

Workers Compensation and Injury Management Act 2023

CONCILIATION PRACTICE NOTE 2A [s. 384(1)]

APPLICATIONS FOR CONCILIATION LODGED FROM 1 October 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 October 2024. Practice Note 2, which was issued on 25 July 2024, is revoked from 5pm 30 September 2024.

All applications for conciliation must be accompanied by evidence that sufficiently particularises the substantive issues in dispute and that satisfies the Director the applicant 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*.

From 1 October 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 a claim where the applicant is of the view the claim is taken to have been accepted pursuant to section 28(6)(a) and the employer has not commenced payments of income compensation in accordance with sections 28(6)(b) and 47 of the Act.

Attempts to resolve a dispute about failure to pay income compensation when s28(6)(a) applies

If a worker makes an application for conciliation seeking payment of income compensation payments on the basis that the employer is taken to have accepted liability for the claim pursuant to section 28(6) and has failed to make income compensation payments, the application must be accompanied by evidence that the worker sought assistance via the insurer or self-insurer's internal dispute resolution process to resolve the dispute with the employer.

The evidence submitted must clearly set out the employer's position regarding the payment of income compensation.

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

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



KARIN LEE
DIRECTOR
WORKCOVER WA
26 September 2024