



WorkCover WA

Freedom of Information Statement

September 2020

Contents

1. INTRODUCTION	1
2. WORKCOVER WA STRUCTURE AND FUNCTIONS	1
2.1 Our role, purpose & values.....	1
2.2 Legislation and Rules	1
3. Organisational Structure and Functions.....	2
4. DECISION MAKING FUNCTIONS	4
4.1 Dispute Resolution	4
4.2 Accreditation and Licensing.....	4
4.3 Compliance.....	4
5. PUBLIC PARTICIPATION IN POLICY FORMULATION AND PERFORMANCE	4
6. INFORMATION HELD BY WORKCOVER WA	5
6.1 Publications, Reports and Statistics.....	5
6.2 Agency Files.....	5
6.3 Claims History Information.....	6
6.4 Historical Insurer Information	6
7. AGENCY INFORMATION ACCESS OBLIGATIONS	6
8. ACCESSING INFORMATION UNDER FOI	7
8.1 Submitting an FOI Request	7
8.2 Proof of Identity and Consent Requirements.....	7
8.3 Unclear or Unreasonable Applications	8
8.4 Processing Applications.....	8
8.5 Notice of Decision.....	8
9. AMENDMENT OF PERSONAL INFORMATION.....	9
10. RIGHT OF REVIEW	10
10.1 Internal Review	10
10.2 External Review.....	10
11. ACCESS CHARGES.....	11

1. INTRODUCTION

The *Freedom of Information Act 1992* (the FOI Act) gives members of the public the right to access documents held by WorkCover WA and offers a means to request amendments of personal information which is inaccurate, incomplete, out of date or misleading.

WorkCover WA is committed to assisting people who choose to exercise their rights under the Act.

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.

This Freedom of Information (FOI) Statement was prepared in accordance with Section 94 of the FOI Act, and is published in accordance with Section 96 of the Act.

Under Part 5 of the FOI Act WorkCover WA is required to prepare and publish an Information Statement which is reviewed annually.

2. WORKCOVER WA STRUCTURE AND FUNCTIONS

WorkCover WA is the government agency responsible for overseeing the workers' compensation and injury management system in Western Australia. This includes monitoring compliance with the *Workers' Compensation and Injury Management Act 1981*; informing and educating workers, employers and others about workers' compensation and injury management; and providing an independent dispute resolution system.

2.1 Our role, purpose & values

Our purpose is to lead a contemporary, healthy and integrated workers' compensation scheme that is fair, accessible and cost effective for all participants.

2.2 Legislation and Rules

Legislation administered by WorkCover WA includes, but is 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*](#); and
- [*Workers' Compensation and Injury Management \(Acts of Terrorism\) Act 2001*](#).

Subsidiary legislation and rules include:

