mentioned in the certificate resides, when the Clerk of the Local Court shall enter judgment for that person for the sum of the certificate, together with any fees paid for the certificate to the Registrar and the fees paid for filing the certificate and entering the judgment, and when entered the judgment shall be subject to the provisions of the Act be enforceable and be regarded for all purposes as a judgment of the Local Court. ^{Enforcement of Award.}

Proceedings Against Insurers Where Employer Bankrupt.

(Section 17).

32. (1) Where under section 17 of the Act the rights of an employer against any insurers under a contract entered into by the employer with the insurers in respect of any liability under the Act to any worker are transferred to and vest in the worker, the following provisions shall have effect:— ^{Vesting of rights.}

(2) Where a worker who is or claims to be entitled to compensation from an employer to whom section 17 of the Act applies is unable to ascertain whether the employer has entered into a contract with insurers in respect of his liability, he may apply to the Board on affidavit intitled in the matter of the Act, and setting forth the facts on which the application is made, for an order for the examination of the employer, and the Board may make such order as shall in the circumstances seem necessary to procure the attendance and examination of the employer. ^{Examination of employer.}

(3) The provisions of the Act and these rules as to the settlement of matters in dispute shall, with the necessary modifications, apply to the settlement as between the worker and the insurers, of any question as to the liability of the insurers to the worker or the amount of their liability, and of any other question which would under the Act be the subject of proceedings between the worker and the employer if the rights, remedies, and liability of the employer had not been transferred to the insurers. ^{Proceedings between worker and insurer.}

Workers Employed on Ships (Section 19).

33. (1) In the application of the Act and these rules in the case of persons employed on Western Australian ships who are workers within the meaning of the Act, the following provisions shall have effect:—

(2) In the case of the death of a worker, the claim for compensation shall state the date at which news of the death was received by the claimant.

(3) The claim for compensation on behalf of dependants of a worker lost with his ship, and the particulars appended or annexed to the application for the hearing and determination of the claim, shall state the date at which the ship was lost or is deemed to have been lost.

(4) The application shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case shall require.

(5) In any document, notice, or proceeding it shall be sufficient to describe the owners of the ship as "the owners of the ship"; and the provisions of the Local Court Rules, 1923, as to the disclosure of the names of the partners shall with the necessary modifications apply to the disclosure of the names of such owners.

(6) Subject to the provisions of paragraph (a) of subsection (3) of section 19 of the Act as to service of the notice of accident and the claim for compensation, any document, notice, or proceeding to be served on the owners of a ship shall be deemed to be sufficiently served if served on the managing owner or manager for the time

being of the ship, or (except where the master is claiming compensation) on the master of the ship; and section 696 of The Merchant Shipping Act, 1894, subsection (1), shall apply to service on the master of the ship, and where the master is claiming compensation, and there is no managing owner of the ship, service may be effected in accordance with paragraph (c) of the last-mentioned subsection.

Agreements.

Memorandum. 34. (1) Where an agreement has been entered into a Memorandum whereof is required by paragraph 15 of the First Schedule to be sent to the Registrar, the Memorandum shall be according to such one of the forms in the Appendix as is applicable to the circumstances of the case, and shall be delivered to or sent by post to the office of the Registrar as soon as may be after agreement has been reached.

Form 22.

Authentication. (2) The Memorandum shall be authenticated by the signatures of the parties to the agreement or at least one of them, provided that in the case of employers the signature may, if not that of the actual employer, be that of any official in his employ or in the employ of his insurer duly authorised to sign on his behalf, and in the case of persons under disability, by the signature of their next friend on their behalf.

Original. (3) Whenever the Memorandum is not the original agreement the Registrar may require the original (if in writing) to be produced for his inspection.

Statement to be supplied. (4) In every case the Memorandum shall be accompanied by a statement of particulars of the claim in such one of the forms in the Appendix as is appropriate.

Form 22A.

Copies. (5) In addition to the Memorandum and statement to be left with the Registrar there shall be left one additional copy for every party interested.

Insurer to stand in place of employer. (6) When and as often as an insurer leaves or sends a Memorandum on behalf of an employer, then the insurer shall stand in the place of the employer with regard to notices and the proceedings connected with the recording of the agreement.

Notice to parties. 35. On receipt of the Memorandum the Registrar shall send to each interested party one copy thereof together with a copy of the statement of particulars, with notice according to Form 23 in the Appendix, requesting such party to inform him within seven days from the date of the notice whether the Memorandum is genuine, or whether he disputes it, and if so in what particulars, or whether he for any reason objects to its being recorded, and if so, on what grounds, but that the Registrar may in his discretion allow a longer period than seven days for reply should the circumstances so require.

Form 23.

Inquiry by Registrar. 36. (1) Prior to recording a Memorandum the Registrar shall in each case satisfy himself as to the propriety of so doing, having regard to its genuineness, or the adequacy of the payment to be made thereunder, or any other matters arising under paragraph 15 of the First Schedule, and for that purpose he may require information additional to that in the statement of particulars and may *inter alia* send to any of the parties notice to attend for interrogation, and to the employer notice requiring him at his own expense to have the worker examined by a doctor who shall if practicable be a specialist nominated by the Registrar.

(2) Where it appears to the Registrar that the Memorandum ought not to be recorded he shall refer it to the Board together with a report of all relevant information and the grounds upon which it appears to him that the Memorandum ought not to be recorded.

(3) After consideration of the Registrar's report the Board may direct that the Memorandum be recorded, or that it be not recorded, or that it be not recorded unless amended in such manner as the Board may indicate and the parties ratify by agreement.

(4) Whenever the Board directs that the Memorandum be not recorded, and be recorded only subject to certain specified amendments, each of the parties shall be notified accordingly, and such direction shall be subject to any order made pursuant to Rule 39.

37. (1) Where any party interested disputes the genuineness of the Memorandum, or the adequacy of the compensation agreed upon or alleges where relevant that the worker has in fact returned to work for not less than pre-accident wages, or for any other proper reason objects to the recording of the agreement he shall within the time limited by the notice mentioned in Rule 35 notify the Registrar that he objects to recording of the Memorandum, stating his grounds for such objection, according to Form 24 in the Appendix.

(2) On receipt of an objection from any party or where the Board has directed that the Memorandum be not recorded the Registrar shall send to each other party notice in Form No. 25 in the Appendix informing such parties that the Memorandum will not be recorded except with the consent in writing of the objector or by order of the Board.

38. Whether or not an objection has been received or the Registrar has refused to record it a Memorandum may after being lodged be amended or varied by the Registrar, provided that he has the consent in writing of all parties to such amendment or variation.

39. (1) Where any party, who has received notice pursuant to Rule 36 (4) or Rule 37 (2), requires that the Memorandum be recorded, he may lodge with the Registrar an application according to Form No. 26 in the Appendix stating the relief or order that he claims.

(2) Proceedings subsequent to the lodgment of such applications shall be as nearly as may be similar to those referred to in Rules 12 to 14 inclusive, but failure of any party upon whom the application is served to lodge an answer shall not be deemed to be an admission of any fact alleged in the application.

(3) The Registrar may intervene in any such proceedings and give such evidence and summon and call any such witnesses as he shall think fit.

(4) The Board shall make such order or give such directions as to it shall seem just, including any order for costs.

40. (1) Applications to the Board pursuant to proviso (e) to paragraph 15 (1) of the First Schedule or for rectification of the record may be made according to Form No. 28 in the Appendix by any interested party in the same manner as applications pursuant to Rule 39 and proceedings subsequent upon such applications shall be as nearly as may be similar.

(2) If it appears to the Chairman on a report by the Registrar without application as in the last preceding paragraph mentioned that the record of a Memorandum should *prima facie* be removed from the register pursuant to the said proviso, the Registrar shall send notice to the parties to the agreement according to Form No. 29 in the Appendix, requiring them to attend on a day to be named in the notice when the matter will be inquired into by the Board.

(3) Such notice shall be sent and the inquiry as nearly as may be in the same manner as proceedings subsequent to an application except that failure to lodge an answer shall not be deemed an admission of any facts alleged in the notice.

41. At any time subsequent to the recording of a Memorandum in the register any party to the agreement may apply and obtain from the Registrar a certificate of such recording.

Appointment of Medical Referees and Medical Boards.

Medical
Referees.
Form 30.

42. (1) An application for the reference of any matter to a Medical Referee shall be made to the Registrar by any party in the Form No. 30 in the Appendix. A fee of ten shillings shall be payable on each application, which shall contain a concise statement of the facts from which the reference arises and the questions it is desired to have placed before the Medical Referee, and shall be accompanied by a list of all medical practitioners who have examined the worker together with any medical certificates, x-rays, or other documents which it is desired that the Medical Referee shall consider.

(2) Upon receipt of the application, the Registrar shall give notice to the other party or parties, requesting that a list of the names of all medical practitioners who have examined the worker on his, on its, or their behalf, together with any certificates, x-rays, or other documents, which it is desired to have placed before the Medical Referee be forwarded within a date specified in the notice. At the expiration of the time specified or any extended time, the Registrar shall proceed to appointment of the Referee.

Form 32.

(3) On appointment the Medical Referee shall be supplied by the Registrar with a proper authority to act in accordance with Form No. 32 in the Appendix, the terms of reference and all certificates and other documents forwarded by the parties for his consideration.

Form 33.

(4) Upon receipt of an application the Registrar shall make such inquiries as he may deem necessary to ascertain whether a worker is in a fit condition to travel for the purpose of the examination by the Medical Referee and if the Registrar is satisfied that the worker is in a fit condition shall by notice according to Form 33 in the Appendix order him to attend at such time and place as the Registrar may fix, and shall notify the Medical Referee accordingly; and it shall be the duty of the worker on being served either personally or by registered post with the order, to submit himself for such examination. If the worker proves to the satisfaction of the Registrar that he is not in a fit condition to travel for the purpose of the examination the Registrar shall, after consultation with the Medical Referee make such arrangements as may be necessary for the conduct of the examination, and it shall be the duty of the worker to comply with such arrangements.

(5) Any necessary and reasonable expenses incurred, or to be incurred, by a worker in connection with his appearance before a Medical Referee for the purpose of an examination shall be provided by the party making the application.

Form 34.

(6) Upon completion of the examination the Medical Referee shall forward his report in Form No. 34 in the Appendix to the Registrar, and shall at the same time return to the Registrar all the certificates and other documents that accompanied his appointment.

Form 35.

(7) The Registrar shall upon receipt of the certificate of the Medical Referee forward a copy thereof to the parties in accordance with Form No. 35 in the Appendix.

(8) The costs and expenses of any references to a Medical Referee, including those mentioned in paragraph (5) hereof may be allowed in costs in any subsequent proceeding.

(8a) If either party is dissatisfied with the certificate of the Medical Referee he may within twenty-one (21) days of the receipt of the certificate notify the Registrar that he is so dissatisfied and request that the matter be referred to a medical board, whereupon the Registrar shall proceed as nearly as possible in the manner described in the next succeeding rules to convene a medical board.

(9) An application for reference of a question or questions to a medical board shall be in Form No. 31 in the Appendix, and shall be signed by the worker and by the employer or his insurer as evidence of agreement to such reference (except in the case of an appeal from a referee when application may be made by either party). Any medical certificates or other documents to be placed before the medical board shall be attached thereto or lodged with the Registrar not later than three (3) clear days after the application.

Medical Board.
Form 31.

(10) The Registrar shall thereupon proceed to the appointment of the medical board, arrange with its members the time and place of meeting, and supply them each with a certificate of their appointment and the terms of reference.

(11) The provisions of paragraph (4) of this rule relating to attendance of the worker before a Medical Referee shall with any necessary modifications apply to attendance before a medical board.

(12) Upon completion of the examination by the medical board the chairman thereof shall cause the decision of the majority of the medical board to be forwarded to the Registrar in Form No. 34 in the Appendix, together with the certificates and documents forwarded to the Board with the terms of reference.

Form 34.

(13) Upon receipt of the decision of the Board the Registrar shall cause a copy thereof to be forwarded to the parties.

(14) All Medical Referees and members of medical boards shall be selected and appointed by the Registrar from the list of persons from time to time contained in the register of medical practitioners referred to in section 29 (13) (c) of the Act and should if practicable be specialists, except that no medical practitioner who has at any time conducted an examination of the worker in respect of injuries received and the subject of the reference to the Medical Referee or medical board, is eligible for appointment as such referee or to the medical board, except by consent of both parties.

(15) With the exception of the appearance of the injured worker pursuant to paragraph (4) of this rule, a party shall not be entitled to appear before either a medical referee or medical board by himself his solicitor or agent or to produce witnesses or other evidence except by leave of the Board which may on application give such directions as shall in the circumstances it deems proper.

(16) Medical practitioners acting as Medical Referees or as members of medical boards shall be entitled to receive in consideration of their service fees in accordance with the following scale such fees to be charged to the Workers' Compensation Board Fund:—

| | £ | s. | d. |
|--|---|----|----|
| (a) For a first reference (to include all duties performed in connection therewith) | 3 | 3 | 0 |
| (b) For a second or subsequent reference to the same Medical Referee or the same Board | 2 | 2 | 0 |
| (c) Where, in order to examine the injured or sick worker the Medical Referee or medical board is compelled to travel to a place distant more than two miles from his residence or surgery, in addition to the above fees, for each mile exceeding two miles | 0 | 5 | 0 |
| (d) When the medical examination or meeting of the Board is held within the Magisterial Districts of Kimberley East, Kimberley West, Kimberley Goldfields, Broome, Roebourne, Pilbara, Port Hedland, Ashburton, Peak Hill, Gascoyne, Murchison, Murchison East, Mt. Margaret, Yalgoo, Coolgardie, North Broad Arrow, Coolgardie North-East, Coolgardie East, Yilgarn, Dundas, Phillips River, or Esperance, the fees under items (a) and (b) shall respectively be increased by | 0 | 10 | 6 |

Suspension of Proceedings or Weekly Payments on Refusal to Submit to Medical Examination.

