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WorkCover WA

Information Statement

December 2011

(as required by the *Freedom of Information Act 1992*)

TABLE OF CONTENTS

	Page
INTRODUCTION.....	2
STATEMENT OF STRUCTURE AND FUNCTIONS.....	3
DECISION MAKING FUNCTIONS.....	5
PUBLIC PARTICIPATION IN AGENCY FUNCTIONS	6
INFORMATION HELD BY WORKCOVER	7
PROCEDURES FOR FOI ACCESS.....	8
PROCEDURES FOR AMENDING PERSONAL INFORMATION.....	10
INTERNAL REVIEW RIGHTS	10
EXTERNAL REVIEW RIGHTS	11
STATEMENT REVIEW	11

INTRODUCTION

The *Freedom of Information Act 1992* provides members of the public with the right to apply for access to the vast majority of records held by State Government Agencies.

Some sensitive documents, or parts of documents, may be exempt from access. The Act's exemption provisions protect from disclosure material that, if released, would have a detrimental effect on the functioning of Government or harm the interests of private individuals or commercial organisations.

WorkCover WA complies with the *Freedom of Information (FOI) Act 1992* and has published its internal FOI procedures on its website www.workcover.wa.gov.au and they are also outlined in this Information Statement.

STATEMENT OF STRUCTURE AND FUNCTIONS

WorkCover Western Australian Authority is a statutory authority, with a governing body (known as the Board), responsible to the Minister for Commerce. The primary role of the WorkCover WA 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 educate workers, employers and other workers' compensation scheme participants;
- resolve disputes; and
- provide Government with accurate, timely policy advice.

Legislation and Rules

Legislation administered by WorkCover WA includes but not limited to:

- [*Workers' Compensation and Injury Management Act 1981*](#)
- [*Employers Indemnity Policies \(Premium Rates\) Act 1990*](#)
- [*Employers' Indemnity Supplementation Fund Act 1980*](#)
- [*Waterfront Workers \(Compensation for Asbestos Related Diseases\) Act 1986*](#)
- [*Workers' Compensation \(Common Law Proceedings\) Act 2004*](#)
- [*Workers' Compensation and Injury Management \(Acts of Terrorism\) Act 2001*](#)

Other Legislation and Rules

- [*Workers' Compensation and Injury Management Regulations 1982*](#)
- [*Workers' Compensation and Injury Management \(Scale of Fees\) Regulations 1998*](#)
- [*Workers' Compensation Code of Practice \(Injury Management\) 2005*](#)
- [*Workers' Compensation and Injury Management Conciliation Rules 2011*](#)
- [*Workers' Compensation and Injury Management Arbitration Rules 2011*](#)

Vision

A workers' compensation system valued by all.

