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# WorkCover WA

## Information Statement

**Current as at May 2007**

This statement is made in accordance with  
the requirements of Section 94 of  
the Western Australian Freedom of Information Act 1992

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## MISSION STATEMENT

### Vision

Workers, employers, service providers and WorkCover WA working together to achieve a workers' compensation scheme that is fair, accessible to injured workers and affordable to employers and the community.

### Mission

To minimise the social and economic impact on workers of work-related injury and disease and achieve cost effectiveness for employers and the community.

## LEGISLATION ADMINISTERED

### Enabling Legislation

WorkCover Western Australia Authority is constituted under section 94 (1) of the *Workers' Compensation and Injury Management Act 1981 (the Act)*. The WorkCover WA Authority was established through amendment to the Act in January 2005 and replaces the Workers' Compensation and Rehabilitation Commission, which was established in May 1982.

The WorkCover WA Authority is authorised to use and operate under the trading name WorkCover Western Australia (WorkCover WA or WorkCover).

The purposes of the Act are to:

- make provision for the compensation of workers who suffer an injury and certain dependants of those workers where the death of the worker results from such an injury;
- make provision for the management of workers' injuries in a manner that is directed at enabling injured workers to return to work;
- make provision for specialised retraining programs for certain injured workers;
- promote safety measures in and in respect of employment aimed at preventing or minimizing occurrences of injuries; and
- make provision for the hearing and determination by the dispute resolution authorities of disputes between parties involved in workers' compensation matters in a manner that is fair, just, economical, informal and quick.

## Other Legislation

The WorkCover also administers the following legislation:

### **Employers' Indemnity Supplementation Fund Act 1980**

This Act establishes the Employers' Indemnity Supplementation Fund for the payment of certain claims for workers' compensation and for damages arising from injury to, or the death of, a worker.

### **The Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001**

This Act makes provision about the liability of an employer to pay compensation under the Workers' Compensation and Injury Management Act 1981 to a worker as a result of an act of terrorism.

### **Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986**

The Waterfront Workers Act makes special provision for payment of workers' compensation to certain waterfront workers suffering from asbestos related diseases.

### **Employers' Indemnity Policies (Premium Rates) Act 1990**

The Employers' Indemnity Policies Act provides for the determination of recommended premium rates for certain employer indemnity policies.

## STRUCTURE AND FUNCTION

### Functions

The WorkCover Western Australian Authority is a statutory authority, with a governing body (known as the Board), responsible to the Minister for Employment Protection. The primary role of the WorkCover WA Authority is to administer the Workers' Compensation and Injury Management Act 1981.

In carrying out this role, it is WorkCover's responsibility to:

- ensure workers' compensation scheme participants comply with legislative requirements and standards;
- provide information and educates workers, employers and other workers' compensation scheme participants;
- resolve disputes; and
- provide Government with accurate, timely policy advice.

## The Board

The governing body is appointed by the Governor on the recommendation of the Minister, and comprises :

- independent Chair;
- person with insurance experience;
- person experienced in employee interests;
- person experienced in employer interests;
- person with accounting and financial management experience; and
- CEOs of WorkCover and DOCEP.

The Board's corporate governance responsibilities include the setting of strategic direction, approval and review of service providers, establishment of goals for the agency and monitoring achievement against these goals to optimise the agency's performance.

## The Agency

The day-to-day administration of WorkCover has been delegated to the Chief Executive Officer who directs the operations of the agency and day-to-day administration of the agency in the implementation of the Board's strategic direction. The Chief Executive Officer and all other personnel engaged by the Authority are employed under the provisions of the Public Sector Management Act 1994.

WorkCover's outcomes and services are delivered through the following divisions:

### **Corporate Resources**

Corporate Resources provides business services to the agency. These services include financial management, contract management and procurement, facility and asset management, information systems and technical support.

### **Dispute Resolution**

The Dispute Resolution directorate provides a service for the resolution of disputed workers' compensation claims and the registration of agreements between parties in the workers' compensation scheme.

