

Use of Regulations

The *WCIMA23* seeks to provide an appropriate balance of matters provided for in the principal Act and regulations. Fundamental rights and obligations are provided for in the *WCIMA23* with the regulations dealing with technical and procedural matters, to expand certain concepts, or to deal with changing or uncertain situations (e.g. prescribing COVID-19 a presumptive disease).

Key Points

Actref: ss. 539, 540

- There are many regulation making powers in the 1981 Act dealing with procedural or technical matters which are replicated throughout the *WCIMA23*.
- Regulations may also be made to address the following key issues:
 - Prescribing workers (s. 13) to deal with forms of employment and contractual arrangements that don't fall within the scope of the definition of 'worker' in section 12, but should be covered by the workers compensation scheme
 - providing for a consolidated list of presumptive diseases that are taken to be work related (s. 10) if there is scientific evidence about the association between particular occupational exposures and particular diseases
 - the assessment of noise induced hearing loss (Part 2 Division 7)
 - the eligibility criteria and conditions that apply to licensed or approved service providers.
- There is provision to adopt a code or any other subsidiary legislation into regulations or by reference. If adopted by reference the code or regulations will be published on the WorkCover WA website or made available for inspection at WorkCover WA's office.

Questions & Answers

Q. What types of codes or other subsidiary legislation are intended to be adopted in regulations?

A. Very few. Technical standards that apply to assessing binaural hearing loss in workers is one example that may be adopted in regulations.