Mission

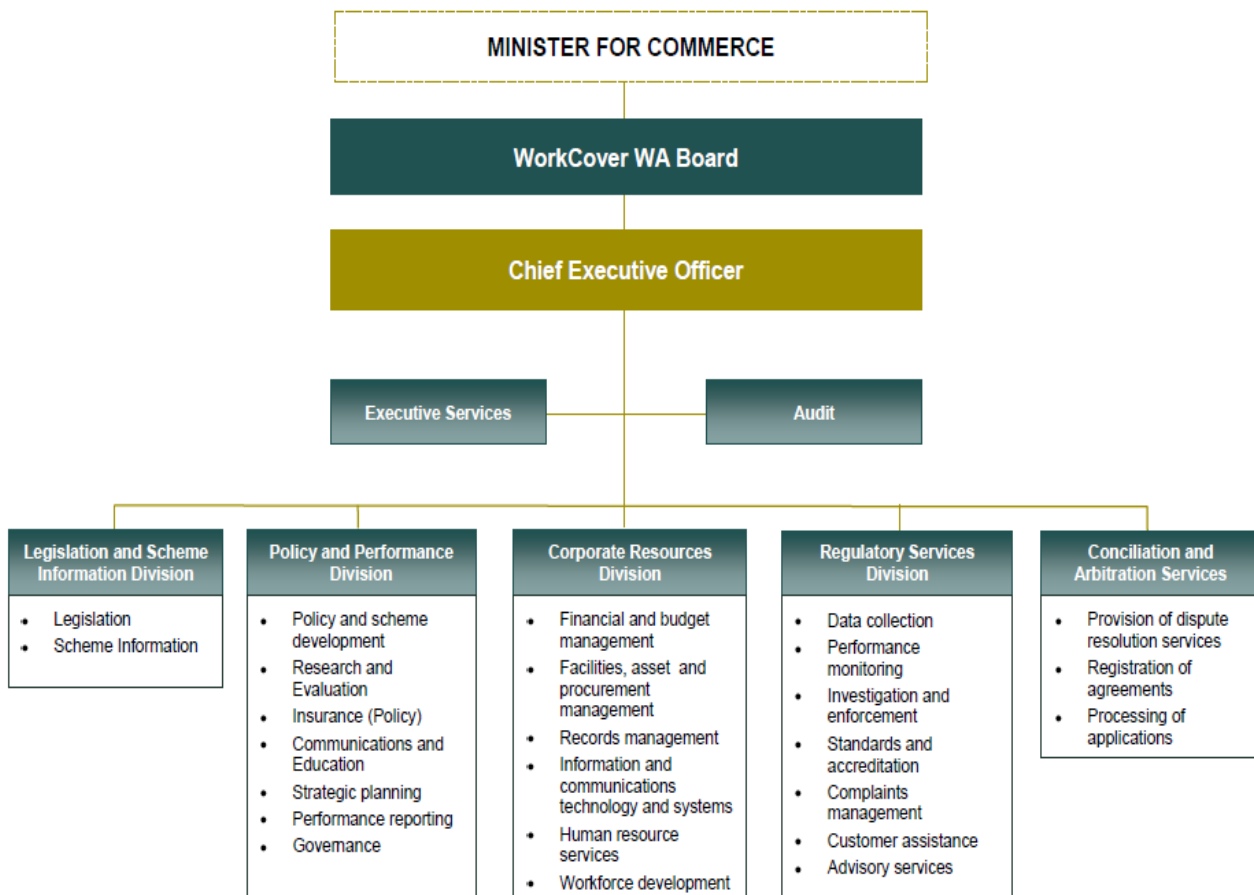
To lead a contemporary, healthy and integrated workers' compensation scheme that is fair, accessible and cost effective for all participants, through:

- providing advice and guidance on workers' injury management and return to work practice;
- active, responsive and transparent management of the scheme;
- focused information, education and compliance activities;
- fair and speedy dispute resolution; and
- a strong customer focus.

Organisational Structure

The Chief Executive Officer and all other personnel engaged by the Authority are employed under the provisions of the *Public Sector Management Act 1994*.

Board membership is specified by Section 95 of the *Worker's Compensation and Injury Management Act 1981*.



Corporate Executive

WorkCover WA is lead by a Corporate Executive team, comprising the Chief Executive Officer, Divisional Heads and the Chief Finance Officer. The Corporate Executive is responsible for developing, monitoring and reporting the agency's overall corporate direction, budgeting, planning and monitoring of operational performance outcomes.

Divisions

The **Conciliation and Arbitration Services** is responsible for the resolution of disputes in the workers' compensation scheme.

The **Regulatory Services Division** ensures the workers' compensation and injury management scheme operates effectively. The Division is also responsible for corporate communications.

The **Policy and Performance Division** has a strategic focus to assist the Board and Government in effectively managing the workers' compensation system. The

Division is also responsible for accountability requirements and strategic initiatives and activities to ensure objectives of the WorkCover WA Board and Government are met.

The **Legislation and Scheme Information Division** supports the operation of the workers' compensation scheme through the review and development of the workers' compensation legislation, collection, quality assurance and storage of data and survey research.

