

## Reducing or Discontinuing Income Compensation – Worker in Custody

The *Workers Compensation and Injury Management Act 2023 (the WCIMA23)* provides that income compensation payments to a worker are suspended when a worker is in custody or serving a term of imprisonment.

### Key Points

Act ref: s. 66 Reg ref: reg. 30

- The *WCIMA23* provides that payments of income compensation are suspended if a worker is in custody under a law of WA, or another state, or the Commonwealth, or the worker is otherwise serving a term of imprisonment.
- The *Workers Compensation and Injury Management Regulations 2024* prescribes the kinds of imprisonment to which the suspension applies.
- An employer must have written confirmation in the approved form from the relevant government authority of the facts relevant to the worker being in custody or serving a term of imprisonment. The relevant government authority is the authority administering the law under which the worker is in custody or serving a term of imprisonment.
- The approved form of the notice for seeking and confirming a worker is in custody or serving a term of imprisonment is published on the WorkCover WA website as *CN6 Custody or imprisonment notice*.
- The worker's entitlement does not cease and payments will be required to recommence from the date the worker is no longer in custody or serving a term of imprisonment.

### Questions & Answers

**Q. If a worker believes income compensation payments were not lawfully suspended what can they do?**

**A.** A worker may apply to have the matter determined as a dispute. An arbitrator can make any order the arbitrator considers appropriate in the circumstances.