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Workers Compensation and Injury Management Act 2023

**CORRESPONDING PROVISIONS AND PENDING MATTERS
DIRECTION NO. 4**

MEANING OF WORKER & EMPLOYER

This is a corresponding provisions and pending matters direction made in accordance with section 548 of the *Workers Compensation and Injury Management Act 2023* (2023 Act).

This direction applies to any claim made or pending dispute proceeding before 1 July 2024 relating to the meaning of ‘worker’ or ‘employer’.

In accordance with section 542 of the 2023 Act ‘pending matter’ means a claim, assessment, proceeding, dispute or other matter commenced or arising under the *Workers’ Compensation and Injury Management Act 1981* (1981 Act) before 1 July 2024 that is pending, current or continuing under the 1981 Act immediately before 1 July 2024.

This direction is effective 1 July 2024.

Corresponding provisions direction [s. 548(1)(a)]

Table 1 sets out the provisions of the 1981 Act that correspond to the provisions of the 2023 Act applicable to the meaning of ‘worker’ and ‘employer’.

Table 1 - Corresponding provisions direction	
1981 Act	2023 Act
s. 5 – Terms used: employer; worker	s. 5 – Terms used: employer; worker
s. 175 – When principal, contractor and subcontractor deemed employers	s.214 – Terms used contractor, principal s.215 – Both principal and contractor taken to be employers

Modified provisions direction [s. 548(1)(c)(d)]

Table 2 sets out how the 2023 Act provisions are modified for any claim made, or any pending dispute proceeding referred to in section 575 of the 2023 Act, before 1 July 2024 relating to the meaning given to worker and employer in order to:

- make appropriate provision for differences between the 1981 and 2023 Acts
- modify the effect of anything done or commenced under the 1981 Act to ensure it has appropriate effect under the 2023 Act

Table 2 - Modified provisions direction

1. If a claim is made or there is a pending dispute proceeding before 1 July 2024 that relates to the meaning of 'worker' or 'employer' —
 - (a) the provisions of the 2023 Act specified in Table 1 column 2 do not apply in respect of the matter; and
 - (b) the provisions of the 1981 Act specified in Table 1 column 1 continue to apply in respect of the matter.



CHRIS WHITE
CHIEF EXECUTIVE OFFICER

13 June 2024