



Modernising WA's Workers Compensation Laws

Workers Compensation and Injury Management Bill 2023

Reference Guide to Current Acts



Reference Guide to Current Acts

Below is a list of provisions of the *Worker’s Compensation and Injury Management Act 1981* [WCIMA], the *Employers’ Indemnity Supplementation Fund Act 1980* [EISFA], the *Workers’ Compensation and Injury Management (Acts of Terrorism) Act 2001* (WCIMATA) and the *Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986* (WW(CARD)) that are comparable to the relevant clauses of the *Workers Compensation and Injury Management Bill 2023*. This table is intended as a general guide only.

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
4	No contracting out	[WCIMA s 301]
5	Terms used	[WCIMA s 5]
6	Injury	[WCIMA s 5(1)]
7	Exclusion of injury: reasonable administrative action	[WCIMA s 5(1) and (4)]
8	Injury from employment: work related attendances	[WCIMA s 19(1)]
9	Journeys	[WCIMA s 19(2)]
10	Prescribed diseases taken to be from certain employment	[WCIMA s 32, 44, 45, 49F and Sch 3]
11	Diseases of firefighters taken to be from employment	[WCIMA s 49A to 49E and Sch 4A]
12	Meaning of “worker” and “employer”	[New provision, cf WCIMA s 5(1) employer, worker, s 14]
13	Prescribed workers and excluded workers	[New provision, cf WCIMA s 8-11, 14(2a)]
14	Labour hire arrangements	[New provision, cf WCIMA s 5(1) employer]
15	Jockeys	[WCIMA s 11A]
16	Working directors	[WCIMA s 10A]
17	Employer liable for compensation	[WCIMA s 18]
18	Forms of compensation	
19	Employment must be connected with this State	[WCIMA s 20]
20	Compensation excluded: serious and wilful misconduct	[WCIMA s 22]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
21	Compensation excluded: certain employment on ship	[WCIMA s 20(9)]
22	Person not to be paid twice	[WCIMA s 23]
23	Terms used	
24	Application of Division	
25	Making claim for compensation	[WCIMA s 178]
26	Insured employer must give claim to insurer	[WCIMA s 57A]
27	Worker may give claim to insurer if employer defaults	
28	Insurer or self-insurer to make decision on liability	[WCIMA s 57A, 57B, 57BA]
29	Requirements when decision on liability deferred	[WCIMA s 57A, 57B, 57BA]
30	Determination by arbitrator of question about liability for compensation	[WCIMA s 58]
31	Claims on uninsured employers	[WCIMA s 57B, 57BA]
32	Worker to provide information about other employment	[WCIMA s 59]
33	Incapacity after claim made	
34	Claiming compensation when question as to liability or apportionment between	[WCIMA s 73, 74]
35	Claiming compensation for certain diseases when more than 1 employer	[WCIMA s 41]
36	Requirement for provisional payments	
37	Compensation for which provisional payments are required	
38	Calculating the amount of a provisional payment	
39	How and when provisional payments are to be made	
40	Provisional payments of medical and health expenses compensation	
41	Provisional payments of income compensation	
42	Insurer required to indemnify for provisional payments	
43	Status and effect of provisional payments	

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
44	Other employer or insurer liable	
45	Terms used	[New provision, cf Sch 1 cl 11]
46	Entitlement to income compensation for incapacity for work	[WCIMA s 21, Sch 1 cl 7]
47	Obligation to pay income compensation	[WCIMA s 57A(5), (7), (8A)]
48	Total or partial incapacity for work	[WCIMA Sch 1 cl 7(1) and (2)]
49	Worker not to be prejudiced by resuming work	[WCIMA s 84]
50	Order that worker is taken to be totally incapacitated	[WCIMA Sch 1 cl 8]
51	General limit on total income compensation	[WCIMA Sch 1 cl 7(3)]
52	Additional income compensation	[WCIMA s 217]
53	Terms used	
54	Worker's pre-injury weekly rate of income	[WCIMA s 42, 52, Sch 1 cl 11(2) Amount B par (c), cl 14, 15]
55	Amount of income compensation	[WCIMA Sch 1 cl 11(3), (4), (6)]
56	Maximum weekly rate of income compensation	[WCIMA Sch 1 cl 11(2) Amount C, 11(3) and (4)]
57	Minimum weekly rate of income compensation	[WCIMA Sch 1 cl 11(2) Amounts Aa, D and E, 11(3) and (4)]
58	Monetary value of board and lodging	[WCIMA Sch 1 cl 15]
59	Working directors	[WCIMA Sch 1 cl 11(2) Amount B par (a) and (b), cl 11(2a), (2b), (2c)]
60	Public holidays	[WCIMA s 81]
61	Leave while entitled to income compensation	[WCIMA s 80]
