



Freedom of Information Statement

2022 - 2023

Freedom of Information Statement

Contents

Introduction.....	3
About Us	3
Our Values	4
Organisational Structure.....	4
Decision Making.....	5
Dispute Resolution.....	5
Compliance.....	5
Accreditation and Licensing	5
Public Participation.....	6
Public Feedback.....	6
Legislation administered.....	7
Information held by the agency.....	8
Publications, Reports and Statistics	8
Agency Files	8
Claims History Information	9
Insurer Information.....	9
Freedom of Information	10
What is Freedom of Information	10
Freedom of Information contact details	10
FOI Application	10
Notice of Decision.....	10
Proof of Identity and Consent.....	11
Unclear or Unreasonable Applications	11
Amendment of Personal Information.....	11
Access Charges.....	12
Concessions	12
Right of Review	13
Internal Review	13
External Review.....	13

Freedom of Information Statement

Introduction

This information statement has been prepared and published in pursuant to the requirements of Part 5 of the Freedom of Information Act 1992 (WA) (the FOI Act). This statement has been prepared as a guide for the public about information held by WorkCover WA.

In compliance with section 94 of the FOI Act, this statement provides information to the public in relation to:

- WorkCover WA mission statement
- Details of legislation administered
- Details of the Agency structure and functions
- Details of the decision-making functions within the Agency
- Documents held by the Agency
- The operation of FOI within the Agency

This document is WorkCover WA's Information Statement and is also available at www.workcover.wa.gov.au/governance.

About Us

WorkCover WA is the government agency responsible for leading a contemporary, healthy and integrated workers' compensation scheme that is fair, accessible and cost effective for all participants.

WorkCover WA achieves this through the effective regulation and administration of the *Workers' Compensation and Injury Management Act 1981* (The Act), resolution of disputes, provision of quality policy advice to government and maintenance of excellent stakeholder relationships.

To ensure the State's workers' compensation and injury management scheme operates effectively for the people of Western Australia, WorkCover WA:

- provides information and education on all aspects of the scheme
- promotes the injury management and vocational rehabilitation of injured workers to help them successfully return to work
- undertakes research and provides statistics in the areas of rehabilitation, injury prevention and noise induced hearing loss
- monitors employers to ensure they are insured for workers' compensation to their full liability in accordance with the Act
- regulates and monitors the performance of service providers (eg. insurers, self-insurers, approved vocational rehabilitation providers and registered agents) to ensure they deliver an appropriate standard of service to workers and employers
- ensures all workers employed in a prescribed noisy workplace have hearing tests
- provides Conciliation and Arbitration Services to resolve disputed workers' compensation matters
- registers agreements where parties agree to settle a claim for compensation or determination of the level of a worker's impairment prior to civil action.

