



2 Bedbrook Place
Shenton Park
Western Australia 6008
workcover.wa.gov.au

telephone 08 9388 5555
advisory services 1300 794 744
TTY 08 9388 5537

Workers Compensation and Injury Management Act 2023

**CORRESPONDING PROVISIONS AND PENDING MATTERS
DIRECTION NO. 1**

PENDING PREMIUM & INDUSTRY CLASSIFICATION APPEALS

This is a corresponding provisions and pending matters direction made in accordance with section 548 of the *Workers Compensation and Injury Management Act 2023* (2023 Act).

Section 600 of the 2023 Act provides that a pending premium and industry classification appeal must continue and be dealt with as a review under section 255 of the 2023 Act.

This direction applies to any premium and/or industry classification appeal by an employer that arises under section 154 of the *Workers' Compensation and Injury Management Act 1981* (1981 Act) that is pending immediately before 1 July 2024.

The direction applies in the following circumstances:

1. If an employer has indicated an intention to appeal to an insurer or an application to appeal has been made in writing to WorkCover WA before 1 July 2024; or
2. The employer has, or would have had, a right to appeal under section 154 of the 1981 Act because the workers compensation policy was issued with a policy period commencing before 1 July 2024.

This direction is effective 1 July 2024.

Corresponding provisions direction [s. 548(1)(a)]

Table 1 sets out the provisions of the 1981 Act that correspond to the provisions of the 2023 Act applicable to pending premium and industry classification appeals.

Table 1 - Corresponding provisions direction	
1981 Act	2023 Act
s.154(1)(a) – classification appeal	s.255(1)(a) – industry classification review
s.154(1)(b) – premium appeal	s.255(1)(b) – premium review
s.151 – premium rates for insurance, fixing of	s.253 – fixing of recommended premium rates

Modified provisions direction [s. 548(1)(c)(d)]

Table 2 sets out how the operation of section 255 of the 2023 Act is modified in relation to pending premium and industry classification appeals in order to:

- make appropriate provision for differences between the 1981 and 2023 Acts
- modify the effect of anything done or commenced under the 1981 Act to ensure it has appropriate effect under the 2023 Act

Table 2 - Modified provisions direction

1. The reference in section 255(1) of the 2023 Act to the 'issue or renewal of a workers compensation policy' is modified to extend to a policy issued or renewed under the 1981 Act in the following circumstances:
 - a) an employer indicated an intention to appeal to an insurer or an application to appeal has been made in writing to WorkCover WA under the 1981 Act before 1 July 2024; or
 - b) the employer has, or would have had, a right to appeal under section 154 of the 1981 Act because the workers compensation policy was issued with a policy period commencing before 1 July 2024.
2. In the circumstances described in direction 1(a), the application for a review is taken to be made and section 255(3) of the 2023 Act does not apply.
3. In the circumstances described in direction 1(b), section 255(3) of the 2023 Act applies but an application for a review must be made by 31 July 2024 instead of 'within 1 month after the employer is informed of the premium concerned' referred to in section 255(3)(a) of the 2023 Act.



CHIEF EXECUTIVE OFFICER
WORKCOVER WA

11 June 2024