62	Restrictions on reduction, suspension or discontinuation of income	[WCIMA s 61]
63	Reducing or discontinuing income compensation on basis of worker's	[WCIMA s 61]
64	Reducing or discontinuing income compensation on basis of medical	[WCIMA s 61]
65	Worker not residing in State: failure to provide declaration	[WCIMA s 69]
66	Suspension of income compensation while worker in custody	[WCIMA s 72]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
67	Effect of suspension of income compensation payments	[WCIMA s 63]
68	Power of arbitrator to review disputed income compensation payments	[WCIMA s 62]
69	Terms used	
70	Medical and health expenses compensation under this Division	[WCIMA s 18, Sch 1 cl 17(1)]
71	Expenses that are medical and health expenses	[WCIMA s 5(1) approved treatment, Sch 1 cl 17(1)]
72	Requirement that medical and health expenses be reasonable	[WCIMA s 292(2), Sch 1 cl 17]
73	Medical and health expenses order	[WCIMA s 292(2)]
74	Eligibility to provide compensable medical and health services	[WCIMA s 5(1) approved treatment, s 292(2), Sch 1 cl 17(1)]
75	General limit on compensation for medical and health expenses	[WCIMA Sch 1 cl 17(1)]
76	Notice to worker that 60% of general limit reached	[WCIMA Sch 1 cl 18A(4)]
77	Standard increase in compensation limit	[WCIMA Sch 1 cl 18A(1b), 18(1CA), (2)]
78	Increase for special expenses in the medical and health expenses general	[WCIMA Sch 1 cl 18A(1C), (1d), (2), (2aa), 18B]
79	Assessment of degree of permanent impairment for special increase	[WCIMA Sch 1 cl 18A(2aa)]
80	Effect of participation in catastrophic injuries support scheme	
81	Term used: miscellaneous expense	
82	Compensation for reasonable miscellaneous expenses	[WCIMA Sch 1 cl 17]
83	Expenses that are miscellaneous expenses	[WCIMA Sch 1 cl 17(1aa), (3)-(6)]
84	Requirement that miscellaneous expenses be reasonable	[WCIMA Sch 1 cl 17]
85	First aid and emergency transport	[WCIMA Sch 1 cl 17(1)]
86	Wheelchair	[WCIMA Sch 1 cl 17(4)]
87	Surgical appliance or artificial limb	[WCIMA Sch 1 cl 17(5)]
88	Clothing	[WCIMA Sch 1 cl 17(6)]
89	Repair or replacement of artificial aids	[WCIMA Sch 1 cl 17(3)]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
90	Travel	[WCIMA Sch 1 cl 19]
91	Assessment of permanent impairment	[WCIMA Sch 1 cl 17(1aa)]
92	Effect of participation in catastrophic injuries support scheme	
93	Compensation for workplace rehabilitation expenses	[WCIMA s 5(1) def vocational rehabilitation, Sch 1 cl 17(1a)]
94	Workplace rehabilitation fees and charges order	[WCIMA s 156A(2), 292(2)(b), Sch 1 cl 17(1a)]
95	General limit on compensation for workplace rehabilitation expenses	[WCIMA Sch 1 cl 17(1a)]
96	Effect of participation in catastrophic injuries support scheme	
97	Entitlement to lump sum permanent impairment compensation	[WCIMA s 31C]
98	Amount of permanent impairment compensation based on degree of	[WCIMA s 31C]
99	Worker's degree of permanent impairment	
100	Limit on permanent impairment compensation	[WCIMA s 31J]
101	Calculating permanent impairment compensation	[WCIMA s 31C, 31D, Sch 2]
102	Further permanent impairment from subsequent injury	[WCIMA s 31G]
103	Compensable impairment not to exceed 100%	[WCIMA s 31G]
104	Special provisions for AIDS	[WCIMA s 31F]
105	Agreement as to degree of permanent impairment	[WCIMA s 31D]
106	Determination by arbitrator when worker and employer fail to agree	[WCIMA s 31D]
107	Terms used	
108	Lump sum compensation for noise-induced hearing loss	[WCIMA s 5(1) def noise-induced hearing loss, s 31E]
110	Calculation of amount of compensation	[WCIMA s 31E]
114	Regulations	[New provision, cf WCIMA Sch 7]
115	Terms used	
116	Dust disease taken to be from certain employment	[WCIMA s 33, 44, Sch 3]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
117	Day on which dust disease injury is suffered	
118	Dust diseases taken to be single injury	[WCIMA s 46; Sch 5 cl 1A]
119	Entitlement to lump sum compensation for permanent impairment from dust	[WCIMA Sch 5 cl 1 and 4]
120	No entitlement to compensation until Panel determination	[WCIMA s 36, 38]
121	Claiming dust disease compensation	
122	Compensation claims to be referred to CEO	[WCIMA s 36]
123	Referral of claim to Panel	[WCIMA s 36 and 38]
124	Constitution of Panel	[WCIMA s 36]
125	Panel practice and procedure	[WCIMA s 145D]
126	Panel powers	[WCIMA s 145D, 37, 38]
