



Workers' Compensation and Injury Management Act 1981 – section 277

How to Apply for Registration as an Agent

This guide is intended to explain how to make an application to become registered as an agent under section 277 of the *Workers' Compensation and Injury Management Act 1981* (the Act).

1. Under sections 182S and 195 of the Act, at any hearing or conference before a conciliation officer or an arbitrator a party to the proceeding may be represented by:
 - a. a legal practitioner
 - b. a registered agent
 - c. if the party is a body corporate, a director, secretary, or other officer of the body corporate
 - d. if the party is a public sector body as defined in section 3(1) of the *Public Sector Management Act 1994*, a public sector employee authorised by the party to represent the party.
2. To become a registered agent, it is necessary for:
 - a. Employees of insurers and self-insurers to submit an Application for Registration via WorkCover WA Online. Local Security Officers can provide assistance.
 - b. Other applicants are to complete an Application for Registration form and file the application with WorkCover WA together with all necessary supporting documentation. Application forms are available from WorkCover WA or via WorkCover WA's website.
3. The application form requires the applicant to:
 - specify his or her full name, business address and phone number

- specify the category of registration sought. Section 277(1) of the Act specifies the classes of person who are eligible to be registered as an agent. The following classes currently apply:
 - (a) an officer of an organisation as defined in the *Industrial Relations Act 1979*
 - (b) an officer of an association of employers or employees registered under the *Workplace Relations Act 1996* of the Commonwealth
 - (c) a person employed by an insurer or self-insurer
 - (d) a person (other than a legal practitioner) employed by a legal practitioner or incorporated legal practice
 - (e) an employee or officer of an organisation prescribed by the regulations.
 - (f) a person, or a class of persons, prescribed by the regulations.
 - Acknowledge in writing that he or she has read the registered agents code of conduct and that it is the duty of a registered agent to comply with the Act, any subsidiary legislation made under the Act and the conditions of registration.
4. The applicant is required to lodge with the application **if applicable**:
 - Copy of policy of professional indemnity insurance for not less than \$1 million for any one claim, or evidence of sufficient material resources to provide professional indemnity as defined in regulation 28(4).
 5. The application must include a nomination of the applicant signed by the applicant's employer.
 6. The regulations state that WorkCover WA must register an applicant if the application is duly made.
 7. WorkCover WA may refuse to register an applicant if of the opinion that neither the applicant nor his or her employer can maintain sufficient indemnity arrangements. Conditions may be imposed on the registration by WorkCover WA.
 8. WorkCover WA cannot refuse an application unless the applicant is issued with a written notice of the intention to refuse the application and of the grounds for the proposed refusal and allowed the applicant 21 days to respond.
 9. Upon registration of the applicant, WorkCover WA will issue a certificate of registration.
 10. Registration has effect from the day it is granted and continues in force until the following 30 June.
 11. In the case of a person referred to in section 277(1)(a) to (e) of the Act, it is a condition of registration that the person will not act as a registered agent other than as an employee or officer of the employer specified in the agent's application for registration. It is also a condition of registration that the registered

agent, or the employer of the registered agent must maintain sufficient indemnity arrangements during the term of registration.

12. In the case of a person referred to in section 277(1)(f) of the Act who are prescribed classes of persons under clause 27A(a) or (b) of the Regulations it is a condition of registration that the person will not act as a registered agent other than as an employee or officer of the employer specified in the agent's application for registration. It is also a condition of registration that the registered agent, or the employer of the registered agent must maintain sufficient indemnity arrangements during the term of registration.

An application by a person in a class of persons prescribed under regulation 27A(a) or (b) must be accompanied by the documents listed below (please tick to indicate documents attached):

- a statement identifying the self-insurers to whom the agent, or the employer of the agent, is engaged to provide claims management services (see regulation 28(2b)(a); and
- a statutory declaration verifying the particulars contained in the statement (see regulation 28(2B)(b)).

13. An application by an independent agent must be accompanied by the documents listed below (please tick to indicate documents attached):

- a criminal record check (see regulation 28(2a)(a) and (6))
- a statement relating to the criminal record check (if applicable) (see regulation 28(2a)(b))
- a statement setting out the applicant's qualifications or experience (see regulation 28(2a)(c))
- a statutory declaration verifying the particulars contained in the application (see regulation 28(2a)(d)).

14. WorkCover WA has disciplinary powers over registered agents as provided by regulation 39. A breach of a condition of registration, which includes a breach of the code of conduct, may lead to disciplinary action (refer to regulation 39(3)).

15. A person aggrieved by a decision of WorkCover WA to refuse an application for registration or renewal, or to suspend or cancel the person's registration, may apply to the State Administrative Tribunal for a review of that decision.

16. The regulations referred to in this guide are the *Workers' Compensation and Injury Management Regulations 1982* (as amended by the *Workers' Compensation and Injury Management Amendment Regulations (No.2) 2005*). The amendment regulations, including the registered agents code of conduct, have been published in the *Government Gazette* which is available from the State Law Publisher, 10 William Street Perth, or via its website <http://www.slp.wa.gov.au>.