

## Dispute Resolution

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* sets out the dispute resolution framework applicable to the Conciliation Service and Arbitration Service at WorkCover WA.

### Key Points

Act ref: Part 6

- Provisions for the establishment of the Conciliation Service and Arbitration Service are consolidated in Part 6 Division 2 of the *WCIMA23*.
- Conciliation is a pre-requisite for arbitration unless the dispute is certified unsuitable for conciliation by the Director.
- An application for an order on a claim by dependants of a worker who has died as a result of an injury from employment can proceed directly to arbitration without the need for conciliation.
- The Director has issued the *Workers Compensation and Injury Management Conciliation Rules 2024 (the Conciliation Rules 2024)* which set out the document lodgment and process requirements.
- The *WCIMA23* provides for legal practitioners or authorised agents to represent a party at a conciliation conference or arbitration hearing.
- The definition of 'authorised agent' includes persons authorised by the *Workers Compensation and Injury Management Regulations 2024 (the WCIMR24)* to perform agent services and provides for a scheme for registered independent agents on a two-year transitional basis.

### Key Points

- The *WCIMA23* permits an arbitrator to dismiss a proceeding for abuse of process, want of prosecution or other ground for dismissal specified in the *Workers Compensation and Injury Management Arbitration Rules 2024 (the Arbitration Rules 2024)*. This may be on application by a party to the dispute or on the arbitrator's own initiative.
- The Registrar is authorised to publish any decision of an arbitrator and to limit the publication in any manner the Registrar considers appropriate.

## Questions & Answers

**Q. What happens to dispute proceedings in progress under the *Workers Compensation and Injury Management Act 1981 (WCIMA81)* on 1 July 2024?**

**A.** The savings and transitional provisions in the *WCIMA23* provide for pending dispute proceedings and dispute decisions under the *WCIMA81*. Most active cases will proceed under the *WCIMA23* and transitional directions made by the CEO, Director or Registrar may apply in particular cases.