



Australian Rehabilitation Providers Association
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30th November 2023

Mr Kevin Gillingham
Manager – Policy & Legislative Services, Workcover WA
2 Bedbrook Place
Shenton Park, WA 6008

Dear Mr Gillingham

Re: ARPA WA response to Consultation Papers 1-19

On behalf of the ARPA WA, we thank you for the ability to be able to provide a formal response to the Consultation papers released by Workcover WA with regards to the WA Workers Compensation Act changes and proposed implementation for regulations.

I confirm that the ARPA WA Executive committee has met and provided the following collective specific responses to each of the papers:

Implementation Consultation Paper 4: Certificates of Capacity:

- Page 4, point 3: we seek clarity with regards to the ability to ensure compliance to attendance of the appointment, where there is agreement from the worker for the nominated choice (or alternatively there is no an explicit refusal to the choice)
- Page 4, point 4, we seek clarity as to whether a Workplace Rehabilitation Provider would be included in the definition of an agent of the insurer.
- Page 4, point 4, we seek clarity as to whether a different charge code will be applied/required for the examination vs attendance (conversation with other party)

Implementation Consultation Paper 6: Injury Management and Return to Work:

- Page 2, clarity is sought with regards to the Code of Practice and further explanation as to why this will not be replicated under the new regime.
- Page 3, Maximum Frequency, ARPA queries whether attendance that is agreed by all parties outside of Business Hours, will be allowed. This is taking into consideration the availability of all parties, in particular the opening hours of Medical Practices.
- Page 3, Matters that can be discussed, ARPA requests consideration to add a further point: to obtain clinical reasoning for current work capacity certification.
- Page 4, Matters that cannot be discussed, point 1, with regards to challenging the treating practitioners diagnosis, ARPA acknowledges and recognises the reasoning of this addition, however requests clarification to be added (to Matters that can be discussed), for the ability to be able to seek clarity and explanation around diagnosis, and further details around findings pursuant to the assessment.

- Page 4, Notice, ARPA seeks clarity as to whether the regulations will outline who will issue and the notice and the timeframes pertaining to such.

Implementation Consultation Paper 9: Medical and Health Expenses Compensation:

- Page 5, Workcover WA Expectations, ARPA WA queries whether there will be a retrospective expectation for closed matters (ie: will changes apply to existing matters or claims from 01/07 onwards).

Implementation Consultation Paper 12: Workplace Rehabilitation Services:

- Page 3, Workplace Rehabilitation Services: Will there be an opportunity for feedback with regards to the additional controls on travel.
- Page 4, Relevant Considerations: ARPA WA makes the suggestion to consider rewording away from 'Employer Requires Assistance' to 'Worker requires assistance to obtain a position'
- Page 4, An approved WRP is required to, (b): Suggestion to change wording from 'functional capacity' to 'functional ability'.
- Page 4, An approved WRP is required to, (c): additional wording to be considered: provide advice in collaboration with all stakeholders on the best pathway to recover.
- Page 5, Who can request workplace rehabilitation and select a provider?: In the 4th paragraph, ARPA WA suggests the following wording: 'Injured worker has the ability to request RTW from any Workcover approved WRP as noted on the Workcover Website'.
- Page 5, Terminating a workplace rehabilitation service, 1st point: We would like to request that the regulations note how this would be reflected to WRP and RTW monitoring results.

Implementation Consultation Paper 13: Approval Framework for Workplace Rehabilitation Providers:

- Page 4, Ministerial fee order, 3rd paragraph: ARPA would like to request the opportunity for consultation / feedback should this position change or be considered.

We would like to take this opportunity to thank Workcover WA for allowing the ability for ARPA WA to provide a response to these consultation papers.

Should you have any questions or seek clarity in any comments, please do not hesitate to contact me.

Kind regards



Robb Moffat
President, ARPA WA