



Western Australia

## **Workers' Compensation (Compensation Magistrate's Court) Rules 1994**

Compare between:

[27 Mar 1998, 00-b0-02] and [14 Nov 2005, 00-c0-05]



## **Workers' Compensation (Compensation Magistrate's Court) Rules 1994**

~~Made by His Excellency the Governor in Executive Council.~~

### **1. Citation**

These regulations may be cited as the *Workers' Compensation (Compensation Magistrate's Court) Rules 1994*.

### **2. Notice of sittings of court**

Notice of the times and places at which a compensation magistrate's court may sit is to be given by publishing the notice in the *Gazette*.

### **3. Review officer referring matter to court**

- (1) If, under section 84ZM of the Act, a review officer refers a matter to a compensation magistrate's court for determination, the review officer is to give to the court, and make available to each party —
  - (a) a record of the proceedings before the review officer, including notes of any evidence that has been given before the review officer, and a copy of any document produced in the proceedings that is relevant to the matter;
  - (b) a statement of the facts of the matter as found by the review officer; and

- (c) a statement of the reasons for referring the matter and the questions that the review officer believes are required to be determined by the court.
- (2) Without limiting the general power of the court to make orders giving directions as to the conduct of the proceedings or to make orders of any other kind, the court may give directions as to —
  - (a) the filing of a statement of facts that, although not having been found by the review officer, are agreed between the parties;
  - (b) the mode of determining questions of fact that are required to be determined by the court;
  - (c) the filing and serving of written submissions.

**4. Appeal from review officer to court**

- (1) A party to proceedings before a review officer who appeals under section 84ZN of the Act against a decision or order of the review officer is to make the appeal by lodging with the Director a notice of appeal in accordance with subrule (2).
- (2) The notice of appeal is to be in writing and is to state —
  - (a) the substance of the decision or order against which the appeal is made;
  - (b) the question of law involved that gives rise to the appeal;
  - (c) the grounds, briefly but specifically described, on which the appeal is made;
  - (d) the appellant's estimate of the time required to hear the appeal; and
  - (e) the address at which documents relating to the appeal may be served on the appellant.
- (3) The Director, upon receiving the notice of appeal, is to notify the review officer concerned who is to —

- (a) cause a copy of the notice of appeal to be served on each other party to the proceedings from which the appeal arose; and
  - (b) give to the compensation magistrate's court, and make available to each party —
    - (i) a record of the proceedings before the review officer, including notes of any evidence that has been given before the review officer, and a copy of any document produced in the proceedings that is relevant to the matter;
    - (ii) a statement of the facts of the matter as found by the review officer;
    - (iii) a statement of the reasons for the decision or order against which the appeal is made; and
    - (iv) a certificate verifying that a copy of the notice of appeal has been served on the parties on whom a copy is required by paragraph (a) to be served.
- (4) A person served under subrule (3) (a) with the notice of appeal who wishes to participate in the hearing of the appeal may lodge with the court a notice in writing to that effect stating the address at which documents relating to the appeal may be served on the person.
- (5) A party to the appeal is to lodge with the court and serve on each other party to the appeal —
- (a) in the case of the party making the appeal, at least 7 days before the day when the hearing of the appeal is to commence; and
  - (b) in the case of a party responding to the appeal, at least 4 days before the day when the hearing of the appeal is to commence,

notice of any submission that is to be made and a list of cases or other authorities to which reference is to be made.

*[Rule 4 amended in Gazette 27 March 1998 p.1735.]*

**5. Enforcement of Directorate orders**

An application under section 84ZT of the Act for the enforcement of an order made by a conciliation officer or review officer is to be made in writing lodged with the clerk of the compensation magistrate's court and is to specify the terms of the order and the measures, if any, that have been taken to obtain compliance with it.

**Notes**

1. This is a compilation of the *Workers' Compensation (Compensation Magistrate's Court) Rules 1994* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Workers' Compensation (Compensation Magistrate's Court) Rules 1994</i>	4 Mar 1994 pp.904-6	4 Mar 1994
<i>Workers' Compensation (Compensation Magistrate's Court) Amendment Rules 1997</i>	27 Mar 1998 p.1735	27 Mar 1998

[These rules were repealed by the \*Workers' Compensation \(Compensation Magistrate's Court\) Repeal Rules 2005 r. 3\* as at 14 Nov 2005 \(see r. 2 and \*Gazette 11 Nov 2005 p. 5571\*\)](#)

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