### **People and Performance**

The People and Performance division is concerned with organisation effectiveness, in terms of developing and driving organisational development strategies as they relate to people and culture.

### **Regulation and Compliance**

Regulation and Compliance ensures compliance with legislation by the accreditation/licensing and monitoring of service providers; inspection of employers to ensure they hold a current policy of insurance; and administration of noise induced hearing loss legislation. This division also includes the agency's corporate relations function.

### **Scheme Development**

The division undertakes a strategic policy and planning role to ensure objectives of the WorkCover WA Board and Government are met. Emphasis is placed on strategic development, research and data analysis, coordination of ministerial briefings, media responses and participation on National workers' compensation committees.

## **DECISION MAKING FUNCTIONS**

### **Dispute Resolution**

Generally, WorkCover only becomes involved in a workers' compensation claim if there is a problem or a dispute. Rejected claims, or claims requiring more time for a decision, may be referred to the Dispute Resolution Directorate for resolution of the matter.

The Dispute Resolution Directorate deals with disputes arising between parties in the workers' compensation system. Disputes will be managed by an arbitrator, who will attempt conciliation to bring about a resolution between the disputing parties, prior to arbitration. A Commissioner will hear appeals against decisions of arbitrators on matters of law.

### **Accreditation and Licensing**

WorkCover has the authority to accredit and approve:

- Vocational Rehabilitation Providers;
- Insurers and Self-Insurers; and
- Air conduction testers (and the equipment used).

The accreditation and licensing activity also monitors the above to ensure compliance with workers' compensation legislation and the delivery of appropriate standards of service.

## PUBLIC PARTICIPATION IN AGENCY FUNCTIONS

### Advisory Bodies

To contribute to the effectiveness of the WorkCover WA Board and to meet specific legislative responsibilities, an Audit Committee, Corporate Governance Committee, Costs Committee and Medical Committee were established.

#### **Audit Committee**

The Audit Committee provides advice to the Board on audit matters. In particular, the Committee reviews the strategic and annual internal audit plans; examines and provides advice on the performance and effectiveness of the internal audit function; attends both the entrance and exit interviews with representatives of the Office of the Auditor General; and provides advice on the findings.

#### **Corporate Governance Committee**

The Corporate Governance Committee assists the Board in discharging its corporate governance responsibilities. The Committee examines and provides advice to the Board on key governance activities and practices including ensuring compliance with legislative requirements, accountability, managing risk, monitoring performance and operating in an efficient management environment.

#### **Costs Committee**

The Costs Committee sets a cost scale structure for legal practitioners and registered agents who provide services under Part XI (Dispute Resolution) and Part XII (Interim orders and minor claims) of the Workers' Compensation and Injury Management Act 1981. The Costs Committee also has authority to fix maximum costs for matters that are not legal services or agent services but are related to a claim for compensation. The Costs Committee is an independent Committee, which does not require Board approval to fix maximum costs.

#### **Medical Committee**

The Medical Committee provides advice to the Board on medical matters. The Committee advises on such issues as the *WorkCover Western Australia Guides for the Evaluation of Permanent Impairment* (the WorkCover WA Guides); criteria for designation and monitoring of approved medical specialists providing impairment assessments; the role of approved medical specialists within the scheme; and guidance on matters of a medical nature within the Western Australian workers' compensation system.

## Reviews

Regular reviews are undertaken to ensure the Workers' Compensation Scheme is effectively administered (for example, *The Pearson Review of the Workers' Compensation System*).

All these reviews accepted public submissions which were taken into account when presenting their final recommendations.

Copies of the more recent reviews of the workers' compensation scheme in Western Australia can be found on WorkCover's website.

## INFORMATION HELD BY WORKCOVER

### Publications

WorkCover produces brochures and guides for all the key parties involved in the workers' compensation process, outlining their rights and responsibilities. An annual statistical report on workers' compensation in Western Australia is also produced, as well as research notes on more specific issues such as occupational stress and long duration claims.

All of WorkCover's fact sheets, brochures, research and statistical publications are available, free of charge, by contacting the agency's Advisory Service on 1300 794 744. In addition, all are published on our internet site at [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au).

