

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

6307



PERTH, FRIDAY, 17 NOVEMBER 2000 No. 241 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

**WORKERS' COMPENSATION AND REHABILITATION
ACT 1981**

**WORKERS' COMPENSATION
AND REHABILITATION
AMENDMENT REGULATIONS
2000**

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 1

Workers' Compensation and Rehabilitation Act 1981

**Workers' Compensation and Rehabilitation
Amendment Regulations 2000**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Workers' Compensation and Rehabilitation Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Workers' Compensation and Rehabilitation Regulations 1982**.

[*Reprinted as at 25 February 2000.]

3. Regulation 2A replaced

Regulation 2A is repealed and the following regulation is inserted instead —

“

2A. Indexation of child's allowance and redemption amount

- (1) If the minimum award rates that would be relevant to calculating the amount of —
- (a) the child's allowance, as defined in section 5(1) of the Act; or
 - (b) the redemption amount, as defined in clause 1 of Schedule 5 to the Act,

Workers' Compensation and Rehabilitation Amendment Regulations 2000**r. 4**

for a particular financial year are not published, the amount to be calculated for that financial year (“**the relevant year**”) is to be obtained by varying the amount for the preceding financial year as described in subregulation (2).

- (2) To vary an amount as described in this subregulation, it is varied by the percentage by which the amount that the Australian Statistician published as the Wage Cost Index, ordinary time hourly rates of pay (excluding bonuses) for Western Australia varied between the second-last December quarter before the relevant year commenced and the last December quarter before the relevant year commenced.

”.

4. Regulation 3 repealed

Regulation 3 is repealed.

5. Regulation 10 amended

Regulation 10(1) is amended by inserting after “Form 6” —
“ in Appendix I ”.

6. Regulation 10B amended

- (1) Regulation 10B(1) is amended as follows:

- (a) by inserting after “Director” —

“

, a conciliation officer, a review officer, or a compensation magistrate’s court (in this regulation called “**the referrer**”)

”;

- (b) by deleting “it” and inserting instead —

“ the referrer ”.

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 7

- (2) After regulation 10B(1), the following subregulation is inserted —

“

- (1a) At least 7 days before the day on which the worker is to attend before a medical assessment panel, the worker and the employer are each to provide to the referrer any medical certificates or reports or other documents the person may have that are relevant to the question to be determined by the panel.

”.

- (3) Regulation 10B(2) is amended by inserting after “it” the following —

“

but, in determining the time, sufficient time is to be allowed to enable the worker and the employer to comply with subregulation (1a)

”.

- (4) Regulation 10B(3) is amended by inserting after “Form 13” —

“ in Appendix I ”.

7. Regulations 16 and 17 repealed

Regulations 16 and 17 are repealed.

8. Regulation 17AA amended

Regulation 17AA is amended by deleting “Schedule 1 clause 19(1) of the Act” and inserting instead —

“ clause 19(1) of Schedule 1 to the Act ”.

9. Regulation 17A amended

Regulation 17A is amended by deleting “in Schedule 5” and inserting instead —

“ of Schedule 5 to the Act ”.

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 10

10. Regulation 18 amended

Regulation 18(1) and (2) are each amended by inserting after “Schedule 5” —

“ to the Act ”.

11. Regulation 19C amended

Regulation 19C(8)(b) and (c) are each amended by inserting after “section 24A” —

“ of the Act ”.

12. Regulation 19D amended

Regulation 19D(1) is amended by deleting “clause (2)” and inserting instead —

“ clause 2 ”.

13. Regulation 19F amended

Regulation 19F(1) is amended by deleting “19 in Appendix I” and inserting instead —

“ 19A or Form 19B in Appendix I, as the case requires ”.

14. Regulation 19IA inserted

In Part 3A, before regulation 19J, the following regulation is inserted —

“

19IA. Guides for assessing degree of disability

- (1) The first edition is prescribed for the purposes of the definition of “AMA Guides” in section 93A of the Act.
- (2) To the extent, if any, that neither section 93D(2)(a) nor (b) of the Act applies to the assessment of the degree of disability of a worker for the purposes of section 93E, the degree of disability is to be assessed in accordance

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 15

with the American Medical Association's *Guides to the Evaluation of Permanent Impairment* (4th Edition).

”.

15. Regulation 19L amended

- (1) Regulation 19L(1) is repealed and the following subregulation is inserted instead —

“

- (1) The Director is to be notified as soon as practicable after the determination of —
- (a) a question referred to a dispute resolution body under subsection 93D(10) of the Act; or
 - (b) a question referred to a medical panel under subsection 93D(11) of the Act.