127	Determination of Panel	[WCIMA s 145E]
128	Effect of determination	[WCIMA s 38(4), 145E(6) and (8)]
129	Variation or remaking of determination	[WCIMA s 145F]
130	Remuneration and allowances of Panel members	[WCIMA s 145G]
131	Terms used	[WCIMA s 72C, Sch 1A cl 2 to 5]
132	Compensation only payable as provided by compensation order	[WCIMA s 72H(2)]
133	Lump sum compensation for death resulting from injury	[WCIMA Sch 1A cl 7]
134	Allowance for eligible dependent children	[WCIMA Sch 1A cl 8]
135	Funeral and medical expenses	[WCIMA Sch 1A cl 9]
136	Lump sum compensation for death not resulting from injury	[WCIMA Sch 1A cl 10, 11]
137	Claim for compensation under this Division	[WCIMA s 72E]
138	Claims procedure: insured employer	[WCIMA s 72F]
139	Claims procedure: self-insurer or uninsured employer	[WCIMA s 72G]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
140	Determination of claim by arbitrator	[WCIMA s 72H]
141	Manner of payment: lump sum compensation	[WCIMA s 72I]
142	Manner of payment: child's allowance	[WCIMA s 72J]
143	Effect of recovery of damages on applying trust money	[WCIMA s 72K]
144	Application procedure	[WCIMA s 72L]
145	Inconsistency with other provisions	[WCIMA s 72D]
146	Recovery of erroneous payments of compensation	[WCIMA s 71]
147	Deductions from wages towards compensation not lawful	[WCIMA s 302]
148	Recovery of cost of services provided to worker	[WCIMA s 82]
149	Commuting compensation liabilities by settlement agreement	[WCIMA s 67, 76(1), 77]
150	Lump sum compensation required to be included in settlement agreement	[WCIMA s 76(1) and (6), 31H]
151	Effect on settlement of participation in catastrophic injuries support scheme	
152	Applying for registration of settlement agreement	[WCIMA s 76(1), 31H]
153	Settlement agreement cannot apply to common law damages	[WCIMA s 92(h)]
154	Scrutiny by Director of settlement agreement	[WCIMA s 76]
155	Cancellation of registration of settlement agreement	[WCIMA s 76(8)]
156	Implementation of settlement agreement	[WCIMA s 67(5) and (7)]
157	Limit on lump sum compensation included in settlement agreement	[WCIMA s 31J]
158	Term used: treating medical practitioner	
159	Employer must establish injury management system	[WCIMA s 155B]
160	Duty of employer to establish and implement return to work program	[WCIMA s 155C]
161	Employer may be ordered to establish and implement return to work program	[WCIMA s 156B]
162	Duties of insurer	[WCIMA s 155D]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
163	Duties of worker	[New provision, WCIMA s 156B]
164	Consequences of refusal or failure to comply with s 163 duty	[WCIMA s 72B, 156B]
165	Attendance at return to work case conference	
166	Employer must provide position during incapacity	[WCIMA s 84AA]
167	Host must cooperate with labour hire employer	
168	Dismissal of injured worker	[WCIMA s 84AB]
169	Issue of certificate of capacity	[WCIMA s 57A(1)(b), 57B(1)(b), 61(1)]
170	Treating medical practitioner	
171	Employer, insurer, agent of insurer must not be present at examination or	
172	Approval of workplace rehabilitation providers	[WCIMA s 156(1)(a)]
173	Determination of application for approval	[WCIMA s 156(2)]
174	Conditions of approval	[WCIMA s 156(1)(a), (3)]
175	Duration of approval	
176	Suspension or cancellation of approval	[WCIMA s 156(1)(b)]
177	Register of approved workplace rehabilitation providers	[WCIMA s 156A(1)]
178	Performance monitoring and review of approved workplace rehabilitation	[WCIMA s 156]
179	Term used: Permanent Impairment Guidelines	[WCIMA s 146]
180	Power to require medical examination of worker	[WCIMA s 64, 65, 66, 70]
181	Worker contravening requirement for medical examination	[WCIMA s 72A]
182	Assessments to which Division applies	[WCIMA s 146, 146B to 146E]
183	Method of assessment	[WCIMA s 146A(1)]
184	Assessing degree of permanent impairment when multiple injuries arise	[WCIMA s 93H]
185	Secondary conditions disregarded in certain cases	[WCIMA s 146C to 146E]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
186	Assessment to be by approved permanent impairment assessor	[WCIMA s 146A(2)]
187	Permanent Impairment Guidelines	[WCIMA s 146R]
188	Requirement for injury to have stabilised	[WCIMA s 146B to 146E]
189	Asymptomatic pre-existing disease	[WCIMA s 146A(4)]
190	Request for assessment of permanent impairment	[WCIMA s 146A(3)]
