

**WC302****WORKERS' COMPENSATION AND REHABILITATION ACT 1981****WORKERS' COMPENSATION BOARD AMENDMENT RULES 1991**

Made by the Chairman of the Workers' Compensation Board.

**Citation**

1. These rules may be cited as the Workers' Compensation Board Amendment Rules 1991 and shall come into effect on 8 March 1991.

**Principal Rules**

2. In these rules the Workers' Compensation Board Rules 1982\* are referred to as the principal rules.

*[\*Published in the Government Gazette on 8 April 1982 at pp. 1250-1275 with Corrigendum published on 7 May 1982 at p. 1463. Amendments published on 11 June 1982 at pp. 1937 and 1938, 12 August 1983 at pp. 2951 and 2952, 6 January 1984 at p. 19, 7 September 1984 at p. 2887, 4 August 1989 at p. 2496, 11 August 1989 at pp. 2678 and 2679 with Corrigenda published on 1 September 1989 at p. 3071 and 1 December 1989 at pp. 4430 and 4431, 16 February 1990 at pp. 1118 and 1119, 27 April 1990 at pp. 2095-2108 and 14 December 1990 at p. 6182.]*

**New Rule 21A**

3. The principal rules are amended by inserting a new rule in the following terms:—

**" Medical Panels**

21A. (1) An application to the Chairman under section 70 of the Act for a matter to be referred to a medical panel shall be in Form 9A in Appendix A and shall be signed by the applicant and such medical certificates, medical reports, or other documents as are desired to be referred to the medical panel shall be filed with the application.

(2) Within 7 days after the service of the application referred to in subrule (1) the respondent to the application shall file such medical certificates, medical reports, or other documents as are desired to be referred to the medical panel.

(3) Where under sections 70 or 145 of the Act, the Chairman or the Board (as the case may be) makes an order referring a matter to a medical panel, the Chairman or the Board (as the case may be) shall appoint 3 medical practitioners to constitute the panel and shall supply each of them with a copy of the order in the form of Form 9B in Appendix A, the terms of reference, and any medical certificates, medical reports, or other documents to be considered by the panel.

(4) All appointments to a medical panel under this rule shall be from the Register of Specialists maintained under section 146 of the Act.

(5) An order that the worker attend and be examined by a medical panel shall be in the form of Form 9C in Appendix A but if the Chairman or the Board (as the case may be) is satisfied the worker is unfit to travel to attend the panel the order may require that the examination be at a place convenient to the worker.

(6) The Chairman or the Board (as the case may be) may make such orders as he or it thinks fit as to the worker's expenses of attending a medical panel.

(7) Except with the leave of and in accordance with any directions by the medical panel, no party (except for the worker in person) is entitled to appear before a medical panel, either in person or by an agent or solicitor, and no party (the worker included) may call witnesses or adduce any evidence before the panel.

(8) A certificate of a medical panel under section 70 (3) of the Act shall be in the form of Form 9D in Appendix A and shall be sent to the Registrar as soon as practicable after the examination of the worker by the panel.

(9) On receiving the certificate of a medical panel under section 70 (3) of the Act or the determination of a medical panel under section 145 of the Act the Registrar shall send a copy to each of the parties. "

#### New Forms 9A, 9B, 9C and 9D

4. Appendix A of the principal rules is amended by inserting new forms in the following terms:—

" Form 9A  
Workers Compensation and Rehabilitation Act 1981  
APPLICATION FOR REFERENCE TO A MEDICAL PANEL  
(Section 70.)

In the matter of the Workers' Compensation and Assistance Act 1981, and in the matter of a claim for compensation made by .....

1. .... of .....  
.....  
in the State of Western Australia, claims that he, a worker in the employ of .....  
.....  
in the said State, on the .....  
of ..... 19....., at .....  
..... suffered a disability.

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 disability, together with all medical certificates, X-rays and other relevant documents in the knowledge or possession of the applicant accompany his application.

6. It is now requested that a medical panel be appointed to enquire into and report on the following:—

Dated ..... day of ..... 19 .....  
.....  
Applicant

To the Chairman  
Workers' Compensation Board.

## FORM 9B

## Workers' Compensation and Rehabilitation Act 1981

## ORDER OF REFERENCE

In the matter of the Workers' Compensation and Rehabilitation Act 1981,  
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 Panel 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 ..... on .....  
the ..... day of ..... 19..... at the  
hour of ..... o'clock in the ..... noon, for  
that purpose.

4. The report of the Panel 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 ..... day of ..... 19 .....

CHAIRMAN  
Workers' Compensation  
Board

To:

\* or as suitable to the circumstances

## FORM 9C

## Workers' Compensation and Rehabilitation Act 1981

ORDER ON INJURED WORKER TO SUBMIT HIMSELF  
FOR EXAMINATION BY A MEDICAL PANEL

In the matter of the Workers' Compensation and Rehabilitation Act 1981.

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 Panel duly appointed for the purposes of the Workers' Compensation  
and Rehabilitation Act 1981, to examine you in accordance with the  
application in the abovementioned matter for a reference to a Medical  
Panel.

You are hereby required to submit yourself for examination by the Panel,  
and to attend for that purpose at .....

at ....., at the hour of .....  
o'clock in the ..... noon, on ..... the .....  
day of ..... 19.....

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

CHAIRMAN  
Workers' Compensation  
Board

## FORM 9D

## Workers' Compensation and Rehabilitation Act 1981

## CERTIFICATE OF MEDICAL PANEL

In the matter of the Workers' Compensation and Rehabilitation Act 1981,  
and in the matter of a claim for compensation made by ... ("the worker").  
The Medical Panel appointed under the provisions of the above Act to  
examine the worker met and conducted such examination on the ..... day  
of ..... 19.....  
at the consulting rooms of .....  
at .....

\* It is certified that the medical condition of the worker is as follows:—

\* As to whether the disability is a fresh disability or a recurrence of an old  
disability, it is certified as follows:—

\* As to the extent that the worker's incapacity is due to the disability it  
is certified as follows:—

(\* as required)

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

.....  
CHAIRMAN

.....  
MEMBER

.....  
MEMBER "

\_\_\_\_\_  
J. GOTJAMANOS, Chairman, Workers' Compensation Board.