”.

- (2) Regulation 19L(2) is amended as follows:

- (a) by deleting “On receipt of the notification the Director is to —” and inserting instead —

“

Upon becoming aware of a determination described in subregulation (1), the Director is to, as soon as practicable —

”;

- (b) in paragraph (b), by inserting after “insurer” the following —

“ advising that the determination has been recorded ”.

16. Regulation 19M amended

- (1) Regulation 19M(1)(a) is deleted and the following paragraph is inserted instead —

“

- (a) is made by completing an election form in the form of Form 25 in Appendix I and lodging it with the Director;

”.

Workers' Compensation and Rehabilitation Amendment Regulations 2000**r. 17**

- (2) Regulation 19M(5) is repealed and the following subregulation is inserted instead —

“

- (5) The Director may refuse to register an election if not satisfied that the worker has been properly advised of the consequences of the election.

”.

17. Regulation 19N amended

- (1) Regulation 19N(2) is amended as follows:

- (a) by deleting “are if the Director is satisfied that” and inserting instead —

“

exist, whether or not the period being extended has already expired, if

”;

- (b) in paragraph (a), by inserting before “the worker” —
“ the Director is satisfied that ”;

- (c) by inserting after paragraph (a) the following paragraph —

“

- (aa) upon an application described in subregulation (3a), the Director is satisfied that an extension should be given for a period ending not more than 8 weeks after the termination day to give time for a specialist in a relevant field of medicine to prepare a report, based on treatment or medical investigation of the worker, as to whether the worker will require major surgery in respect of the disability in the extension period;

”;

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 17

- (d) in paragraph (b), by inserting before “medical evidence” —
“
no extension has been given under
paragraph (aa) and the Director is satisfied that
”;
- (e) in paragraph (c), by inserting before “a medical panel” —
“ the Director is satisfied that ”.
- (2) Regulation 19N(3)(c) is deleted and the following paragraph is inserted instead —
“
(c) lodged with the Director at least 21 days before —
(i) the termination day; or
(ii) if an extension of time has been granted under subregulation (2)(aa) or (b), the last day of the period as extended.
”.
- (3) After regulation 19N(3) the following subregulation is inserted —
“
(3a) An application for an extension of time under subregulation (2)(aa) to give time for the preparation of a specialist’s report, based on treatment or medical investigation of the worker, is to be —
(a) made in the form of Form 28 in Appendix I;
(b) accompanied by medical evidence from a specialist in a relevant field of medicine indicating that —
(i) a report could not be satisfactorily prepared without the treatment or investigation having been carried out;
and

Workers' Compensation and Rehabilitation Amendment Regulations 2000**r. 18**

- (ii) the extension sought is needed to give sufficient time for the preparation of the report;
 - and
 - (c) lodged with the Director at least 21 days before the termination day.
- (4) Regulation 19N(5)(c) is deleted and the following paragraph is inserted instead —
 - “
 - (c) lodged with the Director at least 21 days before —
 - (i) the termination day; or
 - (ii) if an extension of time has been granted under subregulation (2)(aa) or (b), the last day of the period as extended.
 - ”.
- (5) Regulation 19N(6) is amended by deleting the paragraph designation “(b)” of the second paragraph that is designated as paragraph (b) and inserting instead the paragraph designation “(c)”.
- (6) Regulation 19N(7) is repealed.

18. Regulation 19P amended

- (1) Regulation 19P(1) is amended by inserting after “written notice” the following —
 - “ , in a form approved by the Executive Director, ”.
- (2) After regulation 19P(2) the following subregulation is inserted —
 - “
 - (3) An employer’s obligation under this regulation to give a worker notice is fulfilled if the notice is given, within

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 19

the time required, by an insurer with which the employer has a policy indemnifying the employer against liability to pay the compensation claimed.

”.

19. Appendix I Form 25 amended

Appendix I Form 25 is amended by inserting above the box for the worker's signature the following —

“

Advice of consequences of election

I have been properly advised of the consequences of this election.
--

”.