43. (1) Where a worker has claimed compensation, or is receiving weekly payments, and the employer alleges that the worker refuses to submit himself to medical examination in accordance with any of the provisions of the Act or of any rules or regulations made thereunder, or in any way obstructs such examination, the employer may apply for an order suspending the right to compensation, or weekly payments, or the right to prosecute the claim.

(2) The application may be *ex parte* by motion and shall be supported by affidavit.

(3) Any order of the Board shall be interlocutory and shall include such conditions for the discharging and making absolute as may seem proper.

Payment into Board Where no Proceedings on Record.

44. (1) In the case of the death of a worker or where any person entitled to compensation is under a legal disability an employer who admits liability for compensation may, without any prior application being made by persons claiming to be entitled, pay into the Board the amount for which he admits liability.

(2) On payment in, the employer shall lodge in duplicate a praecipe on which is endorsed a form of receipt, and the Registrar shall, on receipt of the sum paid in, sign the receipt and return to the employer, a copy of which shall be a good discharge of the employer's liability under the Act to the extent of the amount paid in.

(3) The praecipe shall be according to one of the forms in the appendix with such variations as may be necessary and shall include a brief statement of the facts leading to liability, details as to any compensation already paid, the amount to be paid in, and according to the best knowledge and belief of the employer, the names, descriptions and addresses of all persons thought to be entitled.

(4) The Registrar shall forthwith send to each of the persons thought to be entitled, or in the case of infants to their parent or guardian, notice of such payment in Form No. 39 in the Appendix.

(5) Where the amount paid in is sufficient to satisfy the whole of the employer's liability under the Act, then the employer shall not be liable to any costs incurred by any person interested in the money after receipt of notice of payment in.

(6) Prior to the payment out of any moneys paid in under this rule the Board shall be satisfied as to the adequacy of the amount, as to who are the dependents and the extent of such dependency. For this purpose the Board may make or direct such inquiries to be made as it may think necessary and may summon witnesses for oral examination in the same manner as on the hearing of an application.

Application for Payment Out.

45. (1) There shall be no formal procedure necessary to obtain an order for payment out of moneys paid into the Board whether under agreement, order, or praecipe, but any person entitled or claiming to be entitled to such moneys or any portion thereof may apply at the offices of the Board either in person or by letter and shall produce proof of identity and entitlement, and details of his request with reasons. The Board may require additional proof of any matter alleged and whether or not conflicting claims are received may make or direct inquiries to be made, summon witnesses for examination, require evidence to be under oath, or may direct a formal hearing before the Board making such parties applicants and such parties respondents as may appear proper.

(2) Except where the whole of the moneys are ordered to be paid out every order shall contain an order for liberty to apply for further order or variation.

Where Worker Receiving Weekly Payment Intends to Reside Outside Western Australia.

46. (1) Where a worker receiving a weekly payment intends to cease to reside in Western Australia, the following provisions shall have effect under paragraph 12 of the First Schedule:—

- (2) The Registrar shall on application furnish the worker—
- (a) with a copy of the order or a certificate of the memorandum of agreement under which the weekly payment is payable, sealed with the seal of the Board; and
 - (b) with a certificate of identity according to Form No. 41 in the Appendix; and Form 41.
 - (c) with a notice according to the Form No. 42 in the Appendix, annexing thereto forms of certificate as in (a) above and declaration in accordance with Form No. 44 in the Appendix; Form 42.
Form 44.

and shall procure from the worker a specimen of his signature, and file the same for reference.

(3) A worker who desires to have the weekly payments payable to him remitted to him while residing out of Western Australia, shall at intervals of three months from the date to which such payments were last made, submit himself for examination by a medical practitioner in the place where he is residing, and shall produce to him the certificate of identity furnished under the last preceding paragraph, and shall obtain from him a certificate in Form No. 43 in the Appendix that the incapacity of the worker resulting from the injury continues; and the certificate shall be verified by declaration by the medical practitioner, in the presence of the worker, before a person having authority to administer an oath. Form 43.

(4) The worker shall also make a declaration of identity according to the Form No. 44 in the Appendix before a person having authority to administer an oath, producing to the person the certificate above mentioned, and the certificate of the medical practitioner by whom he has been examined. Form 44.

(5) The worker shall forward the certificate and declaration mentioned in the two last preceding paragraphs mentioned to the Registrar, with a request, according to Form No. 45 in the Appendix, for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be remitted, which request shall be signed by the worker in his own handwriting. Form 45.

(6) On receipt of the certificate, declaration, and request the Registrar shall examine the same, and may if not satisfied that the same are in order return the same for correction.

(7) If the Registrar is satisfied that the certificate, declaration and request are in order, or where they are returned to him in order he shall send to the employer a notice in Form No. 46 in the Appendix requesting him to forward the amount due; and the employer shall thereupon forward the amount to the Registrar, who shall remit the same, less any fees payable and the cost of transmission, to the worker at the address and in the manner requested by him, such remittance being in all cases at the risk of the worker. Form 46.

47. (1) In the event of the death of a worker who dies outside the State and who was receiving or was entitled to receive weekly payments at the date of his death, his representatives shall, for the purpose of obtaining payment of the arrears (if any) due to the worker, forward to the Registrar a certificate of the death of the worker, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for payment of such arrears, specifying the place where and the manner in which the amount is to be remitted to them. Arrears where worker dies outside State.

(2) For the purposes of this rule the expression "representatives" means—

- (a) if the worker leaves a will, the executors of the will; or
- (b) where the worker dies intestate, the persons who are according to law entitled to his personal estate, and payment of the arrears may be made to the persons without the production of letters of administration.

(3) On receipt of the certificate of death and the documents mentioned in this rule, the Registrar shall examine them, and may, if not satisfied that they are in order, return them to the representatives for correction.

(4) When the Registrar is satisfied that the certificate and documents are in order, or when they are returned to him in order, he shall send to the employer a notice requesting him to forward the amount due, and the employer shall thereupon forward the amount to the Registrar, who shall remit the same, less any fees payable and the cost of transmission, to the representatives of the worker at the address and in the manner requested by them, such remittance being in all cases at the cost and risk of the representatives.

Costs.

48. (1) Any costs of and incidental to any proceedings ordered by the Board or directed to be paid by one party to another shall, in default of agreement between the parties as to the amount of such costs, be taxed by the Registrar according to such one of the scales of costs applicable to actions for the time being in a Local Court established under the provisions of the Local Courts Act, 1904-1954 as the Board shall direct and in default of such direction shall be taxed according to the scale which would be applicable if the proceeding had been an action in the Local Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, and as to objections and review of taxation, shall apply accordingly, this necessary adaptation being made but the Board may increase or decrease such allowances under special circumstances and particularly in view of the distance it may be necessary for counsel and witness to travel.

(2) The Board, in dealing with the question of costs, may take into consideration any offer of compensation proved to have been made on behalf of the employer.

(3) Where any worker is examined by a medical referee or a medical board and the certificate of the referee or Board is used in any subsequent proceedings, any reasonable travelling and other expenses incurred by the worker in obtaining such certificate (if not otherwise provided for) may, by order of the Board be allowed as costs of the proceedings.

Venue.

49. Unless otherwise ordered, the hearing or determination of any matter shall be proceeded with in Perth, provided however that on the application in writing of any party the Board or the Chairman may direct that the hearing shall be elsewhere. A matter may also be commenced in one place and where it appears to the Board to be in the best interests of the parties, may be adjourned to such other place or places as may appear to the Board to be necessary or expedient.

General Provisions.

50. (1) The offices of the Board shall be kept open from 10 o'clock in the morning until 3.30 o'clock in the afternoon on all days on which public servants are by law required to work except that they may be closed from time to time by order of the Board on such days as may be mentioned in the order, and may also, by a like order, be kept open on any day gazetted as a public holiday.

(2) Where the time for doing any act or taking any proceeding expires on a day on which the offices of the Board are closed, the act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices are next open.

Procedure Not Otherwise Provided For.

51. Where any matter or thing is not specially provided for under these rules, application may be made to the Board or the chairman for directions appropriate to the case.

Forms.

52. (1) The forms in the Appendix, where applicable, and where they are not applicable forms of a like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

(2) Want of accuracy in the completion of any form, or the use of a wrong form, shall not invalidate any proceedings, but the Board may in any such case, make any amendment or give such other direction, both as to costs and otherwise, as the circumstances may require.

Non-compliance With Rules.

53. (1) Non-compliance with any of these rules, or with any rule of practice for the time being in force, shall not render any proceedings void unless the Board shall so direct, but such proceedings may be set aside either wholly or in part as irregular, or may be amended or otherwise dealt with in such manner or upon such terms as the Board may think fit.

(2) An application to set aside proceedings for irregularity may be made in the manner prescribed by Rule 57. An application shall not be allowed unless made within a reasonable time, nor if the applicant has taken any fresh step after knowledge of the irregularity. Where any such application is made, the several objections intended to be raised shall be stated.

Examination of Witnesses *de Bene Esse*.

54. The provisions of the Local Court Rules, 1923, or any amendment thereof, for the time being in force, shall, with any necessary modifications, apply to the application of any party for the examination of witnesses *de bene esse* and the proceedings consequent thereon.

Enforcing Charge on Property.

55. (1) The charge created by section 24 of the Act may be enforced by sale of the property subject to the charge, at such times in such manner and subject to such conditions as the Board orders.

(2) For the purpose hereof the Board may make orders from time to time, either of its own motion or on the application of the party entitled to compensation.

Summons to Witness.

56. (1) Summonses to witnesses in Form No. 48 in the Appendix may be issued without leave, and served by the party applying for them or some person on his behalf, but in any case only one name shall be inserted in a summons. The summonses shall when required contain a direction to the person named in the summonses to bring with him any papers or documents.

(2) A person who fails to obey a direction addressed to him and contained in a summons served on him is guilty of an offence.

Penalty—£10.

Interlocutory Applications.

Where
permissible.

57. (1) The Board may upon application make an interlocutory order when and as often as any party seeks directions, or upon any procedural matter, or in any matter not involving the making of a final order or award settling the substantive rights or obligations of the parties.

Manner.
Form 49.

(2) The application in Form No. 49 in the Appendix shall be made in Chambers and may be either *ex parte* or on summons returnable not less than two (2) days after service.

(3) Where the application is made *ex parte* the Board may order that it be served on any other interested parties and shall in such case appoint a fresh return day.

(4) The Board may, upon hearing the application, make an order absolute in the first instance, or to be absolute at any time ordered by it, unless cause be shown to the contrary, or may make such other order or give such directions as may be just, including an order as to costs of the application.

Appeal by Way of Case Stated to Supreme Court.

58. (a) A request to the Board by any party to the proceedings that a case be stated under section 29 (9) of the Act, may be made verbally during the proceedings or immediately after the Board has made its award or order, or given its direction or decision in respect thereof, or thereafter in writing filed with the Registrar within fourteen days from the making or giving of the award, order, direction, or decision.

(b) The party to the proceedings making the request shall prepare the case to be stated and submit it to the other party or parties to the proceeding and file a copy thereof with the Registrar within the time limited for making request. Every such case shall be intitled in the matter of the Act and of the proceeding order, and shall be divided into paragraphs numbered consecutively, and shall concisely state such findings of fact made by the Board as may be necessary and the questions of law arising therefrom on which a decision of the Full Court of the Supreme Court is requested.

(c) If the parties to the proceeding agree upon the case as submitted and it is approved by the Board it shall be the case to be stated for the decision of the Full Court of the Supreme Court; if the Board does not approve of such case it shall state the case in such form as to it shall seem proper.

(d) If any party to the proceeding does not agree with the case as submitted in accordance with paragraph (b) of this rule, he shall, within ten days of the case being submitted to him, serve on each other party to the proceeding and file with the Registrar written notice that he does not agree, and such notice shall set forth such modifications and additions to the case as he may desire.

(e) In the event of the parties to the proceeding failing to agree upon the case to be stated after such modifications and additions have been requested as provided for in paragraph (d) of this rule, the party requesting the case shall, on giving the notice to the other party or parties to the proceeding, apply to the Board to have the case to be stated settled by the Board, whereupon the Board shall settle the case to be stated for decision by the Full Court of the Supreme Court.

59. (a) The decision of the Full Court of the Supreme Court on the case stated shall be filed by the party to the proceeding requesting the same with the Registrar within fourteen days of the decision being given, in default of his so doing, any other party to the proceeding may file the decision.

(b) On the filing of the decision of the Full Court of the Supreme Court, any party to the proceeding may, on giving notice to the other party or parties, apply to the Board to give consideration and effect to the decision, or for permission to take such further action as he may desire, and for directions. The notice shall set out completely and precisely the relief sought, any action desired to be taken, and any directions required.

(c) Upon the hearing of the application, the Board shall make such order as to it may seem proper.

60. The costs occasioned by a request that a case be stated and by all subsequent proceedings, and for doing any act contemplated by these rules, and all matters incidental thereto, save and except the matters covered by the order of the Full Court of the Supreme Court in regard to the case and to the costs of and incidental to the hearing and determination of any case so stated as provided in section 29 (10) of the Act, shall be in the discretion of the Board, and the Board may from time to time make orders relating to the costs.