191	Powers of approved permanent impairment assessors	[WCIMA s 146G]
192	Report on results of assessment	[WCIMA s 146H]
193	Approval of permanent impairment assessors	[WCIMA s 146F]
194	Conditions of approval	[WCIMA s 146F]
195	Minister may fix scale of fees and charges for permanent impairment	[WCIMA s 292(3)]
196	Duration of approval	
197	Suspension or cancellation of approval	[WCIMA s 146F]
198	Compliance audits and investigations	[WCIMA s 146F]
199	Register of approved permanent impairment assessors	[WCIMA s 146F(6) and (7)]
200	Terms used	[WCIMA s 159]
201	Agency arrangements	
202	Requirement for employers to be insured	[WCIMA s 160(1)]
203	Information to be provided by employer to insurer	[WCIMA s 160(2)-(2b)]
204	Offences	[WCIMA s 170(1)]
205	Evidence of non-compliance with insurance requirements	[WCIMA s 170(4)]
206	Defence: employment not connected with this State	[WCIMA s 170(3a), (3b)]
207	Recovery of premiums avoided by employer	[WCIMA s 170(2), (2a)]
208	Liability of responsible officers of corporations	[WCIMA s 170(2b), (2c), (2d), (5), (6)]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
209	Records to be kept by employer	
210	Insurer may recover underpaid premiums from employer	[WCIMA s 172]
211	Recovery of costs of audit of employer	
212	Certificate of currency	[WCIMA s 160(7), (8)]
213	Workers compensation insurance brokers	[New provision cf WCIMA s 292(1)(l)]
215	Both principal and contractor taken to be employers	[WCIMA s 175(1), (3)-(7)]
216	Claim or proceedings against principal	[WCIMA s 175(5)]
217	Indemnity	[WCIMA s 175(2), (3A), (3B)]
218	Effect of judgment against principal or contractor	[WCIMA s 175(4)]
219	Application of Subdivision to subcontractors	[WCIMA s 175(6)]
220	Subdivision does not extend right to damages	[WCIMA s 175(8)]
221	Contractor remuneration information	
222	What constitutes an avoidance arrangement	[WCIMA s 175AA(1), (2)]
223	Offence if work done under avoidance arrangement	[WCIMA s 303A]
224	Arbitrator's determination about avoidance arrangement	[WCIMA s 175AA(3), (4)]
225	Effect of avoidance arrangement on compensation and insurance	[WCIMA s 175AA(5)-(9)]
226	Offence: unlicensed insurers	[WCIMA s 161A]
227	Application for licence	[WCIMA s 161(4)]
228	Determination of licence application	[WCIMA s 161(2) to (4)]
229	Conditions of licence	[WCIMA s 161(3), (4)]
230	Duration of licence	[WCIMA s 161(5)]
231	Suspension, cancellation or surrender of licence	[WCIMA s 161(3), (7)]
232	Performance monitoring and review of insurers	

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
233	Improvement notice to licensed insurer	
234	Specialised insurers	
235	Special arrangements for Insurance Commission and public authorities	[New provision, s 44 of ICWA Act]
236	Obligation of licensed insurers to insure employers	[WCIMA s 154A, 160(3)]
237	Terms of insurance and form of policies	[WCIMA s 169]
238	Adjustable premium policies	
239	Insurer to indemnify employer for compensation payments	[WCIMA s 57A(5)]
240	Coverage of insurance policy not limited by employer representations	
241	Refusal of indemnity	[WCIMA s 174A]
242	Cancellation of insurance policy	[WCIMA s 160(3a)]
243	Lapsing of insurance policy	[WCIMA s 160(4)-(6)]
244	Worker's rights against insurer when employer cannot be proceeded against	[WCIMA s 173]
245	Application for self-insurer licence	[WCIMA s 164(1)]
246	Coverage of related entities by group self-insurer licence	[WCIMA s 164(1)]
247	Liability of holder of group self-insurer licence	[WCIMA s 164(1)]
248	Application of licensed insurer provisions to self-insurers	[WCIMA s 164 to 168]
249	Terms used	
250	Requirement for security	[WCIMA s 164(1)]
251	Review and variation of required security amount	[WCIMA s 165]
252	Calling on security	
253	Fixing of recommended premium rates	[WCIMA s 151]
254	Reports as to recommended premium rates	[WCIMA s 151A]
255	Review of premium charged	[WCIMA s 152, 154]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
256	Establishment of Default Insurance Fund	[New provision, EISFA s 5, 11]
257	Payments to and from DI Fund	[EISFA s 5, 10, WCIMA s 106(3)(b)]
258	Payments to and from General Account	[EISFA s 6A]
259	Advances to DI Fund	[EISFA s 7]
260	Terms used	
261	Required contributions by insurers and self-insurers to DI Fund	[New provision based on WCIMA s 109]
