

Workers Compensation and Injury Management Act 2023

ARBITRATION PRACTICE NOTE 1 [S. 384(3)]

Documents to be lodged with arbitration applications made pursuant to s. 63 and s. 64(2)(c)

This practice note is made pursuant to s. 384(3) of the *Workers Compensation and Injury Management Act 2023* (the Act) and applies to documents to be lodged with arbitration applications made in relation to ss. 63 and 64 of the Act for determination of a dispute about the reduction or discontinuance or proposed reduction or discontinuation of income compensation payments.

The *Workers Compensation and Injury Management Arbitration Rules 2024* (the Rules) currently prevent the applicant from foreshadowing documents in relation to arbitration applications made under ss. 63 and 64 of the Act. Reference to these sections in Rule 16(4)(a) is an unintended consequence due to an oversight when the Rules were being prepared.

In my view applicants lodging applications pursuant to ss. 63 and 64 should have the ability to foreshadow documents.

Accordingly, for arbitration applications lodged on or after 24 March 2025 in relation to ss. 63 and 64 of the Act, the Arbitration Service will allow the applicant to foreshadow documents in accordance with Rule 16(2).

Further information

The application of this practice note to arbitration applications already made in relation to ss. 63 and 64 of the Act, and which are current as at 24 March 2025, is at the discretion of the conduct Arbitrator, in accordance with the application of Rule 8.

This practice note is effective 24 March 2025 until the Rules are amended to delete Rule 16(4)(a).

GARRY RUTHERFORD
REGISTRAR
WORKCOVER WA
20 March 2025