



Western Australia

Workers' Compensation (Conciliation and Review) Rules 1994

Compare between:

[01 Mar 1994, 00-a0-02] and [14 Nov 2005, 00-b0-05]

WORKERS' COMPENSATION AND REHABILITATION ACT 1981

Workers' Compensation (Conciliation and Review) Rules 1994

Made by His Excellency the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Workers' Compensation (Conciliation and Review) Rules 1994*.

2. Commencement

These regulations come into operation on 1 March 1994.

3. Interpretation

In these regulations, unless the contrary intention appears —
“**Form**” refers to a form in Schedule 1.

4. Proceedings generally not public

- (1) Unless the Director otherwise directs or, in particular proceedings, the conciliation officer or review officer dealing with the matter otherwise directs, a conciliation or review is not open to the public.
- (2) A direction is not to be given under subrule (1) without the consent of the parties.

5. Procedural directions

To the extent that these regulations make no provision as to a matter of procedure in a conciliation or review, the Director may give directions as to that matter.

6. Form for seeking conciliation

An application referring a dispute to the Director for conciliation is to be made in the form of Form 1, but the Director may accept an application that is in a form that does not comply with this rule.

7. Copies to be given to other parties

The Director is to acknowledge receipt of the application and cause a copy of the application to be given to each other party to the dispute.

8. Devices needed to interpret documents produced at conciliation

If a party wishes to produce to the conciliation officer a document that is not in a form that enables it to be understood by visual means alone, that party is to ensure that the means by which the contents of the document can be understood are available to the conciliation officer.

9. Conciliation certificate to be given

When a conciliation comes to an end (whether by referral of the dispute for review or for any other reason), the conciliation officer is to give the Director a certificate in the form of Form 2.

10. Particulars from party requesting review

A party on whose request a dispute is referred for review is to give the Director particulars relating to the review in writing in the form of Form 3.

11. Director to be notified of representative

- (1) A party wishing to be represented in the review by a legal practitioner or other person is to notify the Director in writing giving the name of the representative and the address at which the representative will accept service of documents on behalf of the party.
- (2) The representative may represent the party in proceedings before the review officer if that is agreed to or allowed under section 84ZE of the Act.

12. Preliminary hearing in review

- (1) The review officer may conduct a preliminary hearing for the purposes of identifying the issues in dispute and enabling an assessment to be made of the likely course of the review.
- (2) At a preliminary hearing each of the parties is to be prepared to address —
 - (a) what issues are in dispute and what are the prospects of resolving them, or any of them, by agreement;
 - (b) whether the party has, or has access to, any document that is relevant to an issue in dispute and has not already been disclosed to the review officer and each other party;
 - (c) whether there is anything that is likely to delay the continuation or completion of the review and, if so, what is the extent of the likely delay;
 - (d) whether the review is likely to involve argument on the law and, if so, what is the area of law concerned;
 - (e) which witnesses, if any, the party is likely to call in the proceedings and when they are likely to be unavailable to attend the review (having particular regard to medical witnesses); and
 - (f) which times are likely to be suitable or unsuitable to the party for having the substantive hearing,

and throughout the proceedings each party is to keep the review officer informed as to those matters.

- (3) So far as is reasonably practicable, even though a party may be represented at a preliminary hearing by another person the party is to attend and be prepared personally to answer or give instructions as to the matters mentioned in subrule (2).

13. Devices needed to interpret documents produced at review

- (1) If a party wishes to use as evidence in a hearing a document that is not in a form that enables it to be understood by visual means alone, that party is to ensure that the means by which the contents of the document can be understood are available at the hearing.
- (2) The time that will be required to produce the evidence is to be considered by the party wishing to use the evidence when fulfilling the obligation to keep the review officer informed as to the matters that are likely to delay the review being completed.

14. Failure to attend in review

If a party who has been notified of the time and place of a hearing in the review does not attend, the review officer may proceed with the hearing in the absence of the party failing to attend.

15. Written reasons for decision in review may be requested

- (1) If, within 14 days after a decision is given by a review officer, a party requests the review officer to do so, the review officer is to reduce the reasons for the decision to writing.
- (2) Each party is entitled to be provided by the review officer with a copy of written reasons for decision prepared under subrule (1).

Schedule 1 — Forms

Form 1

[Rule 6]

Workers' Compensation and Rehabilitation Act 1981

APPLICATION REFERRING DISPUTE FOR CONCILIATION

Person referring dispute for conciliation

Worker Other Name..... Title

Employer (give details) Organization Tel. No.

Insurer

Worker's details

Given name Address

Family name

Date of birth Tel. No.

Occupation

Claim details

Claim No. Description of disability.....

Date of disability.....

Employer's details

Business name If self insurer:
Address Contact Person.....
..... Title.....
Tel No. Tel. No.....

Insurer's details

Business name
Address Contact Person.....
..... Title.....
Tel No. Tel. No.....

Details of dispute

Describe the matter in dispute and state briefly why you want conciliation.
Attach a copy of any decision that led to the dispute. Also attach any additional
information (such as medical reports) that may be relevant and has not already
been given to the other party. Please provide a list of all attachments.

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.....
.....

Do you need an interpreter? If yes, what language/dialect?
.....
.....

Signature of person referring dispute for conciliation.....

Date.....

Keep your copy and send the rest to: Director of Conciliation and Review,
[Here the Form is to set out the address of the Director]. You can expect
written confirmation when your application has been received.

Office use only

Perth Country Referral No.

Form 2

[Rule 9]

Workers' Compensation and Rehabilitation Act 1981

CONCILIATION CERTIFICATE

Date:

Conciliation Officer:

Ref. No.:

Claim No.:

Dispute referred for conciliation by:

.....
(Name)

Worker's details

Name:

Date of Birth:

Employer's details

Name:

Insurer:

Nature of dispute:

Outcome of conciliation:

Comments:

Signed:
(Conciliation officer)

Date:

Notes

- ^{1.} This is a compilation of the *Workers' Compensation (Conciliation and Review) Rules 1994* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Workers' Compensation (Conciliation and Review) Rules 1994</i>	18 Feb 1994 p. 664-9	1 Mar 1994
<u>These rules were repealed by the <i>Workers' Compensation (Conciliation and Review) Repeal Rules 2005</i> r. 3 as at 14 Nov 2005 (see r. 2 and <i>Gazette</i> 11 Nov 2005 p. 5571)</u>		