The **Corporate Resources Division** ensures financial, technical, information; purchasing and physical resources are available to support the agency's operations and delivery of outputs.

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 decisions, may be referred to the Conciliation and Arbitration Service for resolution of the matter.

The Conciliation and Arbitration Service deals with disputes arising between parties in the workers' compensation system. Disputes will normally be allocated to a conciliation officer, who will assist parties come to agreement by conciliation. For those matters not resolved by conciliation (or a certificate is issued by the Director of Conciliation advising the matter is not suitable for conciliation) an application can be made to the Arbitration Service. The District Court of WA will hear appeals against decisions of arbitrators on matters of law.

Accreditation and Licensing

WorkCover has the authority to accredit and approve:

- Workplace Rehabilitation Providers;
- Persons willing to be selected for a Specialised Retraining Assessment Panel;
- Persons designated as Approved Medical Specialists;
- Registered Agents (who are approved to represent parties at an arbitration hearing or conference)
- 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 Committees

The corporate governance responsibilities of the Board are discharged, in part, by advisory committees constituted under the Act.

- The Medical Committee is responsible for assessing matters of a medical nature and to provide advice on the WorkCover Guides for the Assessment of Permanent Impairment and the role and performance of approved medical specialists in the workers' compensation system in Western Australia.

Other Committees

- The Audit Committee provides independent assurance and assistance to the Board on WorkCover WA's risk, control and compliance framework, and its external accountability responsibilities.
- The Costs Committee was established as an independent committee under the Act and WorkCover WA appoints the members. The role of the Costs Committee is to fix maximum costs to promote the early settlement of issues and disputes by agreement and discourage unnecessary delay, excessive attendance and excessive preparation of documentation.

INFORMATION HELD BY WORKCOVER

Publications

WorkCover produces a variety of publications and forms available from our website www.workcover.wa.gov.au.

These publications include (but are not limited to):

- WorkCover's annual reports - these are only available on our website and are not produced in hardcopy;
- Rates Fees and Payments;
- Research, Evaluation and Statistics; and
- Legislation and Rules.

WorkCover produces brochures and guides for all key stakeholders involved in the workers' compensation process, outlining their rights and responsibilities. An annual statistical report on workers' compensation in Western Australia is also produced.

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 794744 (WA only).

Departmental Files

WorkCover's records are maintained on departmental files and are managed by a central records area using a Record Management System (internal software application). These files contain WorkCover's policy and strategic planning documents, reports, daily internal and external correspondence, Government and Ministerial related correspondence, project records and employee records.

All records are managed in accordance with WorkCover's approved Recordkeeping Plan. WorkCover WA's Recordkeeping Plan (2009036) was endorsed by the State Records Commission on 2 October 2009, in accordance with section 28 of the *State Records Act 2000*.

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.

Electronic Records

WorkCover WA currently maintains two core databases, Workers' Compensation Case Management System and 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.

PROCEDURES FOR FOI ACCESS

Submitting an FOI request

In the first instance, applicants should contact WorkCover WA by telephone, email or in person. Wherever possible WorkCover WA will endeavour to provide access to information as quickly and easily as possible without the need to submit a formal FOI request.

Should an applicant wish to proceed with a formal request, a valid FOI application needs to:

- be in writing;
- give enough information so the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at our office with any application fee, if payable.

Applications for access to information can be made in writing to:

The Freedom of Information Coordinator
WorkCover WA
2 Bedbrook Place
SHENTON PARK WA 6008

Telephone: +61 8 9388 5555
Facsimile: +61 8 9388 5550
TTY: +61 8 9388 5537
E-mail: Postmaster@workcover.wa.gov.au

The FOI Process

Applicants will be promptly acknowledged in writing and be informed of the decision within 45 calendar days.

The best method of access to documents is determined by negotiation between WorkCover WA and the applicant. Documents may be inspected on our premises, posted, sent by facsimile or emailed.

Should an applicant be dissatisfied with an access decision, he/she can request an internal review of that decision and subsequently, a review by the Information Commissioner if still not satisfied.