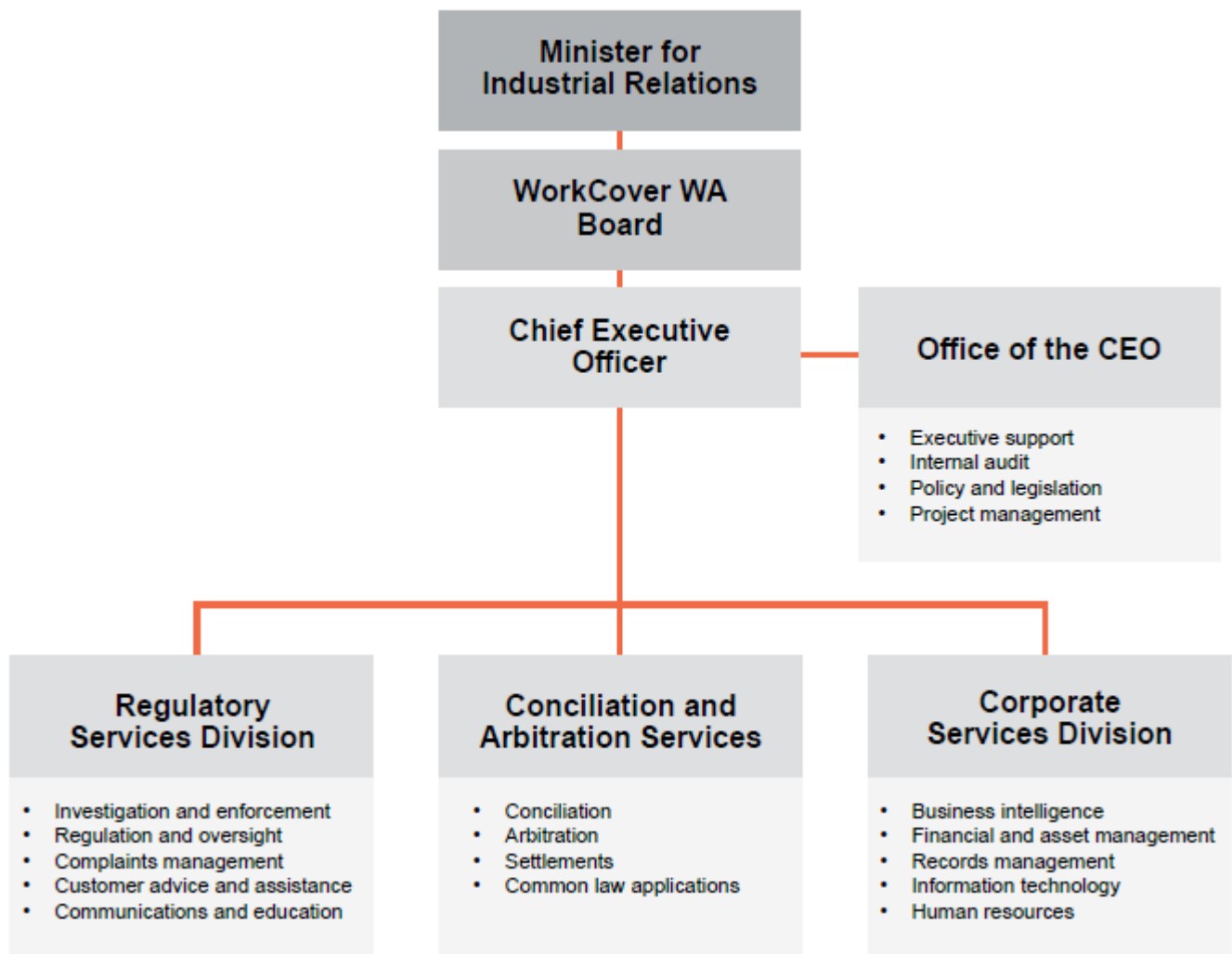
Freedom of Information Statement

Our Values

- Service
- Excellence
- Respect
- Integrity
- Collaboration

Organisational Structure

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*.



Freedom of Information Statement

Decision Making

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.

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.

Accreditation and Licensing

WorkCover WA has the authority to accredit and approve:

- Workplace rehabilitation providers;
- Persons designated as approved medical specialist
- Registered agents (approved to represent parties at an arbitration hearing or conference);
- Insurers and self-insurers and
- Audiologists and approved audiometric officers (and the equipment used)

Freedom of Information Statement

Public Participation

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.

Public Feedback

The agency respects the right of our customers to complain if they are not happy with the services we provide, or the way in which they are provided. Our Complaints Policy provides information on how your complaint will be managed.

Freedom of Information Statement

Legislation administered

The following legislation enables WorkCover WA in the performance of its functions:

- [*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 and Injury Management \(Acts of Terrorism\) Act 2001.*](#)

Subsidiary legislation:

- [*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 \(Legal Profession and Registered Agents\) Costs Determination 2018*](#)
- [*Workers' Compensation and Rehabilitation \(Acts of Terrorism\) \(Final Day\) Regulations 2002*](#)
- [*WorkCover Western Australia Guides for the Evaluation of Permanent Impairment – Fourth Edition*](#)
- [*Workers' Compensation and Injury Management Conciliation Rules 2011;*](#) and
- [*Workers' Compensation and Injury Management Arbitration Rules 2011.*](#)

Freedom of Information Statement

Information held by the agency

Publications, Reports and Statistics

WorkCover WA produces a variety of publications and other information that is free to the public and generally available in electronic format on the agency's website. These publications and this information include, but are not limited to:

- annual reports
- rates, fees and payments
- research, evaluation and statistics
- legislation and rules
- statistical reports on the analysis of industry benchmarks
- reports on scheme trends and claims experience
- brochures and guides for key stakeholders involved in the workers' compensation process

Agency Files

WorkCover WA creates and maintains comprehensive records on all its functions and activities and all records are managed using an Electronic Document and Records Management System.

The following is a summary of the types of records for which an FOI application may be required:

Administrative:

- policy and strategic planning documents
- reports
- daily internal and external correspondence
- Government and Ministerial-related correspondence
- project records; and
- employee records.