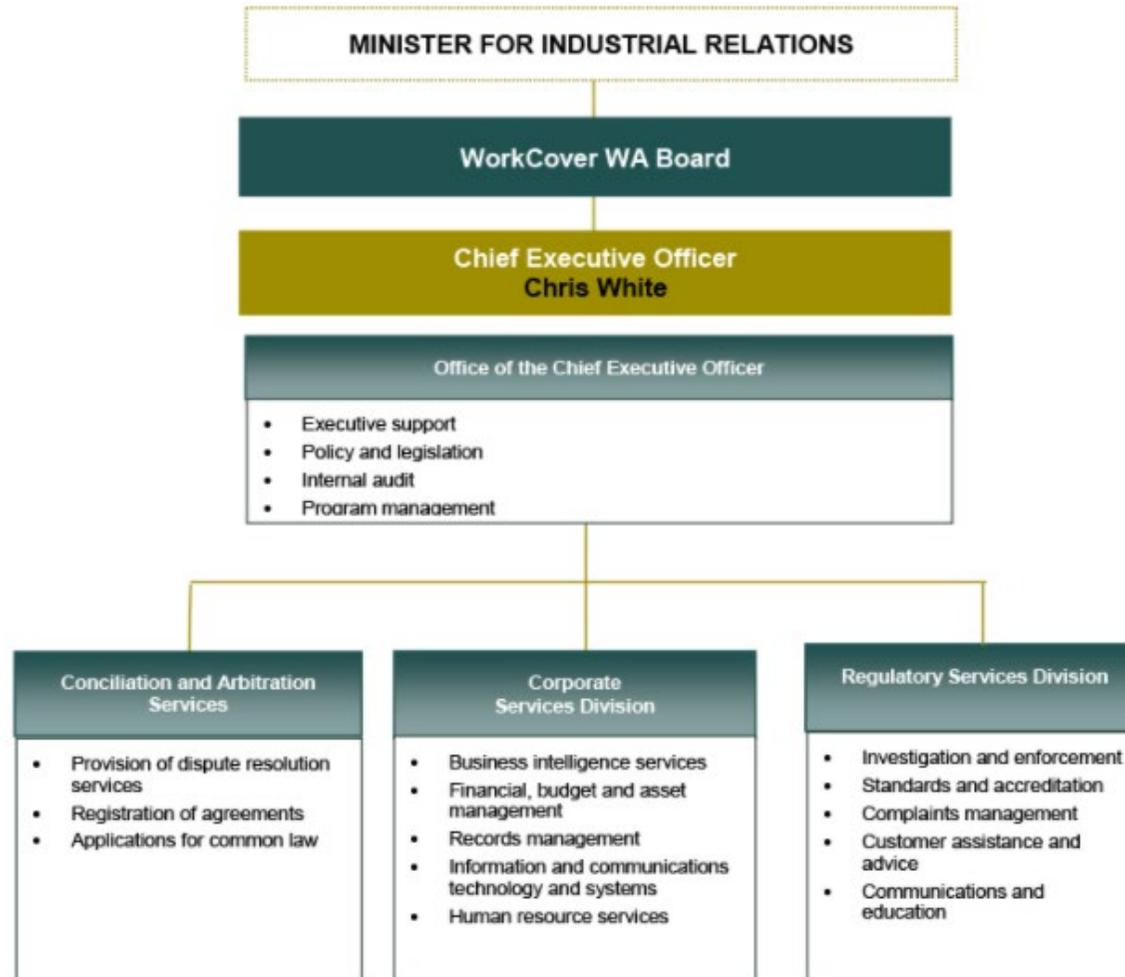
- *Workers' Compensation and Injury Management Regulations 1982;*
- *Workers' Compensation and Injury Management (Scale of Fees) Regulations 1998;*
- *Workers' Compensation Code of Practice (Injury Management) 2005;*
- *Workers' Compensation and Injury Management Conciliation Rules 2011;* and
- *Workers' Compensation and Injury Management Arbitration Rules 2011.*

3. Organisational Structure and Functions

The Chief Executive Officer and all other staff of WorkCover WA are employed under the provisions of the *Public Sector Management Act 1994*.

The WorkCover Western Australia Authority (the Board) is responsible for governance of the agency, the provision of independent advice to the Minister and State Government, and the approval of certain service providers. It is constituted under Section 94(1) of the *Workers' Compensation and Injury Management Act 1981*.

WorkCover WA's organisational structure and key functions are outlined below:



4. DECISION MAKING FUNCTIONS

4.1 Dispute Resolution

The Conciliation and Arbitration Services is responsible for the resolution of disputes in the WA workers' compensation and injury management scheme via conciliation and arbitration.

The primary role of the workers' compensation arbitration service is to make legally binding determinations regarding workers' compensation disputes. Arbitration enables disputes unresolved by conciliation to be determined according to the merits of the case.

The primary role of the workers' compensation conciliation service is to resolve workers' compensation disputes by agreement with the assistance of an independent and impartial Conciliation Officer. Conciliation aims to achieve final and appropriate agreements between parties in relation to disputes.

4.2 Accreditation and Licensing

WorkCover WA has the authority to accredit and approve:

- Workplace rehabilitation providers;
- 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
- Audiologists and approved audiometric officers (and the equipment used).

4.3 Compliance

The integrity and success of the workers' compensation scheme is reliant on scheme participants complying with their legislative and associated workers' compensation and injury management responsibilities.