262	Arrangements for payment of contributions	[New provision based on WCIMA s 109]
263	Additional insurer contribution for unexpected claims	
264	Provision of information by licensed insurers and self-insurers	[New provision based on WCIMA s 109]
265	Uninsured employer	[WCIMA s 174(1)(b), (1AA)(d)]
266	Payment of compensation when employer uninsured	[WCIMA s 174(1), (5AA)]
267	Payment of damages when employer uninsured	[WCIMA s 174(1AA), (5AA)]
268	Payment of compensation for dust disease or prescribed disease when	[WCIMA s 174(3), (4), (5)]
269	Recovery of compensation or damages paid for uninsured employer	[WCIMA s 174(6), (7), (8), (9)]
270	Setting aside certain judgments and agreements	[WCIMA s 174AAA]
271	Recovery of uninsured employer payment from officer of body corporate	[WCIMA s 174AA]
272	Exercise by WorkCover WA of rights of uninsured employer	[WCIMA s 174(1a), 174AB]
273	WorkCover WA's rights of indemnity and subrogation	[WCIMA s 174AC]
274	Employer's duty to assist WorkCover WA	[WCIMA s 174AD]
275	Liability of employer if employment believed to be not connected with this	[WCIMA s 174(5a)]
276	Payment to employer not required	[WCIMA s 174(5AB)]
277	Terms used	
278	Claims against WorkCover WA for insolvent insurer and self-insurer	[EISFA s 19]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
279	Payment of claims	[EISFA s 22,24,25]
280	Recovery by WorkCover WA of payment made in satisfaction of claims	[EISFA s 37]
281	Control of powers of liquidator of insurer or self-insurer	[EISFA s 35]
282	Payment into DI Fund of money recovered by liquidator	[EISFA s 36]
283	Liquidator to notify WorkCover WA of dissolution of insurer or self-insurer	[EISFA s 38]
284	WorkCover WA may accept final payment from liquidator	[EISFA s 38A]
285	Terms used	
286	Division does not apply to public authority covered by Insurance	
287	Term used: act of terrorism	
288	Declaration of act of terrorism	[New provision based on WCIMATA s 8]
289	Exclusion of declared act of terrorism from insurance	[New provision based on WCIMATA s 4 to 7]
290	Claims for compensation in respect of declared act of terrorism	[New provision based on WCIMATA s 9]
291	Limits on claims for declared acts of terrorism	[New provision based on WCIMATA s 8, WCIMA s 169]
292	WorkCover WA's rights of indemnity and subrogation	[New provision based on WCIMATA s 9]
293	Terms used	[WW(CARD) s 3]
294	Claim for compensation if last relevant employer unknown	[WW(CARD) s 5]
295	Payment of claim	[WW(CARD) s 6]
296	Recovery of money paid in satisfaction of claim	[WW(CARD) s 9]
297	Terms used	
298	Insurance Commission to determine required contributions to CIF	
299	Calculation of required insurer contributions to CIF	
300	Requirement for payment of CIF contributions by insurers and	
301	Transfer from DI Fund to CIF	

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
302	Additional insurer contribution for unexpected liabilities	
303	Terms used	[New provision, WCIMA s 5, 176]
304	Exclusive jurisdiction of arbitrators	[WCIMA s 176]
305	Object of this Part	[WCIMA s 177]
306	Relevant documents	[WCIMA s 180]
307	Establishment of Conciliation Service and Arbitration Service	[WCIMA s 181, 182ZO]
308	Designation and functions of Director and Registrar	[WCIMA s 182A, 182ZP]
309	Designation of conciliators and arbitrators	[WCIMA s 182B, 182C, 182ZQ, 182ZR]
310	Delegation by Director or Registrar	[WCIMA s 182D, 182ZS]
311	Application for conciliation	[WCIMA s 182E]
312	Requirements for acceptance of application for conciliation	[WCIMA s 182F]
313	Director may certify dispute not suitable for conciliation	[WCIMA s 182H]
314	Allocation of dispute	[WCIMA s 182G]
315	Duties of conciliators	[WCIMA s 182I, 182P]
316	Scope of conciliation	[WCIMA s 182Q]
317	Powers of conciliators	[WCIMA s 182J]
318	Finalising orders	[WCIMA s 182N]
319	Conclusion of conciliation and certificate of outcome	[WCIMA s 182O]
320	Interim compensation directions	[WCIMA s 182K(1)-(6)]
321	Amendment, suspension or revocation of interim compensation directions	[WCIMA s 182K(7)-(9)]
322	Payment by insurer if employer fails to comply with interim compensation	[WCIMA s 182ZL]
323	Suspending and reducing income compensation payments	[WCIMA s 182L, 182ZJ]
324	Terms used	[WCIMA s 182ZE]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