WorkCover's annual reports are only available on our website and are not provided in hardcopy. Annual Reports can, however, be made available in alternative formats (e.g., audio tape, computer disk, large print) on request from a person with a disability.

WorkCover does not have a library available to the general public.

### Departmental Files

The majority of WorkCover's records are maintained on departmental file and are managed by a central records area within the department. Access to these may be requested through a freedom of information (FOI) application, however, access may not be provided if the information contained within is considered exempt under the Freedom of Information Act. Requests for personal information will be handled outside of FOI wherever possible.

Files are classified by subject and topic and are retained and disposed of in accordance with a retention and disposal schedule approved by the State Records Commission.

The main subjects that describe WorkCover's files are as follows:

- **Administration** – details of general Government and agency procedures; development of legislation by WorkCover and legislative amendments; Ministerial correspondence.
- **Audit** – documentation relating to internal audits.
- **Committees** – records of internal and agency advisory committees.
- **Equipment** – management and maintenance of agency equipment (i.e., furniture, vehicles, telephones etc).
- **Finance** – records of agency expenditure; payments to trust clients; investments of the general and trust funds; details of contributions from insurers and self-insurers; details of payments made to workers of uninsured employers.
- **Health** – issues related to industrial diseases; noise induced hearing loss; general OHS issues; individual cases referred to the Industrial Diseases Medical Panel.
- **Information Technology** – development of computer systems; issues related to data processing; details of hardware and software maintenance and changes.
- **Investigations** – details of breaches of the Act and subsequent prosecutions; records of inspections; request to cancel workers' compensation insurance policies.
- **Organisations** – interaction with other Government agencies; activities of committees external to WorkCover; documentation relating to seminars and conferences conducted by other organisation.
- **Personnel** – records of WorkCover's human resource matters.
- **Public Affairs** – development of publicity initiatives and advertising campaigns; provision of advice to the public.
- **Rehabilitation** – documentation relating to WorkCover's Business Unit which ceased operations in 1997.
- **Dispute Resolution** – files are maintained on all dispute resolution applications; cases referred to the Compensation Magistrate; Memorandums of Agreements.

## Electronic Records

WorkCover WA currently maintains three core databases:

### **Records Management System (RMS)**

RMS contains details of WorkCover's departmental files, incoming correspondence and other agency records.

### **Workers' Compensation Information System Version 2 (WOCIS2)**

WOCIS2 contains scheme information from service providers that is used for the purposes of statistics, analysis, research, and compliance. As such, WOCIS2 contains the following information:

- **Service Providers** - Contains approval details of Insurers and Self-Insurers (exempt employers), Vocational Rehabilitation Providers, Audiometric Officers and Medical and Other Allied Health Providers.
- **Employer Demographics** - Contains records of WorkCover numbers (WCN - the unique identifier of the legal entity), business entity name, main address and entity types (i.e., sole proprietor, trading names, joint owners, and historical references).
- **Employer Policy Details** - Contains information related to employers' workers' compensation insurance cover, including policy number, policy coverage notification records, effective and expiry dates, lapses, premium rate classification records, policy premium records and policy amendment records.
- **Worker Claim Details** - Contains records relating to workers' compensation claims (provided by insurers) including Insurer and WorkCover claim numbers, worker demographics, occurrence details, payment details (including service provider, type of service, date of service and cost of service), and payment summary.
- **Rehabilitation Case Details** - Contains records of vocational rehabilitation referrals (including the Approved Rehabilitation Provider, date of referral, claim, worker, employer, and medical practitioner details), as well as the service delivery plan and case closure details (including the outcome and actual cost).
- **Noise Induced Hearing Loss data** - Contains audiometric officer, booth, audiometer calibration laboratory and calibration laboratory assessor approval details; employer and worker details; audiological hearing test results; details of successful and unsuccessful claims; and the percentage loss of hearing and calculated percentage loss hearing.

