



Conciliation & Arbitration Services Status Report

June 2024

A workers compensation and injury
management scheme that works for all

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Conciliation and Arbitration Services Status Report

WorkCover WA is the government agency responsible for overseeing the workers compensation and injury management scheme in Western Australia.

The Conciliation and Arbitration Services Status Report presents the status of key elements of the Conciliation and Arbitration services and encompasses activity within the system up to June (Q4) 2023/24.

Data used in this report is obtained from WorkCover WA's Dispute Case Management System (DCMS) and grouped in three sections:

1. Conciliations
2. Arbitrations
3. Hearings.

Conciliation and Arbitration Services in WorkCover WA

One of WorkCover WA's major functions is to resolve disputes between parties in the workers compensation system, either through conciliation or arbitration.

Conciliation involves parties in dispute coming to an agreement.

The primary role of the Workers Compensation Conciliation Service is to assist the parties resolve workers compensation disputes by agreement with the assistance of an independent and impartial Conciliator.

Each party is given the opportunity to present their position and support it with evidence and other information. This may occur quickly and informally over the phone however is usually done in a conciliation conference conducted in private. Most disputes are resolved at conciliation and parties are encouraged to resolve the dispute, independently of the Conciliation Service, at any stage of the process.

Arbitration is a formal proceeding at which evidence is heard and a legally qualified Arbitrator makes a final determination.

The primary role of the Workers Compensation Arbitration Service is to make legally binding determinations regarding workers compensation disputes.

A dispute must have been conciliated by the Workers Compensation Conciliation Service (or a certificate issued by the Director of Conciliation advising the matter is not suitable for conciliation) before an application can be made to the Arbitration Service.

Arbitration can be a complex, costly and time-consuming process. Parties are encouraged to resolve disputes, independently of the Arbitration Service, at any time in the process.

OVERVIEW | 2023/24 Q4

#	Indicators	Compared with same quarter last year	Reference
1.1	Disputation rate	2022/23 Q4 4.7% 2023/24 Q4 5.0%	p.5
1.2	Number of accepted conciliations	2022/23 Q4 609 2023/24 Q4 735	p.5
1.3	Number of completed conciliations	2022/23 Q4 594 2023/24 Q4 667	p.6
1.5	Median days to complete conciliations	2022/23 Q4 37 2023/24 Q4 35	p.7
1.6	Conciliations with subsequent arbitrations	2022/23 Q4 152 2023/24 Q4* 126	p.8
2.1	Number of accepted arbitrations	2022/23 Q4 130 2023/24 Q4 133	p.11

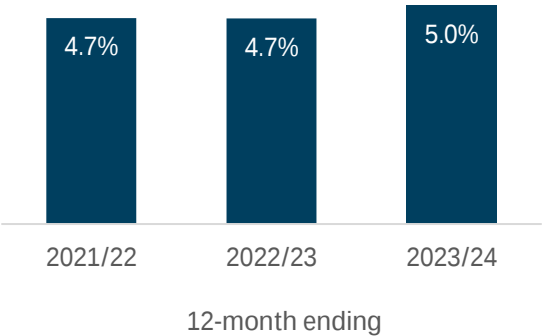
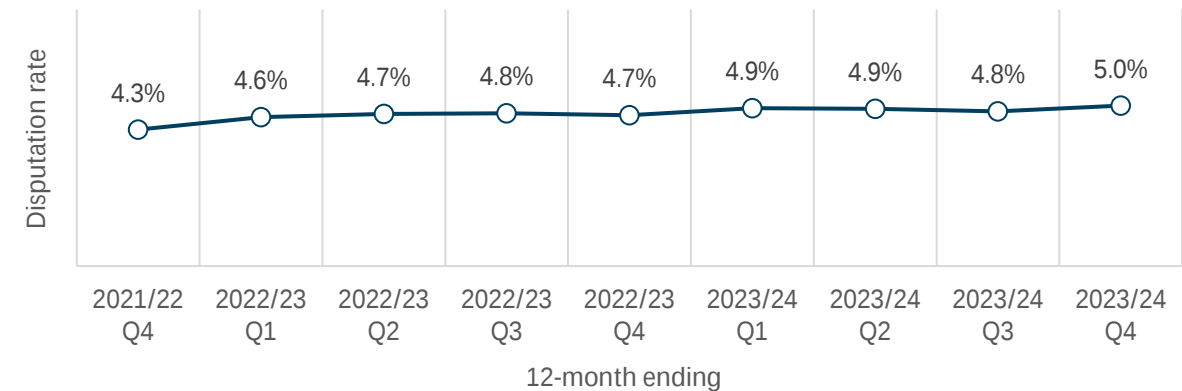
*May be subject to change over time as the data matures.