Dispute Management:

- Conciliation applications and supporting documents
- Arbitration applications and supporting documents

Settlements:

- Memorandums of Agreement
- Deed of Settlement
- Common Law Applications

Freedom of Information Statement

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 workers claim history. For detailed claim information, workers are encouraged to contact the insurer who was responsible for managing their workers' compensation claim.

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 and we will provide a statement identifying the records located.

Requests for copies of records identified may be provided via approval from WorkCover WA's Chief Executive Officer.

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/>

Freedom of Information Statement

Freedom of Information

What is Freedom of Information

The *Freedom of Information Act (WA)* 1992 (FOI Act) gives every person the right to seek access to documents held by government agencies.

Documents may comprise written materials, plans and drawings, photographs, tape recordings, films, video tapes or information stored in a computerised form.

If information is not publicly available, the FOI Act provides the right to apply for documents held by the department and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

Freedom of Information contact details

All requests for access to information are encouraged to be submitted electronically via the following methods:

- <https://www.workcover.wa.gov.au/about-us/request-access-to-information/>
- Email to: records@workcover.wa.gov.au

For assistance with lodging your application or initial enquiries please call us on 08 9355 5555 and ask to speak to the Records & Information Services Team.

FOI Application

Applications for information under the Freedom of Information process must:

- Be in writing
- Be specific so that the search for documents can be done efficiently
- Give an Australian address to which notices can be sent
- Be lodged with the agency together with any application fee payable

Applications will be acknowledged in writing within three business days and the applicant will be notified of the decision within 45 (calendar) days.

Notice of Decision

A Notice of Decision will be issued by WorkCover WA as soon as possible, within the statutory 45 days from receipt of a valid application.

The Notice of Decision will include details such as:

- The date the decision was made
- The name and designation of the officer who made the decision
- The reasons for claiming the document is exempt if access is refused
- Information on the rights of review and the procedures to be followed to exercise those rights

Freedom of Information Statement

Proof of Identity and Consent

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.

Applicants seeking personal information on behalf of another individual are required to provide a consent authority, signed by the individual. Consent Authorities must include the following:

- full name and date of birth of worker or person whose information is sought;
- signed within 6 months from date of request for information;
- the authority must detail that the consent enables WorkCover WA to release the workers' information directly to the applicant.

WorkCover WA must be satisfied of the consent received prior to the release of any personal information to a third party. WorkCover WA reserves the right to undertake further consultation with third parties (as required) prior to the release of any information.

Unclear or Unreasonable Applications

An access application must 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 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.

Amendment of Personal Information

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

Individuals must apply in writing and you must give as much information as you can to show how or why the agency's records are inaccurate, incomplete, out of date or misleading.

Freedom of Information Statement

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
Personal information about the applicant	No fees and no charges
Application fee for non-personal information	\$30.00
Time taken dealing with application (per hour, pro rata)	\$30.00
Access time supervised by staff (per hour, pro rata)	\$30.00
Photocopying staff time (per hour, pro rata)	\$30.00
Per photocopy	\$0.20
Transcribing from a tape or other device (per hour, pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost
An advance deposit may be required in respect of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%

Concessions

For impecunious applicants or applicants issued with a prescribed pensioner concession card, the charges payable are reduced by 25%. The reduction in fees does not apply to the application fee.

Freedom of Information Statement

Right of Review

Internal Review

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

Applicants will be notified of the outcome of the review within 15 days. If the applicant disagrees with the result of the internal review the applicant can apply to the Information Commissioner for an external review. Details will be advised to applicants when the internal review decision is issued.

A request for an internal review must:

- be in writing
- detail the particulars of the decision to be reviewed
- confirm an Australian address to which notices can be sent

External Review

Following an internal review, matters remaining in dispute can be submitted to the Office of the Information Commissioner for an external review.

The Information Commissioner is an independent officer who reports directly to Parliament. The role of the Information Commissioner is to review decisions made by WorkCover WA on access applications where an applicant is dissatisfied with the decision.

Applications must be submitted to the Office of the Information Commissioner within 60 days from the date of the internal review decision.

No fees or charges apply to internal or external reviews.



2 Bedbrook Place
Shenton Park
Western Australia 6008

workcover.wa.gov.au

telephone

08 9388 5555

facsimile

08 9388 5550

advisory services

1300 794 744

TTY

08 9388 5537



@WorkCoverWA