61. The Board shall have power to enlarge the time appointed by these rules for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

Reconsideration or Setting Aside of Award or Order.

62. (1) Where the Board is satisfied—
- (a) that any award, or any order as to the application of any amount awarded or agreed upon as compensation, made by the Board, has been obtained by fraud or other improper means; or
 - (b) that any award or order should be set aside or varied for any other sufficient reason; or
 - (c) that any person has been included in any award or order as a dependant who is not in fact a dependant as defined by the Act; or
 - (d) that any person who is in fact a dependant as defined by the Act has been omitted from any award or order,

When application may be made.

the Board may reconsider such matter and may set aside, rescind, alter or amend any decision or order previously made and make such order including an order as to any sum already paid as under the circumstances it may think just.

(2) Any interested party may apply for any such order as is mentioned in paragraph (1) of this rule by interlocutory application in the first instance provided that such application shall be accompanied by an affidavit setting forth the grounds of the intended application.

Method of.

(3) The instituting of any such application shall not, unless otherwise ordered by the Board or the Chairman, operate as a stay of proceedings, or to defer the payment out in due course of any moneys paid into the Board.

Not to operate as stay.

Application for Payment from Uninsured Fund.

63. (1) An application for payment of compensation moneys out of the Uninsured Fund pursuant to section 27 (1) (b) of the Act shall be made by lodging with the Registrar a form according to Form No. 50 in the Appendix.

Application. Form 50.

(2) The Registrar shall make such inquiries and obtain such information as may be necessary, or as he might be directed by the Chairman, and shall make a report to the Board on all matters relevant to the application.

Inquiries to be made.

(3) When the application is listed for hearing, the Registrar shall notify the applicant, the employer, and, if it appears proper so to do, any insurer of the time and place so fixed.

Notification of parties.

Registrar
may appear.

(4) The Registrar may appear at the hearing of any claim and assist the Board by placing before it any facts or information relative to the claim, and for the purpose may summon any such witnesses as he shall see fit or be directed by the Board.

Application by Insurer for Permission to Refuse Insurance.

64. (1) An application by an insurer for permission to refuse to issue a policy of insurance or indemnity to any employer shall be made in writing and lodged with the Registrar within forty-eight hours of the employer's request for cover, and shall contain in addition to any other information thought to be relevant, particulars of the number, classification, and estimated annual wages of the workers in respect of whom insurance is sought, the general nature of the employer's business, and the grounds for desiring to refuse to issue a policy.

(2) Upon receipt of an application the Board shall either—

- (a) refuse the permission sought and notify the insurer and the employer of such refusal; or
- (b) forward a copy of the application to the employer and notify both the insurer and the employer concerned that the circumstances will be inquired into on a date named, and invite their presence at the inquiry.

Exemption from Insuring.

Application.
Form 51.

65. (1) An employer desirous of obtaining exemption from insuring his workers pursuant to section 13 (1) of the Act shall lodge at the offices of the Board an application according to Form No. 51 in the Appendix, and furnish all the particulars therein required, and such other particulars as he might subsequently be notified to furnish by the Registrar.

Value of
security.

(2) The amount or value of the security to be deposited at the Treasury shall be not less than £5,000 except in special circumstances, and shall be of such nature as be acceptable to the Treasury.

Interest.

(3) In the event of the security deposited being cash then it shall bear interest payable to the employer at such rate as the Treasurer shall from time to time determine.

Time to
lodge
security.

(4) It shall not be necessary to lodge the security until its nature and amount has been approved by the Minister, whereupon the employer shall be so notified.

Submission
to Governor.

(5) Where an application has been approved by the Minister, and the security duly lodged, then the Minister shall submit the application for the consideration of the Governor in Council, and an order may be made for exemption, but the exemption may be terminated or suspended, at the request of the employer or otherwise, prior to the expiration of the period for which it was granted.

Release of
security.

(6) If after the expiration or sooner termination of the period of exemption as the Board is satisfied that the whole of the liability of the employer under the provisions of the Act has been satisfied either by actual payment, or by some other means whereby the rights of the workers under the Act are suitably safeguarded, the security charged may be released from the Treasury.

Statements by Approved Insurance Offices.

(Pursuant to Section 14.)

Form 53.

66. The statements required to be transmitted to the Minister pursuant to section 14 of the Act shall be according to Form No. 53 in the Appendix, and shall be forwarded to the Minister in care of the offices of the Board.

Fees.

67. (1) The following fees shall be paid in respect of proceedings before the Board or Registrar:—

| | s. | d. |
|---|----|----|
| (a) Filing any application or request for determination by the Board | 5 | 0 |
| (b) Filing of answer or any other proceeding subsequent to application or request | 2 | 0 |
| (c) Taking out summons to witness | 2 | 0 |

(2) All fees received under these rules shall be paid to the credit of the fund.

Witness Allowance.

| | £ | s. | d. | £ | s. | d. |
|---|---|----|----|----|----|----|
| 68. (1) Professional persons, merchants, bankers, certificated accountants (carrying on business as principals), surveyors and the like, per diem, from | 1 | 10 | 0 | to | 5 | 5 |
| (2) Others ordinarily in receipt of salary or wages, or who carry on business as principals, per diem, from | 1 | 1 | 0 | to | 3 | 3 |
| (3) Persons not coming within any of above descriptions, per diem, from | 0 | 10 | 0 | to | 1 | 1 |
| (4) Qualifying fee—where expert or scientific witnesses attend to give evidence strictly as experts in addition to fee for attendance, such amount as may be certified by the Chairman, but not exceeding | | | | | 5 | 5 |
| (5) Travelling—for all necessary travel the reasonable cost thereof. | | | | | | |

Declaration of Salary and Wages by Employer—Section 13 (3).

69. When and as often as an employer is requested by an insurer to verify by statutory declaration, particulars as to the wages paid by him to his employees during a specified period, for the purpose of ascertaining the amount of premium payable, the employer shall furnish a declaration according to Form No. 54 in Form 54. the Appendix. The declaration shall be made by the employer personally, or in the case of a firm or company by a principal, director, secretary, or other responsible officer.

The return shall be made within one month of a request by an insurer but the insurer shall not be entitled to make a request except at the following times:—

- (a) As soon as reasonably possible after effecting a policy of insurance with the employer; and
- (b) at or after the expiration of each period for which the policy is effected or renewed; and
- (c) when and as often as permitted by the Board.

Examination of Worker by Medical Practitioner.

70. (1) Where a worker is in receipt of weekly payments under the Act, he shall not be required to submit himself for examination by a medical practitioner provided by the employer, except at reasonable hours.

(2) A worker in receipt of weekly payments under the Act shall not be required, after a period of one month has elapsed from the date on which the first weekly payment of compensation was made, to submit himself for examination by a medical practitioner provided by the employer more frequently than once in every two weeks whilst he continues to receive the weekly payments, but if an employer by interlocutory application shows special medical or other circumstances to exist the Board may order examination at more frequent intervals.

Register of Medical Practitioners.

71. (1) The Registrar shall set up and maintain a register of medical practitioners registered under the Medical Act, 1894-1952, and authorised by the Board to carry out medical and surgical treatment of or in attendance on any worker with respect to any injury for which the worker is receiving or is entitled to receive compensation under the Act and from time to time the Registrar shall add to, restore or remove any names appearing in the register as the Board may direct.

(2) Any person may on application to the Registrar ascertain whether the name of any medical practitioner appears on the register.

(3) A practitioner whose name has been removed from the register for a limited period may, at the expiration of the period apply to the Board to have his name restored.

Complaints Against Medical Practitioners.

72. (1) A complaint against a medical practitioner shall be made in writing and lodged at the offices of the Board within twelve months after the occurrence giving rise to the complaint.

(2) Where the Board of its own motion requires an inquiry to be held into the conduct of a medical practitioner, or upon complaint being made, unless it appears to the chairman that the complaint is frivolous, vexatious or lacking in substance, the Registrar shall convene a meeting of the Board together with the two nominees of the Western Australian Branch of the British Medical Association appointed from time to time by the Governor, and such meeting may be adjourned from time to time and to such places as may appear just.

(3) Where a complaint concerning a medical practitioner is received by the Board a copy thereof together with a notice of the time and the place of the hearing of the complaint shall be served by the Registrar upon the practitioner not less than 14 clear days before the date of the hearing, personally or posted by registered post to him at his address as appearing in the register or his last known address in Western Australia. The Board may upon application extend the time of hearing of the complaint.

(4) The same procedure as in the case of an application to the Board for the determination of a request with any necessary modifications shall apply to the hearing of a complaint against a medical practitioner and witnesses may be summoned and production of documents obtained in the same manner. All persons appearing may be examined upon oath or otherwise upon relevant matters.

(5) There shall be payable to the two medical practitioners appointed by the Governor to sit with the Board on the hearing of any complaint against a medical practitioner the sum of £5 5s. per meeting or adjournment thereof.

(6) Where recovery of any fine against a medical practitioner is sought before Justices such Justices shall accept a certificate signed by the chairman as proof of such fine and the amount thereof, and upon recovery any such fine, or of any costs not ordered to be paid to any person shall be paid into the Workers' Compensation Board Fund.

Application for Cessation of Worker's Rights to Compensation Under Section 10 (2).

73. (1) An application for an order that a worker's right to compensation shall cease pursuant to section 10 (2) of the Act may be interlocutory.

(2) The application shall be accompanied by a supporting affidavit containing information—

- (a) that the worker sustained a hernia by accident arising out of or in the course of his employment;
(b) that the employer admits liability for compensation properly arising therefrom;
(c) that a surgical operation is necessary for a cure of the hernia and a medical certificate stating this fact shall if possible accompany the affidavit;
(d) that the worker has either refused or is unduly delaying such treatment;
(e) that the employer seeks an order that the worker's right to compensation cease from a date to be specified by the Board.

APPENDIX.

Workers' Compensation Act, 1912-1954.

Form 1.

APPLICATION TO THE BOARD BY INJURED WORKER WITH RESPECT TO COMPENSATION PAYABLE TO HIM.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of matter.....

of..... } Applicant.

and

of..... } Respondents.

1. On the..... day of..... 19....., personal injury by accident arising out of or in the course of his employment was caused to....., a worker employed by..... (or by..... a contractor with..... for the execution of work undertaken by them).

2. A question has (or questions have) arisen—

- (a) as to whether the said..... is a worker to whom the abovementioned Act applies; or
(b) as to the liability of the said..... to pay compensation under the abovementioned Act in respect of the said injury; or
(c) as to the amount (or duration) of the compensation payable by the said..... to the said..... under the abovementioned Act in respect of the said injury.

3. An application under the abovementioned Act is hereby made by the said..... against the said..... for the determination of the said question (or questions).

4. Particulars are hereto appended (or annexed).

Particulars.

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Name and address of applicant 2. Applicant's age at date of accident 3. Name, place of business and nature of business of respondent 4. Nature of employment of applicant at time of accident, and whether employed under respondent or under a contractor with him. (If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.) 5. Date and place of accident, nature of work on which worker was then engaged, and nature of accident, and cause of injury 6. Nature of injury 7. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity 8. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any less period during which he has been so employed 9. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident 10. Payment, allowance or benefit received from employer during the period of incapacity 11. Amount claimed as compensation: (a) Weekly payments or lump sum; (b) cost of medical or other expenses 12. Date of service of statutory notice of accident on respondent, and whether given before worker voluntarily left the employment in which he was injured. (A copy of the notice to be annexed.) 13. If notice not served, reason for omission to serve same 14. Particulars of dependants: (a) Wife, (b) children under the age of 16 years | |
|---|--|

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.

Workers' Compensation Act, 1912-1954.

Form 2.

APPLICATION TO THE BOARD BY OR ON BEHALF OF DEPENDANTS OF DECEASED WORKER, WITH RESPECT TO THE COMPENSATION PAYABLE IN RESPECT OF THE INJURY TO SUCH DEPENDANTS, WHERE DEATH HAS RESULTED FROM AN INJURY 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.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant.

and

of..... } Respondents.

1. On the..... day of....., 19....., personal injury by accident arising out of or in the course of his employment was caused to..... late of....., deceased, a worker employed by..... (or by..... a contractor with..... for the execution of work undertaken by them), and on the..... day of....., 19....., the death of the said..... resulted from the injury.

2. A question has (or questions have) arisen (hereto state the questions, specifying only those which have arisen, e.g.)—

- (a) As to whether the said..... was a worker to whom the abovementioned Act applied; or
(b) as to the liability of the said..... to pay compensation under the abovementioned Act to the dependants of the said..... in respect of the injury caused to them by the death of the said.....; or
(c) as to the amount of compensation payable by the said..... to the dependants of the said..... under the abovementioned Act in respect of the injury caused to them by the death of the said.....; or
(d) as to who are dependants of the said..... within the meaning of the abovementioned Act; or
(e) as to the apportionment and application of the compensation payable by the said..... to the dependants of the said..... in respect of the injury caused to them by the death of the said..... (or as the case may be).

3. An application under the abovementioned Act is hereby made by..... the legal personal representative of the said..... acting on behalf of the dependants of the said..... (or by....., a dependant of the said.....) against the said..... and..... who claims or may be entitled to claim to be a dependant of the said..... for the determinations of the said question (or questions).

4. Particulars are hereto appended (or annexed).

Particulars.