325	General provisions about conciliation decisions	[WCIMA s 182M]
326	When conciliation decision or agreement has effect	[WCIMA s 182ZF]
327	Correcting mistakes	[WCIMA s 182ZG]
328	Enforcing conciliation decisions and agreements	[WCIMA s 182ZH]
329	Conciliation decisions not reviewable	[WCIMA s 182ZI]
330	Recovery of compensation paid under conciliator direction	[WCIMA s 182ZK]
331	Application for arbitration	[WCIMA s 182ZT]
332	Requirements for acceptance of application for arbitration	[WCIMA s 182ZU, 182E(2)]
333	Registrar to allocate dispute	[WCIMA s 182ZV]
334	Information exchange by parties	[WCIMA s 183]
335	Duties of arbitrators	[WCIMA s 185]
336	General practice and procedure	[WCIMA s 188]
337	Relief or redress granted need not be restricted to claim	[WCIMA s 189]
338	Directions by arbitrator	[WCIMA s 190]
339	Dismissal of proceeding	
340	Illegal contracts of employment may be treated as valid	[WCIMA s 192]
341	Arbitrator's powers to obtain information	[WCIMA s 193]
342	Use of experts by arbitrators	[WCIMA s 201]
343	Summoning witnesses	[WCIMA s 202]
344	Arbitrator's powers as to witnesses	[WCIMA s 203]
345	Communication between worker and WorkCover WA employee not	[WCIMA s 204A]
346	Oaths and affirmations	[WCIMA s 207]
347	Arbitrator may authorise another person to take evidence	[WCIMA s 208]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
348	Decisions generally	[WCIMA s 211]
349	Conditional and ancillary orders and directions	[WCIMA s 212]
350	Form and content of decision and reasons	[WCIMA s 213]
351	Validity of decision not affected by contravention of this Subdivision	[WCIMA s 214]
352	When decision has effect	[WCIMA s 215]
353	Correcting mistakes	[WCIMA s 216]
354	Reconsideration of decision on basis of new information	[WCIMA s 217A]
355	Arbitration decision not reviewable	[WCIMA s 217B]
356	Enforcing decision	[WCIMA s 219]
357	Publication of decision and reasons	
358	Interest on sums to be paid	[WCIMA s 222]
359	Interest on unpaid sums	[WCIMA s 223]
360	Interest on unpaid amount of agreed sum	[WCIMA s 224]
361	Regulations may exclude interest	[WCIMA s 225]
362	Term used: relevant rules	
363	Functions conferred by this Division	
364	Provision of information to another party or medical practitioner	[WCIMA s 182R, 194]
365	Representation	[WCIMA s 182S, 195]
366	Meaning of prohibited person: section 365(4)	
367	Litigation guardians	[WCIMA s 182T, 196]
368	Interpreters and assistants	[WCIMA s 182U, 197]
369	Ways of conducting proceedings	[WCIMA s 182V, 198]
370	Proceedings to be in private	[WCIMA s 182W, 199]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
371	Notice of proceedings and failure to attend	[WCIMA s 182X, 200]
372	Abrogation of privilege against self-incrimination	[WCIMA s 182Y, 204]
373	Legal professional privilege in relation to medical reports	[WCIMA s 182ZA, 205]
374	Other claims of privilege	[WCIMA s 182ZB, 206]
375	Powers in relation to documents produced	[WCIMA s 182ZC, 209]
376	To whom compensation must be paid	[WCIMA s 182ZN, 221]
377	Payment of compensation to worker under legal disability	[WCIMA s 218]
378	Admissibility of statements made to conciliator	[WCIMA s 182ZM]
379	Statements to arbitrators not admissible in common law proceedings	[WCIMA s 220]
380	Regulations	[WCIMA s 292(1)(b), (c), (e)]
381	Conciliation rules	[WCIMA s 293A]
382	Arbitration rules	[WCIMA s 293B]
383	General provisions about rules	[WCIMA s 293]
384	Practice notes	[WCIMA s 294]
385	Failure to comply with decision of dispute resolution authority	[WCIMA s 255]
386	Failure to comply with summons or requirement to attend	[WCIMA s 256]
387	Failure to give evidence as required	[WCIMA s 257]
388	Giving false or misleading information	[WCIMA s 258]
389	Misbehaviour and other conduct	[WCIMA s 259]
390	Referral of offence to CEO	
391	Appeal against arbitrator's decision	[WCIMA s 247]
392	Effect of appeal on decision under appeal	[WCIMA s 250]
393	Appeal from District Court to Court of Appeal	[WCIMA s 254]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
394	Terms used	[WCIMA s 261]
395	Costs to which Division applies	[WCIMA s 262]
396	Division prevails over Legal Profession Uniform Law (WA)	[WCIMA s 263]
397	Costs to be determined by dispute resolution authority	[WCIMA s 264]
398	Costs unreasonably incurred by representative	[WCIMA s 265]
399	Agent's costs	[WCIMA s 266]
