



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. 5**

STATE OF CONNECTION AND LIABILITY EXCLUSION

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).

This direction applies to any claim made or pending dispute proceeding before 1 July 2024 relating to a worker’s state of connection and any exclusion of liability that arises under the *Workers’ Compensation and Injury Management Act 1981* (1981 Act) and 2023 Act.

In accordance with section 542 of the 2023 Act ‘pending matter’ means a claim, assessment, proceeding, dispute or other matter commenced or arising under the 1981 Act before 1 July 2024 that is pending, current or continuing under the 1981 Act immediately 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 a worker’s state of connection and any exclusion of liability.

Table 1 - Corresponding provisions direction	
1981 Act	2023 Act
s. 20 – compensation not payable unless worker’s employment connected with WA	s. 19 – employment must be connected with this State

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

Table 2 sets out how the 2023 Act provisions are modified for any claim made, or any pending dispute proceeding referred to in section 575 of the 2023 Act, before 1 July 2024 relating to a worker’s state of connection and any exclusion of liability 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
<ol style="list-style-type: none">1. The requirements of section 19(3)(b) of the 2023 Act are modified with respect to any claim made or pending dispute proceeding before 1 July 2024 that relates to a worker's state of connection and any exclusion of liability.2. Section 19 is modified so that s19(3) does not apply to exclude an employer's liability if a worker has been continuously resident outside of Australia as at 1 July 2024 if the worker's employment was connected with Western Australia in accordance with section 20 of the 1981 Act before 1 July 2024.



CHRIS WHITE
CHIEF EXECUTIVE OFFICER

13 June 2024