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Name and late address of deceased worker 2. Name, place of business, and nature of business of respondent from whom compensation is claimed 3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. (If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.) 4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury 5. Nature of injury to deceased and date of death 6. Earnings of deceased during the three years next preceding the injury, if he had been so long in the employment of the employer by whom he was immediately employed, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the said employer 7. Amount of weekly payments (if any) made to deceased under the Act, and to any sum paid in redemption thereof, or any lump sum paid as compensation 8. Name and address of applicant 9. Character in which applicant applies, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so 10. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death | |
|---|--|

Particulars—*continued.*

| | |
|--|--|
| <p>11. Particulars as to 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, with their names, addresses, and descriptions and occupations (if any)</p> <p>12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied</p> <p>13. Date of service of statutory notice of accident on respondent from whom compensation is claimed and whether given before deceased voluntarily left the employment in which he was injured (a copy of the notice to be annexed)</p> <p>14. If notice not served, reason for omission to serve same.</p> | |
|--|--|

The names and addresses of the respondents to be served with this application are:—

of
of

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.

Workers' Compensation Act, 1912-1954.

Form 3.

APPLICATION TO THE BOARD TO DETERMINE AS TO WHO ARE DEPENDANTS, OR AS TO THE AMOUNT PAYABLE TO EACH DEPENDANT, WHERE THE TOTAL AMOUNT PAYABLE AS COMPENSATION TO THE DEPENDANTS OF A DECEASED WORKER HAS BEEN AGREED OR ASCERTAINED.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

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

1. On the..... day of..... 19....., personal injury by accident arising out of or in the course of his employment was caused to....., late of....., deceased, a worker employed by..... (or by....., a contractor with....., for the execution of work undertaken by them), and on the..... day of..... 19....., the death of the said..... resulted from the injury.

2. The amount of compensation payable by the said.....
to the dependants of the said.....under the above-
mentioned Act in respect of the injury caused to them by the death of the
said.....has been agreed (or ascertained), but a question
has (or questions have) arisen—

- (a) as to who are dependants of the said.....
within the meaning of the abovementioned Act; or
- (b) as to the apportionment and application of the compensation
payable to the dependants of the said.....
(or as the case may be).

3. An application under the abovementioned Act is hereby made by
....., the legal personal representative of the said
.....acting on behalf of.....
dependants of the said.....(or by.....
dependants of the said.....) against.....
who are or claim or may be entitled to claim to be dependants of the said
.....(or as the case may be) for the determination of
the said question (or questions).

4. Particulars are hereto appended (or annexed).

Particulars.

| | |
|---|--|
| <p>1. Name and late address of deceased worker</p> <p>2. Name and place of business of employers by whom compensation has been paid or is payable</p> <p>3. Date of accident to deceased and date of death</p> <p>4. Agreed or ascertained amount of compensation to be paid to dependants of deceased</p> <p>5. Particulars as to whether the compensation money is still payable by the employer, or has been paid by him, and, if so to whom, and in whose hands it now is</p> <p>6. Character in which the applicant applies, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so</p> <p>7. Particulars as to the dependants or persons claiming to be dependants by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any) and their relationship to the deceased, and if infants, their respective ages, and stating whether they were or claim to have been wholly or partially dependent on the earnings of the deceased at the time of his death</p> | |
|---|--|

Particulars—continued.

| | |
|--|--|
| <p>8. The like particulars as to any dependants who are made respondents</p> <p>(Note.—If there is a legal personal representative, and he is not the applicant, he must be made a respondent.)</p> <p>9. Particulars as to 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, with their names, addresses, descriptions and occupations (if any)</p> <p>10. Particulars of the manner in which the applicant claims to have the amount of compensation apportioned and applied</p> | |
|--|--|

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.

Workers' Compensation Act, 1912-1954.

Form 4.

APPLICATION TO THE BOARD WITH RESPECT TO THE COMPENSATION PAYABLE IN RESPECT OF EXPENSES OF MEDICAL ATTENDANCE AND BURIAL, WHERE DECEASED WORKER LEAVES NO DEPENDANTS.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant.

and

of..... } Respondents.

1. On the.....day of.....19....., personal injury by accident arising out of or in the course of his employment was caused to....., late of....., deceased, a worker employed by..... (or by....., a contractor with..... for the execution of work undertaken by them), and on the.....day of.....19....., the death of the said.....resulted from the injury.

2. The said.....left no dependants within the meaning of the abovementioned Act.

3. A question has (or questions have) arisen (hereto state the questions, specifying only those which have arisen, e.g.)—

(a) as to whether the said.....was a worker to whom the abovementioned Act applied; or

- (b) as to the liability of the said.....to pay compensation under the abovementioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said.....; or
- (c) as to the amount of compensation payable by the said....., under the abovementioned Act in respect of the reasonable expenses of the medical attendance and the burial of the said.....; or
- (d) as to the apportionment and application of the compensation payable by the said.....under the abovementioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said.....

4. An application under the abovementioned Act is hereby made byagainst the said.....and.....for the determination of the said question (or questions).

5. Particulars are hereto appended (or annexed).

Particulars.

| | |
|--|--|
| <ol style="list-style-type: none"> 1. Name and late address of deceased worker 2. Name, place of business, and nature of business of respondent from whom compensation is claimed 3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. (If employed under a contractor who is not a respondent, name and place of business of contractor to be stated) 4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident, and cause of injury 5. Nature of injury to deceased, and date of death 6. Name and address of applicant 7. Character in which applicant applies, <i>i.e.</i>, whether as a legal personal representative of deceased or as a person to whom expenses in respect of which compensation is payable are due; and if the latter, particulars must be given of the circumstances under which the expenses are claimed to be due to the applicant 8. Particulars as to any other persons who claim that expenses in respect of which compensation is payable are due to them, and who are therefore made respondents, with their names and addresses | |
|--|--|

Particulars—continued.

| | |
|--|--|
| <p>9. Particulars of amount claimed as compensation, and of the manner in which the applicant desires such amount to be apportioned and applied</p> <p>10. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. (A copy of the notice to be annexed.)</p> <p>11. If notice not served, reason for omission to serve same</p> | |
|--|--|

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.

Workers' Compensation Act, 1912-1954.

Form 5.

APPLICATION TO THE BOARD WITH RESPECT TO THE REVIEW, TERMINATION, DIMINUTION, INCREASE, OR REDEMPTION OF A WEEKLY PAYMENT.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant
 and

of..... } Respondents.
 (or as the case may be)

An application under the Workers' Compensation Act, 1912-1954, is hereby made by..... against.....
 (or as the case may be) with respect to the review and termination (or diminution, increase, or redemption, as the case may be) of the weekly payment payable to the said..... under the said Act in respect of personal injury, caused to him by accident arising out of or in the course of his employment.

Particulars are hereto appended (or annexed).

Particulars.

1. Name and address of injured worker.....
2. Name and place of business of employer by whom compensation is payable.....
3. Date and nature of accident.....
4. Date of agreement or order fixing weekly payment, amount of such payment, and date from which it commenced.....

- 5. Relief sought by applicant, whether termination, diminution, or increase, or redemption.....
 - 6. Grounds on which termination, diminution, or increase is claimed.....
- Dated this..... day of....., 19.....
- (Signed).....
- Applicant or Applicant's Solicitor or Agent.
- (Address).....

Note.—If signed by an agent, application must be accompanied by appointment of such agent.

Workers' Compensation Act, 1912-1954.

Form 6.

APPLICATION TO THE BOARD BY AN INJURED WORKER ON A WESTERN AUSTRALIAN SHIP WITH RESPECT TO THE COMPENSATION PAYABLE TO HIM.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

A.B. of (address) No. of Matter.....

(description) Applicant,

and

the owners of the ship " " Respondents.

(1) On the day of , personal injury by accident arising out of or in the course of his employment was caused to A.B. , the master of the ship " " (or a seaman, or as the case may be) employed (or engaged) on the ship " ".

(2) A question has (or questions have) arisen (here state the questions, specifying only those which have arisen, e.g.)—

- (a) as to whether the said A.B. is a worker within the meaning of the abovementioned Act; or
- (b) as to the liability of the owners of the said ship to pay compensation under the abovementioned Act, in respect of the said injury; or
- (c) as to the amount (or duration) of the compensation payable by the owners of the said ship to the said A.B. under the abovementioned Act in respect of the said injury (or as the case may be).

(3) An application under the abovementioned Act is hereby made by the said A.B. against the owners of the said ship for the determination of the said question (or questions).

(4) Particulars are hereto appended (or annexed).

Particulars.

| | |
|---|--|
| <p>1. Name and address of applicant.</p> <p>2. Name of ship of which applicant was master (or of the crew of which applicant was a member, or as the case may be) at time of accident and port of registry</p> <p>3. Nature of employment at time of accident</p> | |
|---|--|

Particulars—continued.

| | |
|---|--|
| <p>4. Date and place of accident, nature of work on which applicant was then engaged, and nature of accident and cause of injury</p> <p>5. Nature of injury</p> <p>6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity</p> <p>7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the same owners, or if not, during any less period during which he has been so employed</p> <p>8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident</p> <p>9. Payment, allowance, or benefit received from employer during the period of incapacity</p> <p>10. Amount claimed as compensation</p> <p>11. Date of service of statutory notice of accident, and whether given before applicant voluntarily left the employment in which he was injured (a copy of the notice to be annexed).</p> <p>12. If notice not served, reason for omission to serve same</p> | |
|---|--|

The name and address of the person to be served with this application as representing the owners of the ship are:

(State name and address of managing owner or manager, or of master of ship. See Rule 33 (6).)

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

(Signed).....

Applicant or Applicant's Solicitor or Agent.

Note. If signed by agent, application must be accompanied by appointment of such agent.

Workers' Compensation Act, 1912-1954.

Form 7.

APPLICATION TO THE BOARD BY OR ON BEHALF OF DEPENDANTS OF DECEASED WORKER ON WESTERN AUSTRALIAN SHIP.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

| | | |
|--------------------------|--------------|--|
| E.F. | of (address) | |
| (description) | Applicant, | |
| | and | |
| The owners of the Ship " | " | |
| | and | |

G.B. _____, of (address) _____, Respondents.
(description) _____, (or as the case may be).

(1) On the _____ day of _____, personal injury by accident arising out of or in the course of his employment was caused to A.B., late of _____, deceased, the master of the ship "_____" (or a seaman, or as the case may be) and a member of the crew of the ship "_____" and on the _____ day of _____, the death of the said A.B. resulted from the injury,
(or (1) The ship "_____" which left the port of _____ on or about the _____ day of _____, was lost with all hands on or about the _____ day of _____ or was last heard of on or about the _____ day of _____ and is believed to have been lost with all hands).

When the said ship left the said port A.B. _____, late of _____, was the master thereof (or a seaman, or as the case may be) and a member of the crew of the said ship.

(2) A question has (or questions have) arisen (here state the questions, specifying only those which have arisen, e.g.)—

- (a) as to whether the said A.B. _____ was a worker within the meaning of the abovementioned Act; or
- (b) as to the liability of the owners of the said ship to pay compensation under the abovementioned Act to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____; or
- (c) as to the amount of compensation payable by the owners of the said ship to the dependants of the said A.B. under the abovementioned Act, in respect of the injury caused to them by the death of the said A.B. _____; or
- (d) as to who are dependants of the said A.B. _____ within the meaning of the abovementioned Act; or
- (e) as to the apportionment and application of the compensation payable by the owners of the said ship to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____ (or as the case may be).

(3) An application under the abovementioned Act is hereby made by E.F. _____, the legal personal representative of the said A.B. _____ (or by E.F. _____, a dependant of the said A.B. _____) against the owners of the said ship, and G.B. _____, who claims or may be entitled to claim to be a dependant of the said A.B. _____ (or as the case may be) for the determination of the said question (or questions).

(4) Particulars are hereto appended (or annexed).

Particulars.

| | |
|---|--|
| <ol style="list-style-type: none"> 1. Name and late address of master, seaman or as the case may be 2. Name of ship of which deceased was master (or of the crew of which deceased was a member) at the time of accident or loss of ship, and port of registry 3. Nature of employment at time of accident or loss of ship 4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury (or date and place when and where ship was lost or is deemed to have been lost) | |
|---|--|

Particulars—*continued.*

| | |
|---|--|
| <p>5. Nature of injury to deceased and date of death (or date when ship was lost or is deemed to have been lost)</p> <p>6. Earnings of deceased during the three years next preceding the injury or date of loss, if he had been so long employed under the same owners, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of actual employment under the said owners</p> <p>7. Amount of weekly payments (if any) made to deceased under the Act and of any lump sum paid in redemption thereof</p> <p>8. Name and address of applicant</p> <p>9. Character in which applicant applies, <i>i.e.</i>, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so</p> <p>10. Particulars as to the dependants of deceased by whom or on whose behalf the application is made, giving their names and address, and descriptions and occupations (if any) and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death</p> <p>11. Particulars as to 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, with their names, address and descriptions and occupations (if any)</p> <p>12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied</p> <p>13. Date of service of statutory notice of accident, and whether given before deceased voluntarily left the employment in which he was injured. (A copy of the notice to be annexed.)</p> <p>14. If notice not served, reason for omission to serve same</p> | |
|---|--|

The names and addresses of the respondents to be served with this application are:

As representing the owner of the ship.
(State name and address of managing owner or manager, or of master of ship.
See Rule 33 (6).)

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

(Signed).....
Applicant or Applicant's Solicitor or Agent.

Note.—If signed by agent application must be accompanied by appointment of such agent.

Workers' Compensation Act, 1912-1954.

Form 8.