#	Indicators	Compared with same quarter last year	Reference
2.2	Number of completed arbitrations	2022/23 Q4 157 2023/24 Q4 152	p.11
2.4	Median days to complete arbitrations	2022/23 Q4 204 2023/24 Q4 205	p.12
3.1	Number of hearings held	2022/23 Q4 545 2023/24 Q4 511	p.14
3.4	Days between arbitration acceptance and first hearing	2022/23 Q4 38 2023/24 Q4 35	p.17
3.6	Days between acceptance and first formal arbitration hearing	2022/23 Q4 368 2023/24 Q4 187	p.18
3.8	Days between last formal arbitration hearing and completion	2022/23 Q4 167 2023/24 Q4 144	p.19

CONCILIATIONS

1.1 Disputation rate*

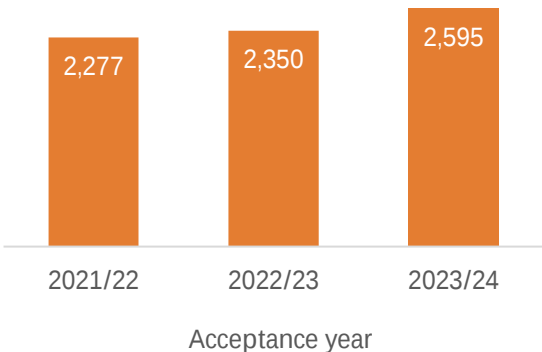
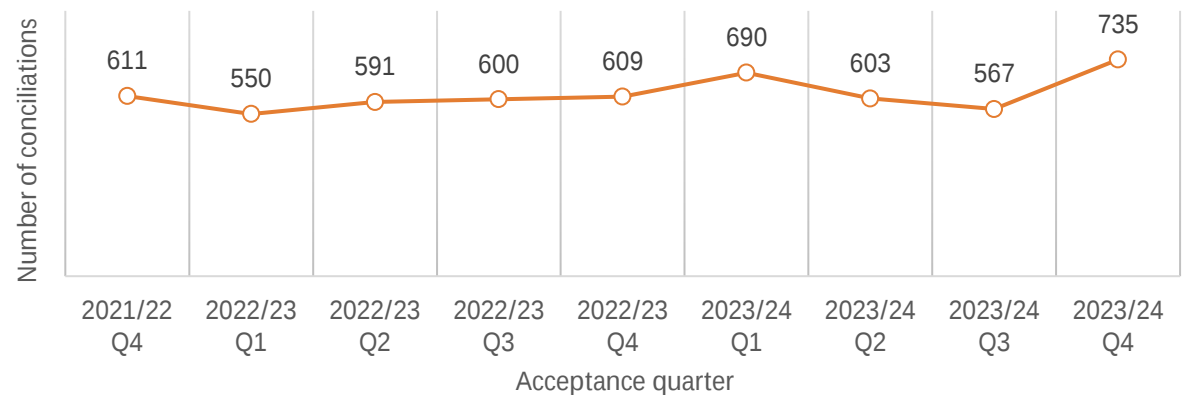
The number of dispute applications as a proportion of active claims (claims with at least one transaction payment within the financial year)



* Disputation rate is based on a rolling four-quarter period.

1.2 Accepted conciliations

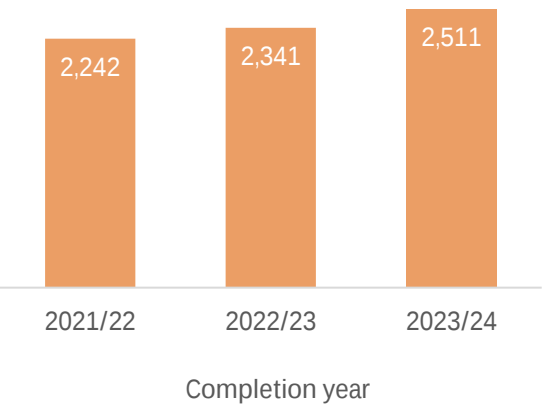
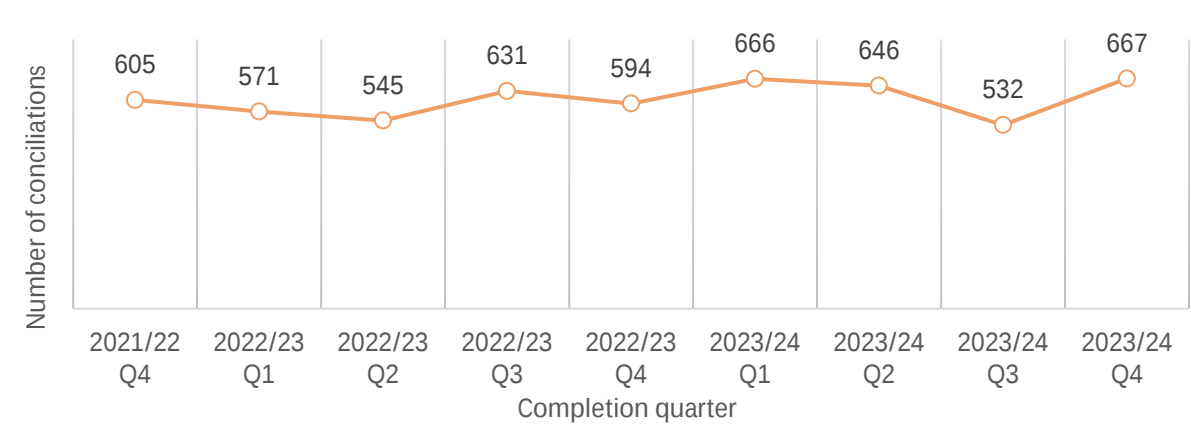
The number of conciliations accepted