Access Charges

The *Freedom of Information Act 1992* states that a valid FOI application must be accompanied by an application fee of \$30, unless that request is entirely for personal information about the applicant. WorkCover can help applicants determine if their enquiry is likely to attract the application fee if they contact us before submitting an application.

Fees may also apply for:

- copying or transcribing information. These will be charged at cost depending on the type and volume of copying required. Should photocopies be necessary, these will be charged at 20 cents per photocopy;
- \$30 per hour of staff time (or pro rata for part of an hour) for dealing with an application (Note: WorkCover will not charge for locating the documents within the scope of the request);
- \$30 per hour (or pro rate for part of an hour) for supervision by staff when access is given to view documents or the time taken by staff to prepare a transcript from tape or make photocopies; and
- actual costs incurred by WorkCover for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

If charges are likely to exceed \$25 then WorkCover will provide an estimate of charges and ask whether the application is to proceed. The applicant must notify WorkCover in writing of the intention to proceed within 30 days and in some instances WorkCover may request an advance deposit.

Concessions of 25% are available to applicants who can demonstrate financial hardship.

PROCEDURES FOR AMENDING PERSONAL INFORMATION

An individual has the right to apply for amendment of personal information contained in WorkCover WA's documents where the information about that person is inaccurate, incomplete, out of date or misleading. If the person is deceased, that person's closest living relative has the right to apply for amendment to personal information about the deceased person.

Individuals should first contact WorkCover WA, as they may not need to make a formal application. If the individual wishes to proceed with a formal request, the applications needs to:

- be in writing;
- give enough information so the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at our office.

Applications to amend personal information held by WorkCover WA can be made in writing to:

The Freedom of Information Coordinator
WorkCover WA
2 Bedbrook Place
SHENTON PARK WA 6008

Telephone: +61 8 9388 5555
Facsimile: +61 8 9388 5550
TTY: +61 8 9388 5537
E-mail: Postmaster@workcover.wa.gov.au

INTERNAL REVIEW RIGHTS

If you are dissatisfied with the decision regarding an application, you can apply to WorkCover WA for an internal review. Once you have received written notice of the outcome of your FOI request, you have 30 days to lodge your application for review. Should an applicant wish to proceed with a formal review, the application should:

- be in writing;
- give particulars of the decision to be reviewed; and
- confirm an Australian address to which notices can be sent.

Applications for access to information can be made in writing to:

The Freedom of Information Coordinator
WorkCover WA
2 Bedbrook Place
SHENTON PARK WA 6008

Telephone: +61 8 9388 5555
Facsimile: +61 8 9388 5550
TTY: +61 8 9388 5537
E-mail: Postmaster@workcover.wa.gov.au

No further fees apply to an application for internal review.

EXTERNAL REVIEW RIGHTS

The Information Commissioner is an independent officer who reports directly to Parliament. The role of the Commissioner is to review decisions by agencies on access applications and applications to amend personal information, where an applicant is dissatisfied with the decision.

If you are dissatisfied with the decision regarding an application, complaints must be lodged with the Office of the Information Commissioner within 60 days of receiving notice of the Authority's decision. (If you are a third party affected by the decision of WorkCover WA you have 30 days). Complaints to the Commissioner must:

- be in writing;
- have attached to it a copy of WorkCover WA's decision; and
- give an Australian address to which notices can be sent.

There is no charge for lodging a complaint with the Office of the Information Commissioner. Complaints should be lodged at:

Office of the Information Commissioner
Postal Address: PO Box Z5386
St George's Terrace Perth WA 6831

Email: info@foi.wa.gov.au
Internet: www.foi.wa.gov.au

The Commissioner is also required to provide assistance to members of the public and agencies on matters relevant to the Freedom of Information Act.

For more details on the Office of the Information Commissioner, or for access to the FOI Act and Regulations go to www.foi.wa.gov.au.

STATEMENT REVIEW

This Information Statement is current at 6 December 2011 and will be reviewed annually.