APPLICATION TO THE COURT WHERE SECURITY HAS BEEN GIVEN
ON BEHALF OF THE OWNERS OF SHIP UNDER SECTION 22.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

A.B. of (address) Applicant,
(description) and
(names and addresses of persons giving security) Respondents.

(1) On the day of 19, personal injury by accident arising out of or in the course of his employment was caused to A.B., of, and the said A.B. claims that the owners of the ship "....." are liable under the Workers' Compensation Act, 1912-1954, to pay compensation in respect of the said injury.

(2) The respondents have given security to abide the event of any proceedings that may be instituted in respect of the said injury, and to pay such compensation and costs as may be awarded thereon.

(3) A question has (or questions have) arisen (here state the questions, specifying only those which have arisen, e.g.)—

- (a) as to whether the said A.B. is a worker to whom the abovementioned Act applies; or
- (b) as to the liability of the owners of the said ship to pay compensation under the abovementioned Act in respect of the said injury; or
- (c) as to the amount (or duration) of the compensation payable to the said A.B. under the abovementioned Act in respect of the said injury (or as the case may be).

(4) An application under the abovementioned Act is hereby made by the said A.B. against the respondents for the determination of the said question (or questions).

(5) Particulars are hereto appended (or annexed).
Particulars.

(Here insert particulars of circumstances under which the application is made, and of the relief or order which the applicant claims, adapting the particulars in the preceding forms to the circumstances of the case.)

The names and addresses, etc. (as in Form 7).

Note.—This form to be adapted as required to proceedings between the dependants of a deceased worker and the persons giving security.

(Here insert particulars containing a concise statement of the circumstances under which the application is made, and of all matters necessary to be stated in order to bring the questions to be settled properly before the Board, and of the relief or order which the applicant claims, adapting the particulars given in the preceding forms to the circumstances of the case.)

Dated this _____ day of _____ 19 _____

(Signed)

Applicant or Applicant's Solicitor or Agent.

Note.—This form to be adapted as required to proceedings between the dependants of a deceased worker and insurers.

Note.—If signed by an agent, appointment of such agent must be attached.

Workers' Compensation Act, 1912-1954.

Form 9.

APPLICATION TO THE BOARD WHERE RIGHTS OF EMPLOYER AGAINST INSURERS ARE TRANSFERRED TO WORKER UNDER SECTION 17.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

A.B. of (address) Applicant, (description) and Respondents. (names and addresses of Insurers)

(1) On the _____ day of _____, 19 _____, personal injury by accident arising out of or in the course of his employment was caused to A.B. _____, a worker employed by _____ of _____ (name and address of employer) (or by _____ of _____, a contractor with (name and address of employer) for the execution of work undertaken by him), and the said A.B. _____ claims that the said _____ (employer) thereupon became liable to pay compensation under the Workers' Compensation Act, 1912-1954, to the said A.B. in respect of such injury.

(Or where weekly payment has been settled)

(1) Under an agreement dated the _____ day of _____, 19 _____, and made between _____ of the one part and _____ of the other part (or an order of the Board at _____ in a matter in which _____ is the applicant and _____ is the respondent, a weekly payment of _____ is payable by _____ of _____ (name and address of employer) to the abovementioned A.B. _____ as compensation for personal injury caused to the said A.B. _____ by accident arising out of or in the course of his employment as a worker employed by the said _____ (employer) (or by _____ of _____, a contractor with the said _____ (employer) for the execution of work undertaken by him).)

(2) The respondents are insurers of the said _____ (employer) in respect of his (or their) liability to pay such compensation.

(3) The said _____ (employer) has become bankrupt (or made a composition or arrangement with his creditors (or, if the employer is a company, the said _____ has commenced to be wound up); and the rights of the said _____ (employer) against the respondents as such insurers in respect of his (or their) liability to the said A.B. _____ have by virtue of section 17 of the said Act been transferred to and vested in the said A.B.

(4) A question has (or questions have) arisen (here state the questions, specifying only those which have arisen, e.g.)—

- (a) as to whether the said A.B. is a worker to whom the abovementioned Act applies; or
- (b) as to the liability of the said (employer) to pay compensation under the abovementioned Act in respect of the said injury; or
- (c) as to the liability of the respondents as such insurers as aforesaid to the said A.B. ; or
- (d) as to the amount (or duration) of the liability of the respondents as such insurers as aforesaid to the said A.B. (or as the case may be).

(5) An application under the abovementioned Act is hereby made by the said A.B. against the respondents for the determination of the said question (or questions).

(6) Particulars are hereto appended (or annexed).

Particulars.

(Here insert particulars containing a concise statement of the circumstances under which the application is made, and of all matters necessary to be stated in order to bring the questions to be settled properly before the Board, and of the relief or order which the applicant claims, adapting the particulars given in the preceding forms to the circumstances of the case.)

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

(Signed).....

Applicant or Applicant's Solicitor or Agent.

Note.—This form to be adapted as required to proceedings between the dependants of a deceased worker and insurers.

Note.—If signed by an agent, appointment of such agent must be attached.

Workers' Compensation Act, 1912-1954.

Form 10.

AFFIDAVIT OF SERVICE.

(Heading as in Application)

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 notice appointing as day of hearing the 19 . with day of

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

Justice of the Peace.

Workers' Compensation Act, 1912-1954.

Form 11.

NOTICE TO APPLICANT OF DAY UPON WHICH MATTER WILL BE PROCEEDED WITH.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant.

and

of..... } Respondents.

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

Dated this day of 19 Registrar.

To..... of.....

Workers' Compensation Act, 1912-1954.

Form 12.

NOTICE TO RESPONDENT OF DAY UPON WHICH MATTER WILL BE PROCEEDED WITH.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant.

and

of..... } Respondents.

Take notice that the Board will proceed with application, a sealed copy of which is served herewith, at on 19 , at the hour of o'clock in the noon; and that if you do not attend either in person or by your solicitor or agent at the time and place abovementioned such order will be made and proceedings taken as the Board may think just and expedient.

First Schedule to the Act (or refuses to submit himself for examination by a medical referee as ordered; or obstructs the examination by a medical referee ordered) in accordance with paragraph 7 of the First Schedule to the Act.

(or as the case may be)

(3) Facts which the respondents, C.D. & Co., Limited, intend to give in evidence and rely on at the hearing:—

That notice of the alleged accident (or of death, disablement or suspension) was not given to the respondents as required by the Act; or

That the claim for compensation was not made on the respondents within the time limited by the Act;

(or as the case may be).

(4) Grounds on which the respondents deny their liability to pay compensation:—

- (1) That the applicant A.B. is (or the deceased worker was) not a worker to whom the Act applies; or
- (2) that the injury to the applicant (or to the deceased worker) was not caused by accident arising out of or in the course of his employment, or whilst acting under the employers instructions; or
- (3) that the injury to the applicant (or to the deceased worker) was attributed to the serious and wilful misconduct of the applicant (or of the deceased worker), and did not result in the death or serious and permanent disablement; or
- (4) that at the time of the alleged accident the applicant (or the deceased worker) was not immediately employed by the respondents, but was employed by _____, of _____, a contractor with the respondents for the execution by or under such contractor of work undertaken by the respondents, and the accident occurred elsewhere than on, in, or about the premises on which the respondents had undertaken to execute the work or which were otherwise under the control of management of the respondents; or
- (5) that the injury to the applicant (or the deceased worker) was caused under circumstances creating a legal liability in a person other than the respondents, to wit _____ (name and address of such person) to pay damage in respect thereof, and the applicant (or the deceased worker) has taken proceedings against that person and has recovered damages from him.

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

(Signed).....

Respondent, Respondent's Solicitor or Agent.

To the Registrar, and
To the Applicant, A.B., and
To the Respondents (if any, naming them).

Workers' Compensation Act, 1912-1954.

Form 14.

NOTICE BY RESPONDENT ADMITTING LIABILITY, AND SUBMITTING TO AN AWARD FOR PAYMENT OF A WEEKLY SUM, OR PAYING MONEY INTO THE BOARD, OR SUBMITTING TO AN AWARD OR PAYING MONEY INTO THE BOARD WITH A DENIAL OF LIABILITY.

(Heading as in Application for a Determination.)

TAKE NOTICE—

That the respondent, C.D., _____ admits his liability to pay compensation in the abovementioned matter.

And hereby submits to an award for payment by him to the applicant, A.B. _____, of the weekly sum of _____, such weekly payment to commence from the _____ day of _____, and to continue during the total or partial incapacity of the said A.B. _____ for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the abovementioned Act.

And for payment by him to the applicant forthwith after the award of the amount of such weekly payments calculated from the day of until the first Friday (or other usual pay day) after the date of the award, and for the payment thereafter of the said sum to the applicant on Friday (or other usual pay day) in every week.

(Or, and the said C.D. herewith pays into the Board the sum of in satisfaction of such liability.)

(Or, where liability is denied.)

TAKE NOTICE—

That the respondent, C.D. , hereby submits (follow from above, down to the words "in every week").

(Or, that the respondent, C.D. , herewith pays into the Board the sum of in satisfaction of the applicant's claim in the abovementioned matter.)

And further take notice that, notwithstanding such submission (or payment), the respondent denies his liability.

And further take notice, that the address of the said respondent is as follows:—

(state the address)

Dated this day of 19.....

(Signed).....

Respondent C.D., Respondent's Solicitor or Agent.

- To the Registrar, and
- To the Applicant, A.B., and
- To the Respondents (if any, naming them).

Workers' Compensation Act, 1912-1954.

Form 15.

NOTICE OF FILING OF SUBMISSION TO AN AWARD OR PAYMENT INTO THE BOARD IN THE CASE OF AN INJURED WORKER.

TAKE NOTICE—

That the respondent, C.D., has filed a notice (a copy of which is sent herewith) that he admits (or denies) his liability to pay compensation in the abovementioned matter, and (but) submits to an award for payment by him to you of the weekly sum of £ (or, and has paid into the Board the sum of £ in satisfaction of such liability).

If you elect to accept such weekly sum (or the sum so paid into the Board) in satisfaction of your claim, you must send to the Registrar of the Board and to the said C.D. a written notice forthwith by post, or leave such notice at the office of the Registrar, and at the residence or place of business of the said C.D.

If you send such notice, the Board will, on application, made to it, make an award directing payment of such weekly sum to you (or directing payment of the said sum of £ to you, or applying the said sum of £ for your benefit) and you will be liable to no further costs.

In default of such notice, the application will be proceeded with; and if no greater payment is awarded to you, you will be liable to be ordered to pay the costs incurred by the respondents subsequent to the receipt by you of this notice.

Dated this day of 19.....

.....

Registrar.

- To the applicant, A.B.,
- or his solicitor (or agent).

Workers' Compensation Act, 1912-1954.

Form 16.

NOTICE OF ACCEPTANCE OF WEEKLY SUM OFFERED, OR OF WILLINGNESS TO ACCEPT SUM PAID INTO THE BOARD.

(Not to be printed, but to be used as precedent.) (Heading as in Request.)

TAKE NOTICE—

That the applicant, A.B., accepts the weekly sum offered by the respondents, C.D. & Co., Limited, in satisfaction of his claim in the abovementioned matter (or, that the applicant, E.F., or the respondent, G.H.) is willing to accept the sum of £ paid into the Board by the respondents, C.D. & Co., Limited, in satisfaction of the compensation payable in the abovementioned matter.

But the applicant (or the said respondent, G.H.,) will apply to the Board to include in the order of the Court an order directing the said respondents, C.D. & Co., Limited., to pay the costs properly incurred by the applicant (or the said respondent, G.H.,) before the receipt of notice of the offer of the said weekly sum (or of notice of payment of the said sum of £) into the Board.

Dated this day of 19.....

(Signed) Applicant.

(or

..... Respondent)

To the Registrar, and To the Respondents, C.D. & Co. Limited, and To the Applicant, A.B., and To the Respondents (naming them).

Workers' Compensation Act, 1912-1954.

Form 17.

ORDER ADDING RESPONDENTS.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of } Applicant.

and

of } Respondents.

It is this day ordered, on the application of the respondents,..... that..... of..... be added as respondents (and that the hearing be adjourned to the..... day of..... at..... o'clock in the..... noon).

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

By the Board.

..... Chairman.

To.....

of.....

Workers' Compensation Act, 1912-1954.

Form 18.

NOTICE TO APPLICANT AND ORIGINAL RESPONDENTS OF ADDITION OF RESPONDENTS.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant.
and

of..... } Respondents.

TAKE NOTICE that by Order dated the..... day of..... 19....., it was ordered, on the application of the respondents..... (a copy whereof is hereto annexed), that..... of..... be added as respondents to this matter (and that the hearing thereof be adjourned to the..... day of....., at..... o'clock in the noon).

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

Registrar.

To..... of.....

Workers' Compensation Act, 1912-1954.

Form 19.

NOTICE TO PARTIES WHO ARE ADDED AS RESPONDENTS.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant.
and

of..... } Respondents.

To Messrs..... of.....

TAKE NOTICE that by an Order of this Board dated the..... day of..... 19....., a copy of which Order is hereunto annexed, together with a copy of the request and particulars filed by the applicant in this matter, and a copy of the application on which the said Order was made, you were ordered to be added as a respondent in the above matter.

And further take notice that the hearing of the above matter has been appointed for the..... day of..... at..... o'clock in the..... noon, and that if you do not attend, either in person or by your solicitor, before the Board at..... upon the day and at the hour abovementioned, such Order will be made and proceedings taken as the Board may think just and expedient.

