



2 Bedbrook Place  
Shenton Park  
Western Australia 6008  
[workcover.wa.gov.au](http://workcover.wa.gov.au)

telephone 08 9388 5555  
advisory services 1300 794 744  
TTY 08 9388 5537

*Workers Compensation and Injury Management Act 2023*

**CORRESPONDING PROVISIONS AND PENDING MATTERS  
DIRECTION NO. 7**

**PENDING DISPUTE PROCEEDINGS: WORKER NOT RESIDING IN WESTERN AUSTRALIA**

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 pending dispute proceedings referred to in section 571 of the 2023 Act commenced prior to 1 July 2024 pursuant to the *Workers' Compensation and Injury Management Act 1981* (1981 Act) relating to the entitlement of a worker not residing in Western Australia.

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 pending dispute proceedings relating to the entitlements of a worker not residing in Western Australia.

<b>Table 1 - Corresponding provisions direction</b>	
<b>1981 Act</b>	<b>2023 Act</b>
s. 69 – worker not residing in WA, continuance of weekly payments to	s. 65 – worker not residing in the State: failure to provide declaration

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

Table 2 sets out how the operation of section 65 of the 2023 Act is modified to make appropriate provision for differences between the 1981 and 2023 Acts and the *Workers' Compensation and Injury Management Regulations 1982* and *Workers Compensation and Injury Management Regulations 2024* (1982 Regulations and 2024 Regulations respectively) as applicable to pending dispute proceedings regarding the entitlements of a worker not residing in the State.

**Table 2 - Modified provisions direction**

1. The requirements of section 65 of the 2023 Act are modified where there is a pending dispute proceeding on 1 July 2024 as per section 571 of the 2023 Act.
2. The reference in section 65(2) of the 2023 Act to the requirement for a worker to provide declarations in accordance with the regulations is modified so that a worker has met the requirements of that subsection if the worker has provided proof of their identity and continuance of incapacity in accordance with section 69 of the 1981 Act and regulations 10(1) and (2) of the 1982 Regulations before 1 July 2024.
3. Sections 65(3), (4) and (5) of the 2023 Act do not apply if an employer has applied for an order of an arbitrator in accordance with regulation 10(3) of the 1982 Regulations before 1 July 2024.



CHRIS WHITE  
CHIEF EXECUTIVE OFFICER

13 June 2024