

Workers Compensation and Injury Management Act 2023

CONCILIATION PRACTICE NOTE 4 [S. 384(1)]

Attendance at Conciliation Conferences from 11 November 2024

This practice note is made pursuant to s 384(1) of the *Workers Compensation and Injury Management Act 2023* (the Act) and applies to active matters in the Conciliation Service from 11 November 2024.

Conciliation conferences assist to identify the issues in dispute between the parties, explore options for the resolution of the dispute and explore whether there may be scope for the parties to reach agreement on settling a claim. Conciliation processes are designed to provide for resolution of disputes in a manner which is timely, accessible, approachable, professional, which minimises costs to the parties and leads to final and appropriate agreements between the parties to a dispute.

Parties to a dispute are required to attend conferences in-person unless the Conciliator with conduct of the matter approves attendance via telephone, video link or other means in accordance with Rule 13(3) of the *Workers Compensation and Injury Management Conciliation Rules 2024*.

Attendance via telephone is the most commonly requested alternate means of attendance at a conciliation conference. The Conciliator may approve or require telephone attendance with or without a request from the parties, and/or may take into account information submitted by a person, pursuant to s 369 of the Act, to make a decision about the conduct of the conference.

The Conciliator will generally consider if approval to attend via telephone or other means is consistent with the objectives of conciliation.

From 11 November 2024 the following practice will be followed by the Conciliation Service:

- Unless specified to be a telephone conference on the listing notice, all conciliation conferences will be conducted in-person at the conference rooms at WorkCover WA, 2 Bedbrook Place, Shenton Park, Western Australia.
- A required attendee of a conciliation conference (or their representative) may request approval from the Conciliator to attend the conference by telephone.
- Unless there are exceptional circumstances, the request for approval to attend a conciliation conference by telephone must be in writing and uploaded to the case via Workcover WA Online at least 3 business days prior to the conference.
- The request for approval to attend a conference via telephone must include the reason why the person cannot attend in-person and, unless there are exceptional circumstances, evidence of conferral with the other party regarding the person's proposed attendance by telephone.

Further information

The circumstances in which a Conciliator may give approval for a person to attend a conciliation conference via telephone may include:

- In-person attendance at the conference would require the person to undertake an unreasonable amount of travel.
- The person is incapacitated or too unwell to attend the conference in-person.
- There are unavoidable personal circumstances which prevent the person from attending in-person.
- There are security concerns and in-person attendance at a conference could expose attendees and/or WorkCover WA to potential security impacts.

Unless a person is approved to attend a conciliation conference by telephone or via other means, the person is required to attend the conference in-person as stipulated in the listing notice.

Failure to attend as required in the listing notice may result in the conference being held without the person in accordance with s 371 of the Act and/or may be an offence pursuant to s 386 of the Act.

This practice note is effective 11 November 2024 until further notice.

KARIN LEE
DIRECTOR
WORKCOVER WA
6 November 2024