And further take notice, that if you wish to 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, you must file with me an answer, stating your name and address and the name

and address of your solicitor (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 grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the Board and a copy for the applicant and for each of the other respondents, must be filed with me seven clear days at least before the.....day of.....19.....

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

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

Registrar.

To.....

of.....

Workers' Compensation Act, 1912-1954.

Form 20.

NOTICE BY RESPONDENT TO THIRD PARTIES.

(Not to be printed, but to be used as a precedent.)

(Heading as in Request.)

To Mr., of (address and description)

TAKE NOTICE—

That A.B., of, etc., has filed a request (a copy whereof is hereto annexed) for the determination of the amount of compensation payable by the respondents, C.D. & Co. Limited, to the said A.B., in respect of personal injury caused to the said A.B. by accident arising out of and in the course of his employment .

(Or, that E.F. of has filed a request for arbitration (a copy whereof is hereto annexed) with respect to the compensation payable to the dependants of A.B. deceased, in respect of the injury caused to the said dependants by the death of the said A.B. which resulted from the injury caused to the said A.B. by accident arising out of or in the course of his employment).

(or as the case may be; see forms of request.)

The respondents, C.D. & Co., Limited, claim to be indemnified by you against their liability to pay such compensation on the grounds that at the time of the injury in respect of which compensation is claimed, the said A.B. was not immediately employed by the said C.D. & Co., Limited, but was employed by you in the execution of work undertaken by the said C.D. & Co., Limited, in respect of which the said C.D. & Co., Limited, had contracted with you for the execution thereof by or under you.

(Or on the ground that the injury for which compensation is claimed was caused under circumstances creating a legal liability on your part to pay damages in respect thereof).

(or as the case may be.)

And take notice, that if you wish to dispute the applicant's claim as against the respondents, C.D. & Co., Limited, or your liability to the said respondents, you must appear before the Board at the time and place mentioned in the notice, a copy of which is hereunto annexed.

In default of your so appearing, you will be deemed to admit the validity of any order made in the said proceedings as to any matter which the Board has jurisdiction to decide as between the applicant and the respondents, C.D. & Co., Limited, , whether such order is made by consent or otherwise, and your own liability to indemnify the said C.D. & Co., Limited, , (or to contribute as abovementioned).

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

(Signed).....
C.D. & Co., Limited, by Secretary.

To.....
of.....
(Or solicitors for the respondents C.D. & Co., Limited).

Workers' Compensation Act, 1912-1954.

Form 21 (a).

ORDER.

(i) In case of Application by Worker.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

..... } Applicant.

and

..... } Respondents.

1. It is hereby ordered that the respondents.....do pay to the applicant....., the weekly sum of..... as compensation for personal injury caused to the said..... on the..... day of..... by accident arising out of or in the course of his employment as a worker employed by the said respondents, such weekly payment to commence as from the..... day of....., and to continue during the total or partial incapacity of the said..... for work, or until the same shall be ended, diminished, increased, or redeemed, in accordance with the provisions of the abovementioned Act.

2. And it is further ordered that the said.....do forthwith pay to the said..... the sum of....., being the amount of such weekly payments calculated from the..... day of..... until the..... day of....., and do thereafter pay the said sum of..... to the said..... in every week.

3. And it is further ordered that the said.....do pay to the applicant his costs of and incident to this matter, such costs, in default of agreement between the parties as to the amount thereof, to be taxed under column..... of the scales of costs in use in Local Courts and to be paid by the said..... to the applicant within..... days from the date of certificate of the result of such taxation.

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

By the Board.

.....
Chairman.

Workers' Compensation Act, 1912-1954.

Form 21 (b).

ORDER.

(ii) In case of Application by Dependants.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

of..... } Applicant.

and

of..... } Respondents.

1. It is hereby ordered that the respondents..... do pay the sum of..... to the dependants of....., late of..... deceased, as compensation for the injury resulting to such dependants from the death of the said....., which took place on the..... day of....., from injury caused to the said..... on the..... day of....., by accident arising out of or in the course of his employment as a worker employed by the said respondents.

2. And it is hereby ordered that the persons hereinafter named are entitled to share in such compensation as dependants of the said....., that is to say..... the widow of the said..... and.....

3. And it is hereby ordered that the respondent..... is not entitled to share in such compensation as a dependant of the said.....

4. And it is hereby ordered that the said sum of..... be apportioned between the said..... and..... in the proportions following, that is to say:—

The sum of £..... to or for the benefit of the said..... and the sum of £..... to or for the benefit of the said.....

5. And it is hereby ordered that the said..... do pay the said sum of £..... to the Board within..... days from the date of this order.

6. And it is further ordered that on payment into the Board of the said sum of £....., the Registrar do forthwith pay to the said....., the sum of £..... hereby apportioned to her (or the sum of £..... out of the sum of £..... hereby apportioned to her, and that the balance of the last mentioned sum be invested for the benefit of the said..... and that out of the sum so invested and the accruing interest thereof, the Registrar do from time to time until further order pay to the said..... the weekly (or fortnightly) sum of £....., the first payment to be made on the..... day of.....).

7. And it is further ordered that on payment into the Board of the said sum of £....., the sums of £....., and £..... hereby apportioned to or for the benefit of the said..... respectively be invested for the benefit of the said..... and..... respectively, and that interest arising from such investments be from time to time until further order paid to the said....., to be by her applied for the maintenance, education or benefit of the said..... and..... respectively.

8. And it is further ordered that the said and the said or any of them be at liberty to apply to the Board from time to time as they may be advised for any further or other order as to the application of any of the said sums so ordered to be invested and the accruing interest thereof.

9. And it is further ordered that the said do pay into the Board for the use of the applicants, their costs of and incident to this matter, such costs, in default of agreement between the parties as to the amount thereof, to be taxed under column of the scales of costs in use in the Local Courts, and to be paid by the said into the Board within days from the date of the certificate of the result of such taxation.

Add directions (if any given) as to costs occasioned by claim of person claiming as a dependant whose claim is disallowed.

Dated this day of 19.....

By the Board.

.....
Chairman.

Workers' Compensation Act, 1912-1954.

Form 21 (c).

ORDER.

(iii) In Case of Application by Person to Whom Expenses of Medical Attendance or Burial are Due.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....

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

and

..... } Respondents.
of..... }

1. It is hereby ordered that the respondents do pay the sum of £..... for or towards the expenses of medical attendance on and the burial of , late of , deceased, who died on the day of 19....., from injury caused on the day of 19....., by accident arising out of or in the course of the employment of the said as a worker employed by the said

2. And it is hereby ordered that the persons hereinafter named are entitled to share in such compensation, that is to say:—

The applicant in respect of charges amounting to £..... due to (or payable by) him for medical attendance on the said and the respondent in respect of charges amounting to £..... due to him for the burial of the said

3. And it is further ordered that the respondents do pay the said sum of £..... into the Board within days from the date of this order, and that the said sum of £..... be apportioned between and paid to the said and in proportion to the amounts due to them respectively as aforesaid.

4. And it is further ordered that the said.....do pay into the Board, for the use of the applicant,..... and the respondent,..... their respective costs of and incidental to this matter; such costs, in default of agreement between the parties as to the amount thereof, to be taxed under column..... of the scales of costs in use in the Local Courts, and to be paid by the said..... within..... days from the date of the certificate of the result of such taxation.

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

By the Board,

.....
Chairman.

Workers' Compensation Act, 1912-1954.

Form 22.

FORM OF MEMORANDUM UNDER PARAGRAPH 15 OF SCHEDULE 1.

To the Registrar,.....

In the matter of the Workers' Compensation Act, 1912-1954, and in the matter of an Agreement between..... of..... and..... of.....

BE it remembered, that on the..... day of..... 19....., personal injury was caused to the abovenamed..... by accident arising out of or in the course of his employment, or whilst acting under the employer's instructions:

And that on the..... day of..... 19....., the following agreement was come to by and between the said..... and the said....., that is to say:

(Here set out copy of agreement.)

(OR, where death resulted from the accident, BE it remembered, that on the..... day of..... 19....., personal injury was caused to....., late of....., deceased, by accident arising out of or in the course of his employment, or whilst acting under the employer's instructions, and that on the..... day of..... 19....., the said..... died as the result of such injury:

And that on the..... day of..... 19....., the following agreement was come to by and between....., the dependants of the said..... and the said....., that is to say:)

(Here set out copy of agreement.)

You are hereby requested to record this Memorandum pursuant to paragraph 15 of the First Schedule to the abovementioned Act.

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

Workers' Compensation Act, 1912-1954.

Form 22A.

INFORMATION TO BE SUPPLIED WHERE A MEMORANDUM OF AN AGREEMENT AS TO THE AMOUNT OF COMPENSATION PAYABLE TO A PERSON IS PRESENTED FOR REGISTRATION.

Schedule 1, Paragraph 15, Rule 34 (4).

A.—In Case of Agreement with Injured Worker.

To The Registrar,

In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between..... of.....

and

of.....
(a).....named in the Memorandum of Agreement presented for registration in this matter, was, at the date of the accident.....years of age.

(b) He was employed as.....and his average weekly earnings, computed in accordance with the abovementioned Act, were.....

(c) He has dependent upon him the following persons (here state names; in case of children, ages and relationships)—
.....

(d) He was injured by.....and the nature of his injury was as follows:—
.....

(e) He was totally incapacitated for work for a period of....., but recovered and was fit to resume his ordinary work on the.....day of.....

(Or, he was and is at present totally incapacitated for work, but is expected to recover and to be fit to resume his ordinary work in about.....);

(Or, he was totally incapacitated for work for a period of....., and is now partially incapacitated, but such partial incapacity is not likely to be permanent, and he is expected to recover and to be fit to resume his ordinary work in about.....);

(Or, he was and is totally incapacitated for work and such incapacity is likely to be permanent);

(Or, he was totally incapacitated for work for a period of..... and is still partially incapacitated, and such partial incapacity is likely to be permanent, but he is able to do light work, and it is estimated that he is able to earn an average weekly amount of..... in some suitable employment or business);

(Or, he has received injury within the table of the Second Schedule as follows.....).

(Or as the case may be).

(f) He has received from his employer prior to the date of the agreement weekly payments at the rate of £..... from..... to.....and in addition the following payments, allowances or benefits, viz.:—
.....

..... } Parties to
..... } the
..... } Agreement.
Dated this.....day of.....19.....

Workers' Compensation Act, 1912-1954.

Form 22A.

INFORMATION TO BE SUPPLIED WHERE A MEMORANDUM OF AN AGREEMENT AS TO THE AMOUNT OF COMPENSATION PAYABLE TO A PERSON IS PRESENTED FOR REGISTRATION.

Schedule 1, Paragraph 15, Rule 34 (4).

B.—Where Death Resulted from the Injury.

To the Registrar,

In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between.....
of.....

and

of.....

(a) named in the accompanying Memorandum of Agreement was at the date of death..... years of age.

(b) The date of the accident or notional accident was the..... day of....., 19.....

(c) There is no dispute as to the liability of the employer to pay compensation under the provisions of the Act.

(d) To the best of knowledge and belief of the employer the only persons either wholly or partially dependent on the deceased prior to his death are (here state names, in the case of children, ages and relationships):—.....

.....

(e) Between the time of the accident and his death, the deceased received the following payments, allowances or benefits from his employer:—.....

..... } Parties to the Agreement

Dated this day of 19.....

Workers' Compensation Act, 1912-1954.

Form 23.

NOTICE OF MEMORANDUM HAVING BEEN RECEIVED.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between.....

of.....

and

of.....

TAKE NOTICE that a Memorandum, a copy of which is hereto annexed, has been sent to me for registration.

Such Memorandum appears to affect you.

I have therefore to request you to inform me within seven days from this date whether you admit the genuineness of the Memorandum, or whether you dispute it, and, if so, in what particulars, or object to its being recorded, and, if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the Memorandum, or object to its being recorded, it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness, or object to its being recorded, it will not be recorded, except with your consent in writing, or by order of the Board.

Dated this.....day of.....15.....

Registrar.

Form 24.

NOTICE DISPUTING MEMORANDUM, OR OBJECTING TO ITS BEING RECORDED.

(Not to be printed, but to be used as a precedent.)

In the Workers' Compensation Board of Western Australia. (Heading as in Memorandum.)

TAKE NOTICE that the undersigned of, dispute the genuineness of the Memorandum sent to you for registration in the abovementioned matter in the following particulars:—

(Here state particulars.)

(Or, TAKE NOTICE that the undersigned of, etc., object to the Memorandum sent to you for registration in the abovementioned matter being recorded on the following grounds:—

(Here state grounds. See particulars Schedule 1, paragraph 15 (i), proviso (b).)

Dated this day of 19

C.D. & Co. Limited,

by Secretary.

(Or solicitors for C.D. & Co. Limited).

To the Registrar.

Workers' Compensation Act, 1912-1954.

Form 25.

NOTICE THAT MEMORANDUM IS DISPUTED, OR OF OBJECTION TO ITS BEING RECORDED.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between

of and

of

TAKE NOTICE that the genuineness of the Memorandum in the abovementioned matter left with (or sent to) me for registration is disputed by

of a party affected by such Memorandum, in the following particulars:—

(here state particulars of dispute)

(Or that a party interested in the Memorandum in the abovementioned matter, left with (or sent to) me for registration objects to the same being recorded, on the following grounds:—

(here state grounds)

The Memorandum will therefore not be recorded, except with the consent in writing of the said or by order of the Board.

Dated this day of 19

Registrar.

Workers' Compensation Act, 1912-1954.

Form 26.