WorkCover WA's compliance activities are aimed at monitoring scheme participant knowledge of, and compliance with, their legislative obligations. The agency's compliance activities are based on a compliance framework which specifies engagement, education and enforcement options using a risk-based approach.

5. PUBLIC PARTICIPATION IN POLICY FORMULATION AND PERFORMANCE

As required under s95 of the *Workers' Compensation and Injury Management Act 1981* the governing body consists of a:

- Chairman as appointed by the Governor as a member;
- The Chief Executive Officer of WorkCover WA; and
- The Chief Executive Officer of the department principally assisting the Minister in administering occupational, safety and health matters.

Four other persons appointed by the Governor as members of the governing body and of whom –

- a) one is a person experienced in employers' interests;
- b) one is a person experienced in workers' interests;
- c) one is a person experienced in insurance matters; and
- d) one is a person experienced in accounting and financial management.

The avenues for direct public participation in the organisation's policy formulation and performance are limited. However, as indicated above, the appointed Board represents a cross-section of community interests. Major policy and legislative development processes are supported through explicit consultation with all stakeholders in the WorkCover scheme.

6. INFORMATION HELD BY WORKCOVER WA

6.1 Publications, Reports and Statistics

WorkCover WA produces a variety of publications and other information available within the public domain. These publications and this information include, but are not limited to:

- WorkCover WA's Annual Reports
- Rates, fees and payments;
- Research, evaluation and statistics; and
- Legislation and rules.

WorkCover WA also produces and distributes brochures and guides for all key stakeholders involved in the workers' compensation process, outlining their rights and responsibilities.

Statistical Reports on the analysis of industry benchmarks, scheme trends and claims experience are produced quarterly, biannually or annually.

As well as being available on WorkCover fact sheets, brochures, research and statistical publications are available, free-of-charge, by contacting the agency's Advisory Service on 1300 794 744 (toll free).

6.2 Agency Files

WorkCover WA's records are maintained and managed using an Electronic Document and Records Management System. The following types of records are created and maintained:

- Administrative: contain records such as WorkCover WA's policy and strategic planning documents, reports, daily internal and external correspondence, Government and Ministerial-related correspondence, project records and employee records.

- Dispute Management: contain records of applications to the Conciliation and Arbitration Service of WorkCover WA to resolve workers compensation disputes.
- Settlements: records of agreements registered by parties when a disputed matter is resolved.

All records are managed in accordance with WorkCover WA's approved Recordkeeping Plan which is endorsed by the State Records Commission.

6.3 Claims History Information

WorkCover WA receives data in relation to an individual's workers' compensation claim. This information is collated from the relevant workers' compensation claim forms and data provided by insurers and self-insurers to WorkCover WA, as required under the *Workers' Compensation and Injury Management Act 1981*.

Claims history information contains third party information. WorkCover WA can provide a summary extract of a worker's claim history with the relevant third-party information removed. Alternatively, in order to release third party information WorkCover WA is required to consult third parties. Release is processed under the *Freedom of Information Act 1992* and as such a \$30 prescribed fee applies to applications which require third party consultation.

6.4 Historical Insurer Information

WorkCover WA receives requests from stakeholders to provide details of insurers on risk for an employer for a specific period of time. All requests for this information are processed outside of the Freedom of Information Act.

WorkCover WA will provide a statement identifying the records located but copies will not be provided. A redacted version of records identified may be provided via an application under the FOI Act.

Further information regarding this process can be found on WorkCover WA's website: <https://www.workcover.wa.gov.au/about-us/request-access-to-information/>

7. AGENCY INFORMATION ACCESS OBLIGATIONS

Under the FOI Act a person can apply for access to documents held by WorkCover WA. The FOI Act:

- Provides public access to documents held by State public sector agencies, government departments, local authorities, statutory authorities and Ministers;

And

- Enables the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

A person's right of access is not affected by any reasons the person gives, or the agency's beliefs as to what the person's reasons are for wanting access to documents. However, some documents, or parts of documents, may be exempt from access.

The Act's exemption provisions protect the disclosure of information which would have a detrimental effect on the functioning of government or harm the interests of private individuals or commercial organisations.

