

## Articles Form

### Title

Workers Compensation and Injury Management law reforms coming to WA

### Featured Image



### Content

The Workers' Compensation and Injury Management Bill 2023 is a complete rewrite of the workers' compensation legislation and implements some important improvements, says Matt Butterworth, CCIWA Senior Work Health and Safety Practitioner.

The Bill was tabled in Parliament on 22 February 2023 and had its 3rd reading in the Legislative Assembly on 16 May 2023. It was the culmination of extensive consultation by WorkCover WA with key stakeholder groups and the WA public.

It aims to modernise Western Australia's workers' compensation laws in a way which provides clarity and certainty for stakeholders within the workers compensation system, says Butterworth.

Improvements include:

- Doubling the medical and health expenses limit and extending the point at which workers' weekly compensation payments step down, from 13 to 26 weeks – both 2021 election commitments which will see injured workers receive an appropriate level of financial support for medical expenses and loss of income.
- Weekly rate of income calculated for **one year** ending on the day before the day on which the worker's injury occurred (**previously 13 weeks**); or the period beginning on the day on which the worker commenced to be employed in that position and ending on the day before the day on which the worker's injury occurred (if less than one year).
- Covering workers catastrophically injured in workplace accidents under the Catastrophic Injuries Support Scheme on the same footing as any person catastrophically injured from a motor vehicle accident.
- Exclusion of stress-related claims which result from various reasonable administrative actions (mostly disciplinary) undertaken by a worker's employer **to now include** those arising out of a formal appraisal of a worker's performance.
- Increasing the time required for an employer to give the worker's claim to their insurer from **five days** to within **seven days of receiving the claim** from the worker.
- The WCIM Regulations continue to be drafted with public consultation commencing soon. Likely as with WHS Act & Regulations – implementation of both WCIM Act and Regulations won't commence until regulations are passed into law. The implementation phase is expected to be similar to WHS regulations.

The Bill is the culmination of an extensive review and consultation process dating back to WorkCover WA's legislative review in 2009. This review recommended redrafting of the Act, and the 171 recommendations contained in WorkCover WA's 2014 Review of the Workers' Compensation and Injury Management Act 1981: Final Report.

Further information, including registering for a free webinar on these reforms can be found at