NOTICE OF APPLICATION FOR REGISTRATION OF MEMORANDUM OR FOR RECTIFICATION OF REGISTER.

(Not to be printed, but to be used as a precedent.) (Heading as in Memorandum.)

In the Workers' Compensation Board of Western Australia.

TAKE NOTICE that I intend to apply to the Board at....., on.....the.....day of....., 19....., at the hour of.....o'clock in the.....noon (in case of notice by solicitor, on behalf of....., of.....), for an order for the registration of the Memorandum sent to the Registrar in the abovementioned matter (or for an order for the rectification of the Memorandum recorded in the abovementioned matter) by (state particulars of rectification applied for)....., and for consequential directions, and for costs.

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

Applicant. (or Applicant's Solicitor)

To the Registrar, and to and to Messrs. (his (or their) Solicitors).

Workers Compensation Act, 1912-1954.

Form 27.

NOTICE TO PARTIES WHERE REGISTRAR REFERS THE QUESTION OF RECORDING A MEMORANDUM OF AN AGREEMENT TO THE BOARD UNDER SCHEDULE 1, PARAGRAPH 15, PROVISIO (d).

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between.....

of..... and of.....

TAKE NOTICE that I have refused to record the Memorandum sent to me in this matter for registration, and have referred the matter to the Board pursuant to proviso (d) to paragraph 15 of the First Schedule to the Act, it appearing to me that the said Memorandum ought not to be registered by reason of—

- (a) the inadequacy of the lump sum agreed to be paid in redemption of the weekly payment referred to in the Memorandum; or
(b) the inadequacy of the amount of compensation agreed to be paid to....., a person under legal disability; or
(c) the inadequacy of the amount of compensation agreed to be paid to.....and.....dependants; or
(d) the agreement having been obtained by fraud (or undue influence, or improper means).

And further take notice that the Board has ordered that the Memorandum be not recorded, or be not recorded unless amended as follows:—

unless you on application pursuant to Rule 39 show cause to the contrary.

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

Registrar.

Workers' Compensation Act, 1912-1954.

Form 28.

APPLICATION FOR REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER SCHEDULE 1, PARAGRAPH 15, PROVISIO (e).

In the Workers' Compensation Board of Western Australia. (Heading as in Memorandum.)

TAKE NOTICE that I intend to apply to the Board at ... on ... the ... day of ... at the hour of ... o'clock in the ... noon, for an order for the removal from the register of the record of the Memorandum of the Agreement in the abovementioned matter which was recorded on the ... day of ... pursuant to proviso (e) to paragraph 15 of the First Schedule to the abovementioned Act, on the ground that the said agreement was obtained by fraud (or undue influence, or improper means) ... or that the amount of compensation payable thereunder is inadequate, and for consequential directions and for costs.

Dated this ... day of ... 19

Applicant (or Applicant's Solicitor).

To the Registrar, and to and to Messrs. (his (or their) Solicitors).

Workers' Compensation Act, 1912-1954.

Form 29.

NOTICE TO PARTIES WHERE BOARD DIRECTS INQUIRY AS TO REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER SCHEDULE 1, PARAGRAPH 15, PROVISIO (e).

In the Workers' Compensation Board of Western Australia. In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between ... of ... and ... of ...

WHEREAS it has been made to appear to the Board that inquiry should be held as to the removal from the Register of the record of the Memorandum of the Agreement in the abovementioned matter, which was recorded on the ... day of ... pursuant to proviso (e) to paragraph 15 of the First Schedule to the abovementioned Act, on the ground that the said Agreement was obtained by fraud (or undue influence, or improper means), or that the amount of compensation payable thereunder is inadequate.

TAKE NOTICE that you are hereby summoned to attend before the Board at ... on ... the ... day of ... at the hour of ... o'clock in the ... noon, when the matter will be inquired into.

And that if you do not attend either in person or by your solicitor on the day and at the hour abovementioned, such order will be made and proceedings taken as the Board may think just and expedient.

Dated this ... day of ... 19

Registrar.

Workers' Compensation Act, 1912-1954.

Form 30.

APPLICATION FOR REFERENCE TO A MEDICAL REFEREE.

In the matter of the Workers' Compensation Act, 1912-1954, and in the matter of a claim for compensation made by.....

1., of in the State of Western Australia, claims that he while a worker in the employ of....., in the said State, on the.....day of.....19....., at..... met with personal injury by accident arising out of or in the course of his employment as a.....

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 injury, 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 referee be appointed to enquire into and report on the following:—

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

..... Applicant.

To the Registrar,
Workers' Compensation Board.

Workers' Compensation Act, 1912-1954.

Form 31.

IN THE MATTER of the Workers' Compensation Act, 1912-1954, and in the matter of a claim for compensation by.....

1., of in the State of Western Australia claims that he, while a worker in the employ of..... of in the said State, on the.....day of.....19....., at..... met with personal injury by accident arising out of or in the course of his employment as a.....

2. Questions as hereinafter appearing have arisen between the parties which they are unable to determine by mutual agreement between themselves.

3. The worker and the employer by mutual agreement as evidenced by their signatures hereunder request that a medical board be appointed to sit and determine the following questions:—

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

..... Applicant.

Signed by the said worker
in the presence of—

Signed by the said employer
in the presence of—

Form 32.

Workers' Compensation Act, 1912-1954.

ORDER OF REFERENCE.

In the matter of the Workers' Compensation Act, 1912-1954, 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 Referee/Board 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..... at..... on..... the..... day of..... 19..... at the hour of..... o'clock in the..... noon, for that purpose.

4. The report of the Referee/Board 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 the..... day of..... 19.....

Registrar, Workers' Compensation Board.

To:

*Or as suitable to the circumstances.

Workers' Compensation Act, 1912-1954.

Form 33.

ORDER ON INJURED WORKER TO SUBMIT HIMSELF FOR EXAMINATION BY A MEDICAL REFEREE OR MEDICAL BOARD.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

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 Referee/Board duly appointed for the purposes of the Workers' Compensation Act, 1912-1954, to examine you in accordance with the application in the abovementioned matter for a reference to a Medical Referee or Medical Board.

You are hereby required to submit yourself for examination by the Referee/Board (add, where worker is in a fit condition to travel), and to attend for that purpose at..... at....., at the hour of..... o'clock in the..... noon, on..... the..... day of..... 19.....

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

Registrar.

Workers' Compensation Act, 1912-1954.

Form 34.

REPORT BY MEDICAL REFEREE OR MEDICAL BOARD.

(Heading as in Application.)

The Medical Referee/Board appointed under the provisions of the above Act to examine the abovenamed claimant met and conducted such examination on the.....day of.....19....., at the consulting rooms of.....at.....

It is reported as follows:—

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

Chairman or Referee.

Member.

Member.

Workers' Compensation Act, 1912-1954.

Form 35.

NOTICE TO PARTIES OF CERTIFICATE OF MEDICAL REFEREE OR MEDICAL BOARD.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

In the matter of a claim for compensation made by..... of....., against..... of.....

No. of Matter.....

TAKE NOTICE that I have received the certificate of the Medical Referee/Board appointed in this matter, which you may inspect during office hours at my office, and a copy of which is forwarded herewith.

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

Registrar.

To..... of.....

Form 36.

NOTICE OF APPLICATION FOR SUSPENSION OF RIGHT TO COMPENSATION OR TO TAKE OR PROSECUTE PROCEEDINGS IN RELATION TO COMPENSATION, OR OF RIGHT TO WEEKLY PAYMENTS.

(Not to be printed, but to be used as a precedent.)

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

In the matter of a claim for compensation made by A.B..... of....., against C.D. & Co. Limited,..... of.....

(Or, where proceedings are pending,

No. of Matter.....

A.B.,..... of (address)..... (description)..... Applicant, and C.D. & Co. Limited,..... of (address)....., (description)..... Respondents.)

(Or, where application is made after weekly payment has been settled,

In the matter of an agreement recorded with the Board as to the weekly payment payable to A.B..... of..... by C.D. & Co. Limited,..... of.....)

Take notice that I intend to apply to the Board at
 on the day of 19....., at the hour of
 o'clock in the noon (on behalf of Messrs. C.D. & Co.
 Limited, of, etc.....) for an order suspending your right
 to compensation in the abovementioned matter and to take or prosecute any
 proceedings under the abovementioned Act in relation to compensation (or
 suspending your right to weekly payments in the abovementioned matter), on
 the ground that you refuse to submit yourself to medical examination as required
 by me (or by the said C.D. & Co. Limited), in accordance with paragraph 4
 (a) or paragraph 5 of the First Schedule to the Act (or that you obstruct the
 medical examination required by me (or by the said C.D. & Co. Limited) in
 accordance with paragraph 4 (a) or paragraph 5 of the First Schedule to the
 Act), (or on the ground that you refuse to submit yourself for examination
 by a medical referee as ordered under paragraph 7 of the First Schedule to the
 Act, or that you obstruct the examination by a medical referee ordered
 under paragraph 7 of the First Schedule to the Act, and for consequential
 directions, and for costs.

Dated this day of 19.....

(signed).....

C.D. & Co. Limited, by Secretary.

(Or.....

Solicitors for the Respondents,
 C.D. & Co. Limited).

To A.B., of....., and to Messrs.....
 (his solicitors).

The Workers' Compensation Act, 1912-1954.

Form 37.

PRAECIPE FOR PAYMENT INTO BOARD OF WEEKLY PAYMENTS TO
 PERSON UNDER DISABILITY.

(Not to be printed, but to be used as a precedent.)

In the Workers' Compensation Board of Western Australia.
 In the matter of the Workers' Compensation Act, 1912-1954, and in the matter
 of an Agreement between..... of..... and
 of.....

WHEREAS on the..... day of..... 19.....
 of..... suffered personal injury by
 accident arising out of or in the course of his employment by.....
 whereby he was unable to work from the..... day of.....
 19....., until the..... day of..... 19....., and it is
 expected that he will not be fit to work until the..... day of.....
 19.....

And whereas such worker has the following persons wholly dependent
 upon him (state names, in the case of the children, ages and relationship)
 and the following persons partially dependent upon him (as with wholly
 dependent)

And whereas such worker, whose earnings at the time of the accident
 were £..... is under a legal disability in that.....

Now take notice that (employer or solicitor or agent, etc.) pays to the
 Workers' Compensation Board the sum of £..... the amount payable
 to the said worker under the Act and being made up as follows:—

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

Employer.

To the Registrar,
 Workers' Compensation Board, Perth.

Received the abovementioned sum of £.....

Registrar, Workers' Compensation Board.

Date.....

The Workers' Compensation Act, 1912-1954.
Form 38.

PRAECIPE FOR PAYMENT INTO BOARD ON DEATH OF WORKER.
(Not to be printed, but to be used as a precedent.)

In the Workers' Compensation Board of Western Australia.
In the matter of the Workers' Compensation Act, 1912-1954, and in the matter
of an Agreement between.....of.....and
.....of.....

WHEREAS on the.....day of.....19.....,
.....of.....died as a result of personal injury
by accident arising out of or in the course of his employment by.....
at.....in the State of Western Australia.

Or

died as a result of....., a disease within the meaning of
section 8 of the above Act alleged to have been due to the nature of his
employment as a.....in which occupation he was last employed
by.....

And whereas the date of the accident (or notional accident) was the
.....day of.....19....., at which date deceased was
.....years of age.

And whereas there is no dispute as to the employer's liability to pay
compensation under the provisions of the above Act.

And whereas to the best of the employer's knowledge and belief the only
persons left either wholly or partially dependent upon the earnings of the
deceased are (here state names, in the case of children, ages, addresses and
relationship of dependants).....

Now take notice that (employer or solicitor or agent) pays to the Workers'
Compensation Board the sum of £.....being the amount payable
as compensation herein, and being made up as follows:—

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

Employer.

To the Registrar,
Workers' Compensation Board, Perth.

Received the abovementioned sum of £.....

Registrar, Workers' Compensation Board.

Date.....

Workers' Compensation Act, 1912-1954.
Form 39.

NOTICE BY REGISTRAR OF PAYMENT INTO THE BOARD.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter.....
of.....} Applicant.
and
of.....} Respondents.

TAKE NOTICE that the sum of.....has been paid into
the Board as compensation in the abovementioned matter. Any person interested
in the said sum may apply to the Board for an order for the apportionment
and application of the said sum for the benefit of the persons entitled thereto
in accordance with the First Schedule to the Workers' Compensation Act,
1912-1954, and the Rules of the Board made under the said Act.

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

Registrar.

To.....
of.....

Workers' Compensation Act, 1912-1954.

Form 40.

APPLICATION FOR INVESTMENT OR APPLICATION OF MONEY PAID INTO COURT UNDER SCHEDULE 1, PARAGRAPH 5.

(Not to be printed, but to be used as a precedent.)

In the Workers' Compensation Board of Western Australia.

(Heading as in Praeceptum for Payment into the Board.)

TAKE NOTICE that I (name and address of applicant) intend to apply to the Board at....., on....., the.....day of....., at the hour of.....o'clock in the.....noon, on behalf of myself and of (specify the persons on whose behalf the application is made), as dependants of the abovenamed A.B. for an order for the apportionment and application of the sum paid into the Board in the abovementioned matter, and for the allotment of the same between the dependants of the said A.B.

To the best of my knowledge and belief, the persons interested in the said sum as dependants of the said A.B. are (state dependants, with their ages and relationship to deceased worker and places of residence).

I intend to apply for an order as follows, viz.:—

(state how applicant wishes the sum to be dealt with) or in such other manner as the Board in its discretion thinks fit for the benefit of the persons entitled thereto under the abovementioned Act, and for consequential directions.