8. ACCESSING INFORMATION UNDER FOI

8.1 Submitting an FOI Request

In the first instance, applicants should contact WorkCover WA by telephone or email. 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:

- Give enough information so the documents requested can be identified;
- Give an Australian address to which notices can be sent; and
- Be lodged at WorkCover WA with an application fee (if applicable).

Applications for access to information are to be in writing and sent to:

The Freedom of Information Coordinator
WorkCover WA
2 Bedbrook Place
Shenton Park WA 6008

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

Applications will be acknowledged in writing and applicants will be notified of the decision within 45 calendar days.

8.2 Proof of Identity and Consent Requirements

To safeguard personal information, applicants applying for their own personal information are required to provide a copy of photographic identification, such as a driver's licence or passport. Alternatively, applicants may organise to visit our office so that their original photographic identification document can be viewed by a staff member.

Applicants seeking personal information on behalf of another individual are required to provide a consent authority, signed by the individual. A proof of identity is also required from the individual, in the manner mentioned above.

8.3 Unclear or Unreasonable Applications

An access application has to include enough information to enable the requested documents to be identified.

If the request is poorly defined, drafted in broad terms, or the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant clarify or change the application to reduce the amount of work needed to deal with it.

If, after help has been given to the access applicant, the agency still considers the work involved in dealing with the application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.

If WorkCover WA refuses to deal with the access application, it will give the applicant written notice of the refusal without delay, giving reasons for the refusal and details of the rights of review under the Act.

8.4 Processing Applications

WorkCover WA's FOI Coordinator is responsible for processing FOI applications and is required by the FOI Act to:

- Take reasonable steps to help a person make an access application in a manner that complies with the Act; and
- Deal with the access application as soon as is practicable.

Many documents held by the agency contain information about third parties. To release this information WorkCover WA is required to consult with the third parties. This adds to the time required by the agency to process these applications. A prescribed fee of \$30 applies to applications which require third party consultation.

Some documents, or parts of documents, may be exempt from access. The FOI Act's exemption provisions protect the disclosure of information which would have a detrimental effect on the functioning of government or harm the interests of private individuals or commercial organisations. Documents may be edited to remove exempt matter if this does not alter the meaning or context of the information.

If the agency holds the requested documents but the documents originated with or were received from another agency (other than an exempt agency) and are more closely related to the functions of that agency, WorkCover WA may transfer the access application, in full or part, to that agency.

8.5 Notice of Decision

In relation to each application, a Notice of Decision is provided to the applicant, which includes:

- If the document is an exempt document, the reasons for classifying it as exempt; and
- If the document contains exempt matter, the reasons for giving access to an edited copy.

The Notice of Decision must be provided to the applicant within 45 days of receipt of an application, except in the case of an application to amend personal information which is 30 days from receipt.

9. AMENDMENT OF 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. Should an individual wish to proceed with a formal request, the 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.

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
TTY: +61 8 9388 5537
E-mail: foi@workcover.wa.gov

10. RIGHT OF REVIEW

10.1 Internal Review

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 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 an internal review 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
TTY: +61 8 9388 5537
E-mail: foi@workcover.wa.gov.au

No further fees apply to an application for internal review.

10.2 External Review

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 WorkCover WA'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
Albert Facey House
469 Wellington Street

Perth WA 6000
 Telephone: +61 8 6551 7888
 Country Callers: 1800-621-244 (from Western Australia only)
 Email: info@foi.wa.gov.au
 Website: www.oic.wa.gov.au

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

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

11. ACCESS CHARGES

The *Freedom of Information Regulations 1993 (WA)* include a schedule of fees and charges payable under the FOI Act for access to documents containing non-personal information as follows:

Fee Type	Charge
Application fee for non-personal information	\$30.00
Time taken dealing with application	\$30.00 per hour
Access time supervised by staff	\$30.00 per hour
Photocopying	\$30.00 per hour for staff time and 20c per copy
Staff time in transcribing information from a tape or other device	\$30.00 per hour
Duplicating a tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost

The Act allows an applicant, subject to some limitations, to have access to personal information contained in documents of the agency without paying the application fee or charges.