

## Compliance and Enforcement

The *WCIMA23* provides for compliance and enforcement of the workers compensation legislation, including revised penalties for some offences, and integrating the infringement notice regime into the *Criminal Procedure Act 2004*.

### Key Points

#### Act ref: Part 11

- The *WCIMA23* generally replicates provisions of the 1981 Act relating to the designation of WorkCover WA staff members as inspectors, and the powers of inspectors in undertaking compliance investigations.
- Part 11 of the *WCIMA23* consolidates provisions for several offences (e.g. fraud, providing false and misleading information) that presently sit in various parts of the 1981 Act.
- The *WCIMA23* includes revised penalties for a number of offences as recommended in the 2014 Final Report, including an increase in the penalty for the failure of an employer to hold a workers compensation policy.
- The specific infringement notice provisions of the 1981 Act are not replicated, as infringement notices issued for the purposes of the new Act will be made under the general framework of the *Criminal Procedure Act 2004* – which applies to most WA state Acts.
- Regulations will be made under the *WCIMA23* that specify provisions to which an infringement and modified penalty apply. Regulations will likely replicate the regulations made under the 1981 Act though the modified penalty for some prescribed offences may change due to changes in the penalty amount for the offence in the *WCIMA23*.

### Key Points

- The *WCIMA23* extends the time for giving an infringement notice from 6 months to 12 months. This reflects the complexity of some investigations and will allow for minor matters to be dealt with by way of an infringement notice instead of a court prosecution.

## Questions & Answers

### Q. What powers will an inspector have?

**A.** An inspector's powers are consistent with the 1981 Act and include powers of entry to workplaces for compliance purposes, to require relevant documents and information to be provided, copied or retained, and to require persons to answer questions in an interview with the inspector.