- **Case Investigation details** - Contains information relating the inspection of businesses to ensure the owners are meeting their obligations with respect to maintaining a current workers' compensation policy. Includes all inspection activities, including the outcome of the inspection and any follow up action taken in respect of potential prosecutions.
- **Magistrates Decisions** - Prior to legislative changes in November 2005, the Compensation Magistrate's Court dealt with matters referred to it by review officers and with appeals from decisions of review officers. Appeals were restricted to matters where a question of law was involved. The Compensation Magistrate may have handed down written reasons for the decision, which are available to registered users via WorkCover's website.
- **Commissioner Decisions** - Records details of arbitration decisions and appeal to the Commissioner.

### **WCCMS - Workers' Compensation Case Manager System**

WCCMS contains the following information:

- **Civil Proceedings** - WCCMS records the progress of a degree of disability dispute through the Civil Proceedings process. Information recorded includes the name and details of all parties, including representation; details of the disability; and application details, including type of form involved.
- **Memorandum of Agreements** - WCCMS records the progress of settlements being registered at the Dispute Resolution Directorate. Information recorded includes the name and details of all parties, including representation; type of settlement; details of disability; and agreement details.
- **Statutory Disputes** - WCCMS records the progress of statutory workers' compensation disputes through the Dispute Resolution Process. Information recorded includes the name and details of all parties, including representation; details of disability; and application details, including history of certificates of services.
- **Outcomes of Arbitrator decisions** - The ability to search Arbitrators decisions is currently under construction. The intention is to have arbitrators decisions saved in a manner that can be searched with keywords etc., similar to the way the Compensation Magistrate's decisions have been set up.

## FREEDOM OF INFORMATION WITHIN WORKCOVER

### Operations

It is WorkCover's aim to make information available promptly and at the least possible costs, and wherever possible, provide documents outside of the FOI process.

Freedom of Information Applications may be made to:

- gain access to a document;
- amend personal information; or
- review a previous Freedom of Information decision regarding access to, or amendment of, a document.

### Applications

An FOI application is the process of last resort. Freedom of Information procedures are only applicable where no other means of access exist or where access to information is restricted.

Before submitting an application, clarify if a Freedom of Information application is necessary (WorkCover's FOI Coordinator can be contacted on 9388 5555). If you decide you still need to submit a Freedom of Information, you must do so in writing and:

- give an Australian address for correspondence;
- give enough information to identify the documents to which access is sought or for which an amendment is required; and
- if the application is to gain access to a document that does not contain personal information then it must be accompanied by an application fee.

Applications should be addressed to :

The Freedom of Information Co-ordinator  
WorkCover WA  
2 Bedbrook Place  
SHENTON PARK WA 6008

Applications will be acknowledge in writing and you will be notified of the decision in 45 days.

## Charges

A scale of fee and charges is set under the FOI Act Regulations. Apart from the application fee for non personal information all charges are discretionary. The fees and charges are as follows:

Personal information about the applicant	No fee
Application fee (for non personal information)	\$30.00
Charge for time <i>dealing</i> with the application (per hour, or pro rata - includes examination of documents, drafting the notice of decision, consultation with third parties and deleting exempt matter).	\$30.00
Access time supervised by staff (per hour, or pro rata)	\$30.00
Photocopying staff time (per hour, or pro rata)	\$30.00
Per photocopy	.20
Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual
Delivery, packaging and postage	Actual

## Deposits

Advance deposit may be required of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%

For impecunious applicants or those issued with a pensioner concession card, the charge payable is reduced by 25%, or may be waived.

An estimate of charges will be given if the time spent dealing with an application for non-personal information is likely to exceed one hour.

## Access Arrangements

Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

## **Notice of Decision**

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as :

- The date the decision was made;
- The name and the designation of the officer who made the decision;
- If the document is an exempt document the reasons for classifying the matter exempt, or the fact that access is given to an edited document; and
- Information on the right to review and the procedures to be followed to exercise those rights.

## **Refusal of Access**

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency. Applications should be made in writing within 30 days of receiving the notice of the decision.

You will be notified of the outcome of the review within 15 days.

If you disagree with the result, you can then apply to the Information Commissioner for an external review, and details would be advised to applicants when the information review decision is issued.