400	Appeal costs	[WCIMA s 267]
401	Regulations for assessment of costs	[WCIMA s 268]
402	Costs Committee established	[WCIMA s 269]
403	Remuneration and allowances of Costs Committee members	[WCIMA s 270A]
404	Constitution and procedure of Costs Committee	[WCIMA s 270]
405	Determinations as to maximum costs	[WCIMA s 271]
406	Making a costs determination	[WCIMA s 272]
407	Approval and publication of costs determinations	[WCIMA s 273]
408	Effect of approved costs determination	[WCIMA s 274]
409	Limit on agreement as to costs	[WCIMA s 275]
410	Costs in relation to actions for damages	[WCIMA s 276]
411	Terms used	[WCIMA s 93A, 159]
412	References to employer include person for whom employer vicariously liable	[WCIMA s 93B(4)]
413	Liability independent of this Act not affected	[WCIMA s 86]
414	Requirements for motor vehicle claims not affected	[WCIMA s 85]
415	Application of Division	[WCIMA s 93B]
417	Application of Division depends on when cause of action accrues	[WCIMA s 93I]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
418	Limit on powers of courts to award damages against employer	[WCIMA s 93C]
419	No damages for noise-induced hearing loss	[WCIMA s 93J]
420	No damages if compensation settlement agreement registered	[WCIMA s 93K(1)]
421	Threshold requirements for commencement of proceedings and	[WCIMA s 93K(4), 93L(5)-(8)]
422	Commencement of court proceedings against employer of worker with	
423	Effect of election to retain right to seek damages on entitlement to	[WCIMA s 93P]
424	Maximum damages award for less than 25% impairment	[WCIMA s 93K(5)-(7)]
425	Special provision for HIV and AIDS	[WCIMA s 93Q]
426	Special provisions for dust disease damages claims	[WCIMA s 93R]
427	Effect of this Division on contribution required from employer	[WCIMA s 93K(8)-(10)]
428	Limits on agreements as to solicitor-client costs	[WCIMA s 87]
429	Regulations	[WCIMA s 93S]
430	Application of Division	[WCIMA s 92]
431	Worker to be given opportunity to discontinue action for damages	[WCIMA s 92(a), (d)]
432	Deduction or repayment of compensation if action for damages	[WCIMA s 92(b) and (c)]
433	Compensation proceedings not permitted if action for damages	[WCIMA s 92(e), (f)]
434	Worker entitled to proceed against third party for damages	[WCIMA s 93(1)(a)]
435	Employer's right to be indemnified by third party	[WCIMA s 93(1)(b), (2), (3)]
436	Recovery of third party indemnity payment from worker	[WCIMA s 93(4)]
437	Employer's right to recover unpaid damages from third party	[WCIMA s 93(5)]
438	Terms used	[WCIMA s 93AE]
439	Extended meaning: injury, employer and worker	[WCIMA s 93AC]
440	Applicable substantive law for work injury claims	[WCIMA s 93AA]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
441	Claims to which Division applies	[WCIMA s 93AB]
442	Claim in respect of death included	[WCIMA s 93AD]
443	Availability of action in another State not relevant	[WCIMA s 93AF]
444	Terms used	
445	WorkCover WA established	[WCIMA s 94]
446	Status	[WCIMA s 94(2a)]
447	Objective	[WCIMA s 100]
448	Functions	[WCIMA s 100]
449	Powers generally	[WCIMA s 94(2)(b), 101 and 102]
450	Delegation	[WCIMA s 101AA]
451	Execution of documents	
452	Board is governing body	[WCIMA s 95]
453	Board membership	[WCIMA s 95]
454	Term of office of appointed members	[WCIMA s 96(1)]
455	Casual vacancies, resignation and removal from office	[WCIMA s 96(3)(4)(5)]
456	Extension of term of office during vacancy	
457	Leave of absence	[WCIMA s 96(2)]
458	Alternate appointed members	
459	Remuneration and allowances of appointed members	[WCIMA s 99(2)]
460	Meetings	[WCIMA s 97(1)]
461	Quorum	[WCIMA s 97(3)]
462	Presiding member	[WCIMA s 97(2)]
463	Procedure at meetings	[WCIMA s 97(7)]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
464	Voting	[WCIMA s 97(4), (5)]
465	Holding meetings remotely	
466	Decision without meeting	
467	Minutes	[WCIMA s 97(6)]
468	Committees	[WCIMA s 100A(1), (2), (6)]
469	Directions to committee	[WCIMA s 100A(3)]
470	Committee procedures	[WCIMA s 100A(3)]
471	Remuneration and allowances of committee members	[WCIMA s 100A(4) and (5)]
472	Disclosure of material personal interest	[WCIMA s 104AA]
473	Interested member cannot participate	[WCIMA s 104AB]
474	Board may resolve s 473 is inapplicable	[WCIMA s 104AC]
475	Quorum if s 473 applies	[WCIMA s 104AD]