20. Appendix I Form 28 inserted

After Appendix I Form 27 the following Form is inserted —

“

Form 28

[r. 19N(3a)(a)]

Workers' Compensation and Rehabilitation Act 1981

**APPLICATION FOR EXTENSION OF TIME TO MAKE ELECTION (TIME
NEEDED FOR REPORT BASED ON TREATMENT OR MEDICAL
INVESTIGATION)**

Worker's details

Surname		Other names
<input type="text"/>		<input type="text"/>
Date of birth	Sex	Occupation
<input type="text"/>	<input type="text"/>	<input type="text"/>
Address		
<input type="text"/>		
Postcode		
<input type="text"/>		
Telephone no.		
<input type="text"/>		

Workers' Compensation and Rehabilitation Amendment Regulations 2000**r. 20**

Employer's detailsName
Address
Postcode
Telephone no.
WorkCover no. (if known)
Contact person
Title
Telephone no.
Insurer's detailsName
Address
Postcode
Date weekly payments commenced
Claim no. (if known)
Contact person
Telephone no.
Disability detailsDescription of disability
Date disability occurred

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 21

Extension of time sought

Extension sought until

The extension is needed to give sufficient time for the preparation of a specialist's report, based on treatment or medical investigation of the worker, as to whether the worker will require major surgery in respect of the disability in the extension period (see regulation 19N(1)). The treatment or medical investigation is (describe below):

.....

.....

.....

**Signature
of Worker**

_____ Date

Lodging this form

This form should be lodged with —

Director, Conciliation and Review Directorate
WorkCover WA
Perth, Western Australia

You must also give to the Director medical evidence from a specialist in a relevant field of medicine indicating that a report could not be satisfactorily prepared without the treatment or investigation having been carried out, and that the extension sought is needed to give sufficient time for the preparation of the report

Granting of extension

An extension of time to make an election under section 93E(3)(b) of the Act —

 is granted until / / OR is not granted
**Signature
of Director**

_____ Date

21. Appendix I further amended

- (1) Appendix I Form 1 is amended by inserting under the heading "Form 1", at the right margin —

“ [r. 4] ”.

Workers' Compensation and Rehabilitation Amendment Regulations 2000**r. 21**

- (2) Appendix I Form 2 is amended by inserting under the heading “Form 2”, at the right margin —
“ [r. 5] ”.
- (3) Appendix I Form 2C is amended by deleting “[r.6AA]” under the heading “Form 2C” and inserting instead —
“ [rr. 4, 6AA] ”.
- (4) Appendix I Form 2D is amended by deleting “[r.6AA]” and inserting under the heading “Form 2D”, at the right margin —
“ [r. 6AA] ”.
- (5) Appendix I Form 3 is amended by inserting under the heading “Form 3”, at the right margin —
“ [rr. 6A, 7(1)] ”.
- (6) Appendix I Form 4 is amended by inserting under the heading “Form 4”, at the right margin —
“ [r. 7(1)] ”.
- (7) Appendix I Form 5 is amended by inserting under the heading “Form 5”, at the right margin —
“ [r. 7(2)] ”.
- (8) Appendix I Form 6 is amended by inserting under the heading “Form 6”, at the right margin —
“ [r. 10(1)] ”.
- (9) Appendix I Form 14 is amended by inserting under the heading “Form 14”, at the right margin —
“ [r. 18(1)] ”.
- (10) Appendix I Form 15 is amended by inserting under the heading “Form 15”, at the right margin —
“ [r. 18(2)] ”.

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 21

- (11) Appendix I Form 15C is amended by inserting under the heading "Form 15C", at the right margin —
“ [r. 12(1a)] ”.
- (12) Appendix I Form 15D is amended by inserting under the heading "Form 15D", at the right margin —
“ [r. 12(3a)] ”.
- (13) Appendix I Form 15E is amended by inserting under the heading "Form 15E", at the right margin —
“ [r. 12(4a)] ”.
- (14) Appendix I Form 15F is amended by inserting under the heading "Form 15F", at the right margin —
“ [r. 12(4b)] ”.
- (15) Appendix I Form 16 is amended by inserting under the heading "Form 16", at the right margin —
“ [r. 19] ”.
- (16) Appendix I Form 17 is amended by inserting under the heading "Form 17", at the right margin —
“ [r. 19] ”.
- (17) Appendix I Form 20 is amended by deleting "[r.19G]" under the heading "Form 20" and inserting instead —
“ [rr. 10A, 19G] ”.
- (18) Appendix I Forms 22 to 27 are each amended by deleting the reference, in square brackets and at the right margin, to the provision that refers to the form and inserting it instead under the heading designating the form, at the right margin.

Workers' Compensation and Rehabilitation Amendment Regulations 2000

r. 22

22. Appendix II amended

Appendix II is amended as follows:

- (a) by inserting under the heading "Appendix II", at the right margin —
" [r. 9] ";
- (b) by deleting "18.794 52" for year 27 week 22 and inserting instead —
" 18.784 52 ".

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

