

## Reducing or Discontinuing Income Compensation – Worker in Custody

The **WCIMA23** clarifies that income compensation payments to a worker are suspended when a worker is in custody or serving a term of imprisonment.

### Key Points

Act ref: s.66

- The **WCIMA23** clarifies that payments of income compensation are suspended if a worker is in custody under a law of WA, or another state, or the Commonwealth, or the worker is otherwise serving a term of imprisonment.
- The regulations may prescribe the kinds of imprisonment to which the suspension applies and may exclude certain custody arrangements from the operation of the provision.
- An employer must have written confirmation from the relevant government authority of the facts relevant to the worker being in custody or serving a term of imprisonment. The relevant government authority is the authority administering the law under which the worker is in custody or serving a term of imprisonment.
- An arbitrator will no longer be required to order payments be suspended or certify the period of the suspension.
- The worker's entitlement does not cease and payments will be required to recommence from the date the worker is no longer in custody or serving a term of imprisonment.

### Questions & Answers

**Q. If a worker believes income compensation payments were not lawfully suspended what can they do?**

**A.** A worker may apply to have the matter determined as a dispute. An arbitrator can make any order the arbitrator considers appropriate in the circumstances.

