

WC301

WORKERS' COMPENSATION AND REHABILITATION ACT 1981**WORKERS' COMPENSATION AND REHABILITATION AMENDMENT
REGULATIONS 1994**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Workers' Compensation and Rehabilitation Amendment Regulations 1994*.

Commencement

2. These regulations come into operation on 1 March 1994.

Principal regulations

3. In these regulations the *Workers' Compensation and Rehabilitation Regulations 1982** are referred to as the principal regulations.

[* Reprinted as at 30 April 1992.

For amendments to 13 January 1994 see 1992 Index to Legislation of Western Australia, Table 4, p. 324, and Gazette of 5 February, 17 September, 29 October and 24 December 1993.]

Regulation 6 amended

4. Regulation 6 of the principal regulations is amended by deleting "130 (1) (a)" and substituting the following —

" 84I (1) (a) ".

Regulation 6AA amended

5. Regulation 6AA of the principal regulations is amended by deleting "130 (1) (b)" and substituting the following —

" 84I (1) (b) ".

Regulation 8A inserted

6. After regulation 8 of the principal regulations the following regulation is inserted —

"

Purposes for which lump sum redemption may be obtained

8A. The purposes for which liability for the permanent total incapacity of a worker who has not attained the age of 55 years may, in accordance with section 67 (3) of the Act, be redeemed by the payment of a lump sum are —

- (a) making an investment to produce income for the worker;
- (b) enabling the worker to reside in a different area in a case where there are substantial economic or compassionate grounds for enabling the worker to do so; or

- (c) any purpose such that, because of the special circumstances of the case, use of the sum for that purpose will substantially assist in the rehabilitation of the worker.

Regulation 10 amended

7. Regulation 10 (2) of the principal regulations is amended by deleting "apply to the Board for a determination thereon" and substituting the following —

"
under section 84N of the Act, refer the dispute to the Director for conciliation

Regulation 11 amended

8. Regulation 11 of the principal regulations is amended by deleting "Registrar" in subregulations (1) and (3), and in both places where it occurs in subregulation (4), and substituting in each case the following —

" Director "

Regulation 12 inserted

9. After regulation 11 of the principal regulations the following regulation is inserted —

" Agreements

12. (1) A memorandum of an agreement referred to in section 76 of the Act is sent to the Director in accordance with that section by sending it to the Director as soon as practicable after the agreement has been entered into, with enough copies for the memorandum to be kept in the Directorate and a copy to be given to each interested party.

(2) The memorandum is to include full particulars of matters for which the agreement provides and, in the case of an agreement as to the compensation that is to be paid under Schedule 2 of the Act, is to identify each item for which the compensation is to be paid and, for each item, the percentage loss of the full efficient use of a part or faculty of the body for which compensation is to be paid, and the amount of the compensation.

(3) The memorandum is to be signed by or on behalf of each party to the agreement and if the memorandum sent to the Director is not the original signed memorandum the original is to be produced for inspection by the Director.

(4) The notice despatched by the Director to each interested party, under section 76 (2) of the Act, is to be in the form of Form 15A in Appendix 1.

(5) If the Director records the memorandum, the Director is to notify each interested party accordingly in the form of Form 15B in Appendix 1.

Regulation 13 repealed

10. Regulation 13 of the principal regulations is repealed.

Appendix I amended

11. Appendix I to the principal regulations is amended —

- (a) in Form 1 —

- (i) by deleting “I elect to accept under Schedule 2 of the *Workers’ Compensation and Rehabilitation Act 1981*” and substituting the following —

“
I elect to receive compensation under
Schedule 2 of the *Workers’ Compensation and
Rehabilitation Act 1981* which I anticipate
should be
”;

and

- (ii) by deleting “at the Board or an award being made by the Board” and substituting the following —

“
under Division 7 of Part 3 of the Act or an
award being made by a dispute resolution body
”;

- (b) in Form 2A, by deleting “130 (1) (a)” and substituting the following —

“ 84I (1) (a) ”;

- (c) in Form 2B, by deleting “130 (1) (b)” and substituting the following —

“ 84I (1) (b) ”;

- (d) in Forms 3B, 3C, 3D and 3E, by inserting at the end of each Form the following —

“
NOTE THAT if you wish you may, under section 84N
of the Act, refer a dispute to the Director of
Conciliation and Review for conciliation. You may
obtain advice from the Workers’ Compensation and
Rehabilitation Commission.
”;

- (e) in Forms 3C and 3E, by deleting “Registrar, Workers’ Compensation Board.” and substituting in each case the following —

“ Director of Conciliation and Review ”;

- (f) in Form 4, under the heading “B. MEDICAL ASSESSMENT OF DISABILITY” —

- (i) by deleting item 3 and substituting the following item —

“
3. It is also my opinion that as from
.... / ... /19.... the worker is —
(a) ☐ Fit.
(b) ☐ Fit for alternative duties with
the following limitations:
.....
.....
.....
”;

and

- (ii) in item 4 by deleting "item 2" and substituting the following —
- " items 2 and 3 ";
- (g) in Form 5 —
- (i) in paragraph (2), by deleting "Workers' Compensation Board, by application in chambers," and substituting the following —
- " Director of Conciliation and Review "; and
- (ii) by deleting paragraphs (3) and (4) and substituting the following paragraph —
- " (3) if you do not so apply, weekly payments may be lawfully discontinued or reduced; ",
- (h) in Form 6, under the heading "B. DOCTOR'S SECTION", by deleting item 2 and substituting the following item —
- " 2. On / /19 ... I examined the above person and am of the opinion that he/she is —
- (a) ☐ Fit.
- (b) ☐ Fit for alternative duties with the following limitations:
-
- ",
- (i) by deleting Form 12; and
- (j) by inserting after Form 15 the following Forms —

"

Form 15A [Reg. 12 (4)]

Workers' Compensation and Rehabilitation Act 1981

NOTICE OF MEMORANDUM HAVING BEEN RECEIVED

Ref.

TAKE NOTICE

1. That a Memorandum, copy of which is hereto annexed, has been sent to me for registration. The Memorandum appears to affect you.
2. I therefore request you to inform me within 7 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 ground.
3. If the Memorandum is recorded it is enforceable as an award or order.
4. If you have any doubts as to the effect of the agreement, or your rights to compensation generally you should contact me immediately.

Dated this day of 19

.....
Director of Conciliation and Review

Form 15B

[Reg. 12 (5)]

*Workers' Compensation and Rehabilitation Act 1981***NOTICE OF RECORDING OF MEMORANDUM
OF AGREEMENT**

Ref.

YOU ARE NOTIFIED

That a memorandum of the agreement entered
into between

.....

and

.....

the abovenamed parties, and dated the ... day of
..... 19 has now been recorded in the
Register under section 76 of the *Workers'
Compensation and Rehabilitation Act 1981*.

The Agreement has been numbered

You may, without fee, obtain a certificate of the
memorandum and its recording.

Dated this day of 19

.....
Director of Conciliation and Review

"

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.
