

## *Workers Compensation and Injury Management Act 2023*

### **CONCILIATION PRACTICE NOTE 1 [s. 384(1)]**

#### **APPLICATIONS FOR CONCILIATION LODGED FROM 1 JULY 2024**

This practice note is made pursuant to s 384(1) of the *Workers Compensation and Injury Management Act 2023* (the Act) and applies to applications for conciliation lodged from 1 July 2024.

All applications for conciliation lodged from 1 July 2024 must be accompanied by evidence that sufficiently particularises the issues in dispute and that satisfies the Director that the worker has made reasonable attempts to resolve the dispute before lodgement of the application for conciliation as set out in Rule 7 of the *Workers Compensation and Injury Management Conciliation Rules 2024*.

The following practice will be followed by the Conciliation Service to assess whether the requirements of Rule 7(3)(c) have been met when an application for conciliation pertains to failure by an employer to pay provisional payments in accordance with Part 2 Division 2 Subdivision 3 of the Act and regulation 22 of the *Workers Compensation and Injury Management Regulations 2024*.

#### **Attempts to resolve a dispute about failure to make provisional payments**

If a worker makes an application for conciliation seeking payment of provisional payments on the basis that the employer was required to make provisional payments and failed to do so, the application must be accompanied by evidence that the worker sought assistance from the insurer or self-insurer's internal dispute resolution process and/or the WorkCover WA Advice and Assistance team to resolve the dispute with the employer. The evidence submitted must clearly set out the employer's position with regard to the payment of provisional payments to the worker.

Applications without the required supporting evidence will be rejected unless there are exceptional circumstances.

This practice note is effective 1 July 2024 until further notice.



KARIN LEE  
DIRECTOR  
WORKCOVER WA

24 June 2024