476	Minister may declare s 473 and 475 inapplicable	[WCIMA s 104AE]
477	Chief executive officer	[WCIMA s 295(2)]
478	Delegation by CEO	[WCIMA s 296]
479	Other staff	[WCIMA s 295(2)]
480	Use of other government staff	[WCCMA s 295(1)]
481	Minister may give directions	[WCIMA s 111]
482	Protection for disclosure or compliance with directions	
483	Application of Financial Management Act 2006 and Auditor General Act 2006	[WCIMA s 105; EISFA s 8]
484	Borrowing powers	[WCIMA s 101A]
485	Guarantee by Treasurer	[WCIMA s 101B]
486	Effect of guarantee	[WCIMA s 101B(3)]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
487	Terms used	
488	WorkCover WA General Account established	[WCIMA s 106]
489	Estimate of funds needed for General Account	[WCIMA s 107(1)]
490	Calculation of estimate	[WCIMA s 107(2), (3) and (4)]
491	Required contributions by insurers and self-insurers to General Account	[WCIMA s 108, 109(1), (4), (4a), (4b)]
492	Arrangements for payment of contributions	[WCIMA s 109(2) and (3)]
493	Provision of information by licensed insurers and self-insurers	[WCIMA s 109(4)]
494	WorkCover WA Trust Account established	[WCIMA s 110(1), (2), (7) and (8)]
495	Investment of money standing to credit of Trust Account	[WCIMA s 110(3)-(6)]
496	Approved forms	[WCIMA s 292(1)(a)]
497	Service, documents and information, including facilitation of electronic	[New provision, WCIMA s 314]
498	Minister to have access to information	[WCIMA s 111A]
499	Information held by Conciliation Service or Arbitration Service	
500	Licensed insurers and self-insurers must provide information to	[WCIMA s 57C, 103A, 171 and 314]
501	Direction to provide WorkCover WA with information	[WCIMA s 103A, 314]
502	Disclosure of information to work, health and safety officers	[WCIMA s 100B]
503	WorkCover WA may disclose information	
504	Confidentiality	[WCIMA s 57D]
505	Authorised use or disclosure of information	
506	Disclosure of claim information for pre-employment screening	
507	Term used: compliance purposes	
508	Inspectors	[WCIMA s 175A(1)]
509	Identification of inspectors	[WCIMA s 175A(4)]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
510	Compliance inspections	
511	Entry powers	[WCIMA s 175B(1)(a), (b)]
512	General powers on entry	[WCIMA s 175B(1)(a), (b) and (h) and 175D(1)(b)]
513	Persons assisting inspectors	[WCIMA s 175B(3), 175C]
514	Power to require auditor's certificate	[WCIMA s 175B(1)(f) and (2)]
515	Power to require documents and answers to questions	[WCIMA s 175B(1)(c) to (e), (g), 175D(1)(b)]
516	Abrogation of privilege against self-incrimination	[WCIMA s 175D(2)]
517	Power to copy and retain documents	[WCIMA s 175B(1)(c)]
518	Who can prosecute offences	[WCIMA s 101(d) and 309]
519	Time limit for prosecutions	[WCIMA s 310]
520	Application of fines	[WCIMA s 312]
521	Offences under Acts about work health and safety not affected	[WCIMA s 313]
522	Infringement notices and the Criminal Procedure Act 2004	[WCIMA s 175G(2)]
523	Hindering or obstructing inspector	[WCIMA s 175D(1)(a)]
524	Using name WorkCover WA	[WCIMA s 94(4)]
525	False or misleading information	[WCIMA s 175D(1)(c), (d)]
526	Fraud	[WCIMA s 308]
527	Preventing another person from complying with Act	[WCIMA s 175D(1)(e)]
528	Terms used	[WCIMA s 20(1), 23A and 23E]
529	Connection of employment with a State	[WCIMA s 20]
530	Determining if employment is connected with this State	[WCIMA s 23B]
531	Applying to District Court to determine connection	[WCIMA s 23C]
532	Recognition of previous determination by court	[WCIMA s 23D]

WCIM Bill 2023	WCIM Bill 2023 - clause Heading	WCIM Act 1981
533	Judicial notice	[WCIMA s 299]
534	Protection from liability for performance of functions	[WCIMA s 304]
535	Protection and immunity of conciliators, arbitrators and persons involved in	[WCIMA s 305]
536	Protection for compliance with this Act	[WCIMA s 306]
537	Protection from liability for publishing decision	[WCIMA s 307]
538	General maximum and other adjustable amounts	[WCIMA s 5(1) def prescribed amount, s 5A, Sch 1 cl 11(2)]
539	Regulations	[WCIMA s 292]
540	Regulations may adopt codes or legislation	[WCIMA s 292(7)]
541	Review of Act	[WCIMA s 314B]
563	When entitlement to income compensation ceases due to age	[WCIMA s 56, 57]
577	Registration of independent agents	[WCIMA s 277]
611	Delegations	[WCIMA s 101AA]
612	Guarantees of borrowings	[WCIMA s 101B]