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

(Signed).....

To the Registrar and (to any other parties interested, where the application is made on behalf of some only of the parties interested).

Workers' Compensation Act, 1912-1954.

Form 41.

CERTIFICATE OF IDENTITY.

Notice.—This Certificate is no Security whatever for a Debt.

(To be carefully preserved.)

No. of Certificate.....

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between.....

of.....

and

of.....

This is to certify that.....late of.....is entitled to a weekly payment of.....from.....of.....as compensation payable to the said.....in respect of personal injury caused to him by accident arising out of or in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said.....for work.

And that the description of the said.....is as follows:—

Age..... Height.....

Hair..... Eyes.....

Nature of injury and incapacity.....

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

Registrar.

Workers' Compensation Act, 1912-1954.

Form 42.

NOTICE TO BE GIVEN TO WORKER INTENDING TO CEASE TO RESIDE IN WESTERN AUSTRALIA.

In the Workers' Compensation Board of Western Australia. In the matter of the Workers' Compensation Act, 1912-1954; and in the matter of an agreement between.....

of..... and.....

of.....

TAKE NOTICE that if you desire to obtain payment of the weekly payments payable to you under the Order (or Memorandum of Agreement) hereto annexed while you are residing out of Western Australia, you must, at intervals of three months from the date up to which such payments have been made, submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the certificate of identity hereto annexed; and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you, and that your incapacity resulting from the injury continues; and such certificate must be verified by the medical practitioner by declaration in your presence before some such person as hereinafter mentioned.

You must also attend before some such person as hereinafter mentioned and make a declaration in the form hereto annexed that you are the same person as mentioned in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the certificates abovementioned.

You must then transmit to me, at my office, situate at....., the certificate of the medical practitioner by whom you have been examined, and your declaration, together with a request for transmission to you of the amount of the weekly payment due to you, specifying the place where and the manner in which the amount is to be transmitted, according to the form hereto annexed, which request must be signed in your own handwriting.

The persons before whom a certificate may be verified or a declaration made are:—

- 1. Any person having authority to administer an oath in the place in which you reside.
2. Any British ambassador, envoy, minister, charge d'affaires, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice-consul, acting-consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside.

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

Registrar.

To..... of.....

Workers' Compensation Act, 1912-1954.

Form 43.

FORM OF MEDICAL CERTIFICATE TO BE OBTAINED BY WORKER RESIDING OUT OF WESTERN AUSTRALIA.

(Heading as in Order or Memorandum of Agreement.)

I (name, address and medical qualification of medical practitioner) hereby certify that I have this day examined A.B....., of....., whom I conscientiously believe to be the same person as A.B....., of....., described in the certificate of identity, dated the.....day

of..... Produced to me by the said A.B.; and that in my opinion the incapacity of the said A.B. resulting from the injury described in the said certificate still continues.

Dated this.....day of.....19..... (Signature).

Declared at.....this.....day of..... in the presence of the said A.B..... the copy of the certificate of identity abovementioned being at the same time produced.

Before me—

(Signature and description of person before whom the declaration is made.)

Workers' Compensation Act, 1912-1954.

Form 44.

DECLARATION OF IDENTITY BY WORKER RESIDING OUT OF WESTERN AUSTRALIA.

(Heading as in Order or Memorandum of Agreement.)

I, A.B....., of....., hereby declare that I am the same person as A.B....., of....., described in the Certificate of Identity, dated the.....day of....., 19....., now produced by me, and the same person as A.B....., of....., described in the certificate of..... declared by the said..... in my presence on the.....day of....., 19....., and now produced by me.

(Signed).....

A.B.

Declared at.....this.....day of....., the certificate abovementioned being at the same time produced.

Before me—

(Signature and description of person before whom the declaration is made.)

Workers' Compensation Act, 1912-1954.

Form 45.

REQUEST FOR TRANSMISSION OF AMOUNT OF WEEKLY PAYMENT BY WORKER RESIDING OUT OF WESTERN AUSTRALIA.

(Heading as in Order or Memorandum of Agreement.)

Sir,

I herewith enclose medical certificate and affidavit of identity, and request that the amount of the weekly payments due to me in the abovementioned matter may be transmitted to me at..... (Give full address) (state how transmission is to be made as)—by Post Office order payable at (name of Post Office)..... or by banker's draft on the (name and address of bank).....

I, am, etc.,

A.B.

(to be signed by the worker in his own handwriting)

To the Registrar, Workers' Compensation Board, Perth, W.A.

The Workers' Compensation Act, 1912-1954.

Form 46.

NOTICE BY REGISTRAR TO EMPLOYER OF RECEIPT OF MEDICAL CERTIFICATE AND DECLARATION OF IDENTITY.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954, and in the matter of an Agreement between (or an order of the Board dated the day of, 19 between) and of

TAKE NOTICE that I have received proof of identity and of continuance of incapacity in the abovementioned matter.

And I have to request you to transmit the sum of being the amount of the weekly payments payable to under the abovementioned Order (or Memorandum) from to me, to be by me remitted to the said

Dated this day of 19

Registrar.

Workers' Compensation Act, 1912-1954.

Form 47.

REGISTER.

Workers' Compensation Act, 1912-1954.

REGISTER.

| No. of Matter. | Title. | Date of Proceeding. | Nature of Proceeding. |
|----------------|--------|---------------------|-----------------------|
| | | | |

Workers' Compensation Act, 1912-1954.

Form 48.

SUMMONS TO WITNESS.

In the Workers' Compensation Board of Western Australia.

In the matter of the Workers' Compensation Act, 1912-1954.

No. of Matter

of } Applicant.

and

of } Respondents.

You are hereby summoned to appear before the Workers' Compensation Board at on the day of, 19, at o'clock in the

noon, and thereafter from day to day until discharged from attendance, to give evidence concerning the abovementioned application on behalf of the

*(You are also required then and there to have and produce all books, papers, and writings in your possession, custody or control, in any way relating to the application and in particular the following:—

Penalty for default in compliance: £10.
Dated this.....day of.....19.....

Registrar.

To:

* Mark out if not required.

Workers' Compensation Act, 1912-1954.
Form 49.

INTERLOCUTORY APPLICATION.
(Heading as in Form 1.)

TAKE NOTICE that I intend to apply to the Workers' Compensation Board of Western Australia at.....on.....the.....day of.....19....., at the hour of.....o'clock in the.....noon for an order as follows:—

(here give brief description of order sought).

*The circumstances under which this application is made are set out in an accompanying affidavit.

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

Applicant (or Applicant's Solicitor or Agent).

To the Registrar,
send to:

* Take out if no affidavit.

Workers' Compensation Act, 1912-1954.
Form 50.

APPLICATION FOR PAYMENT FROM UNINSURED FUND.

In the Workers' Compensation Board of Western Australia.

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

In the matter of the Workers' Compensation Act, 1912-1954, and in the matter of an application by a worker under Section 27 (1) (b).

1. On the.....day of.....19....., personal injury was received by.....while employed by.....

2. The said applicant proceeded against the employer by Application No. of 19....., and on the.....day of.....19....., obtained an award of the Board.

3. The employer did/did not contest such proceedings.

4. Since the date of the award the applicant has taken the following steps to recover the amount of compensation due to him:—

5. The amount of compensation recovered is £.....and the amount due and owing as at the.....day of.....19..... is £.....

6. The applicant has made enquiry and is satisfied that at the time of the injury the employer was neither covered against liability by a policy of an approved insurer, nor was granted exemption from insuring.

7. The applicant's address for service of any notice is as follows:—

Dated the day of 19.....

Applicant.

Workers' Compensation Act, 1912-1954.

Form 51.

APPLICATION FOR EXEMPTION FROM INSURING.

To the Registrar,

Workers' Compensation Board, Perth.

Application is hereby made by of in the State of Western Australia, for exemption for a period of from the day of 19..... from the operation of subsection (1) of section 13 of the Workers' Compensation Act, 1912-1954, on the ground that a fund has been established by the said for insurance against the liability to pay compensation under the Act to all workers employed by him.

- (a) The amount of the fund established is £
- (b) The number of the employees covered by the fund is
- (c) The annual wages or salaries of those employees coming within the provisions of the Act are £
- (d) The general nature of the employer's business is
- (e) The number of accidents sustained within the past five years by workers employed by the employer and entitled to compensation has been
- (f) The amount of compensation paid in respect of such accidents has been £
- (g) The annual amount of the premium paid by the employer to the Fund in respect of workers coming within the provisions of the Act is £

The applicant proposes, subject to the approval of the Minister, to deposit—

- (a) Cash in such amount (being not less than £5,000) as may be fixed by the Minister; or
- (b) A bond by the Insurance Company (or the Bank); or
- (c) Securities as follows:—

And, subject to this application being granted, the employer hereby agrees, declares and acknowledges that the money (or bond or securities) deposited with the Treasurer shall be and are hereby charged with all payments to become due under such liability as aforesaid.

Date.....

Employer's Signature.

Workers' Compensation Act, 1912-1954.

Form 52.

BOND.

KNOW all men by these presents that we (employer)..... of..... in the State of Western Australia, and (surety)..... of..... in the State of Western Australia (hereinafter referred to as "the obligors"), hereby bind ourselves jointly and severally for the payment to Her Majesty the Queen of the sum of.....pounds.

Sealed with our seals respectively this.....day of.....19.....

Whereas it is stated by the abovenamed obligors that, pursuant to section 13 of the Workers' Compensation Act, 1912-1954, the said (employer)..... has established a fund for insurance against liability under the said Act, and the obligors have requested the Minister administering the said Act to accept the above-written bond as security charged with all payments to become due by the said (employer)..... under such liability, with a view to the Governor by Order in Council exempting the said (employer)..... from the operation of the said section.

Now the above-written obligation is conditioned to be void in case the said (employer)..... shall duly pay all compensation which under the said Act he may hereafter be liable to pay to all workers employed by him during the period of..... from the date of these presents, and at all times thereafter unless and until the said (employer)..... shall have duly obtained a policy of insurance pursuant to the said section from an approved insurance office in accordance with the said section, or the said (surety)..... by at least one month's notice in writing served on the said Minister after the expiration of the said period, shall retire from this obligation: Provided that such retirement shall not relieve the said (surety)..... from its obligation under this Bond in respect of any liability as aforesaid on the part of the said (employer)..... which may have previously arisen.

(Insert here the appropriate attestation clauses for the employer and the surety respectively.)

Workers' Compensation Act, 1912-1954.

Form 53.

MONTHLY STATEMENT BY APPROVED INSURANCE OFFICES.

Name of approved insurance office..... Address..... Date of approval.....

The Hon. Minister in Charge of Workers' Compensation, c/o. Workers' Compensation Board, Perth.

The following are the names, addresses and occupations of each employer who has, during the month of.....19.....—

(a) effected a policy or contract of insurance with the above office against liability under the Workers' Compensation Act, 1912-1954;

Table with 4 columns: Policy No., Name, Address, Occupation. The table is currently empty.

(b) been marked by the above office in its books as having been lapsed a policy of insurance under the Act.

| Policy No. | Name | Address. | Occupation. | Reason. |
|------------|------|----------|-------------|---------|
| | | | | |

Signature of responsible officer.

Position held by officer.....

Date.....

Note.—Names should be placed in alphabetical order, and return to be made within 14 days from end of each month.

Workers' Compensation Act, 1912-1954.

Form 54.

DECLARATION OF SALARY AND WAGES PAID.

I..... of..... in the State of Western Australia do solemnly and sincerely declare as follows:—

1. That I am the employer mentioned in Policy No..... effected with the (insurance office).....

or

That I am the duly appointed (manager, secretary, etc.) for..... the employer mentioned in Policy No..... effected with the (insurance office).....

2. That the amounts in the second column of the Schedule hereunder are the total amounts of salary and/or wages paid to workers of the classifications or descriptions mentioned in the first column of the Schedule by me (or by the said employer) during the period commencing the..... day of....., 19....., and terminating on the..... day..... of....., 19.....

3. That the amounts stated in the third column of the schedule are the total amounts of keep paid to such classifications or descriptions.

4. That save and except for the workers whose wages and keep are included in the amounts shown in the Schedule, I (or the employer) employed no persons whatsoever coming within the description of worker under the Workers' Compensation Act, 1912-1954, during the period mentioned in paragraph 2 hereof.

Schedule.

| Classification or Description. | Salary or Wages. | Keep (see * under) or other substitutes for cash. |
|--------------------------------|------------------|---|
| | | |

(*Keep includes board and/or lodging which shall be at award rates or 45s. weekly whichever is the greater.)

And I make this solemn declaration under and by virtue of section 106 of the Evidence Act, 1906.

Declared atin the State of Western Australia, this day of....., 19.....

Before me—

(This declaration may be made before a J.P., Commissioner for Affidavits, town clerk, road board secretary, electoral registrar, postmaster, classified officer of the State or Commonwealth Public Service, classified State School Teacher, member of the Police Force, or Commissioner for Declarations.)

Workers' Compensation Act, 1912-1954.

Form 55.

APPOINTMENT OF AGENT.
(Heading as in Application.)

I hereby authorise..... of....., whose signature appears at the foot hereof to appear and act on my behalf in any proceeding connected with the above intituled application to the Workers' Compensation Board of Western Australia.

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

Party.....
Address.....
Description.....

Witness:

Justice of the Peace.

Agent's Signature.....

Approved by His Excellency the Governor in Executive Council, 22nd February, 1956.

E. P. FOREMAN,
Acting Clerk of the Council.