CONCILIATIONS

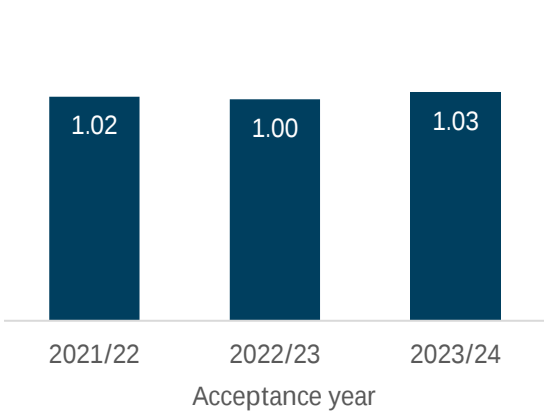
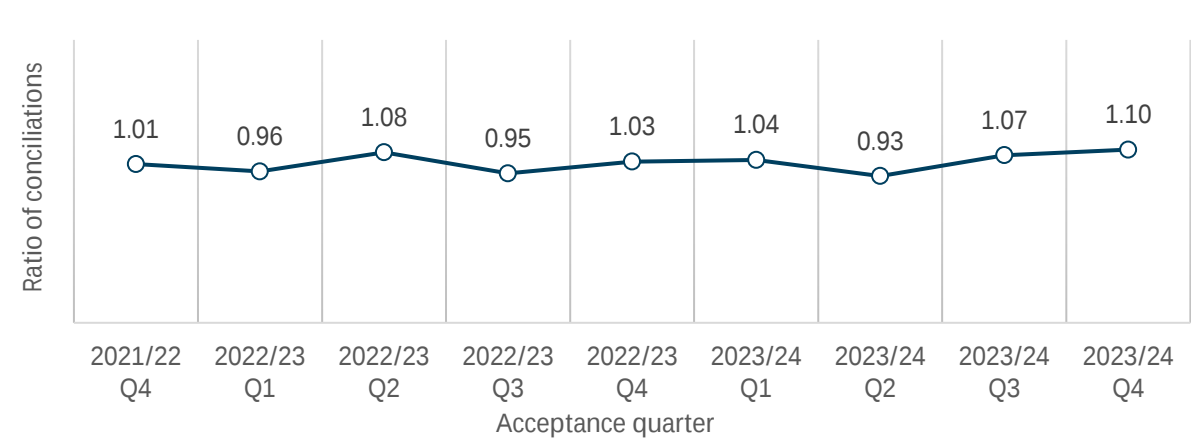
1.3 Completed conciliations

The number of closed conciliations



1.4 Ratio of accepted to completed conciliations

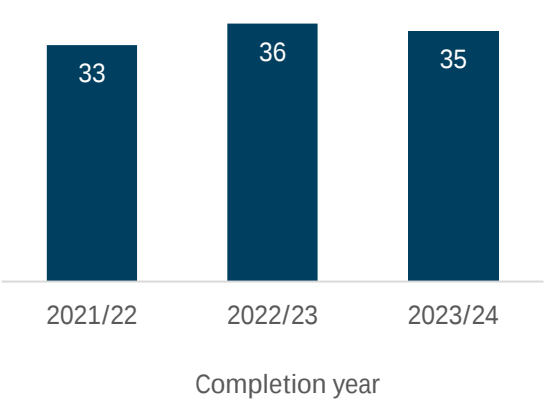
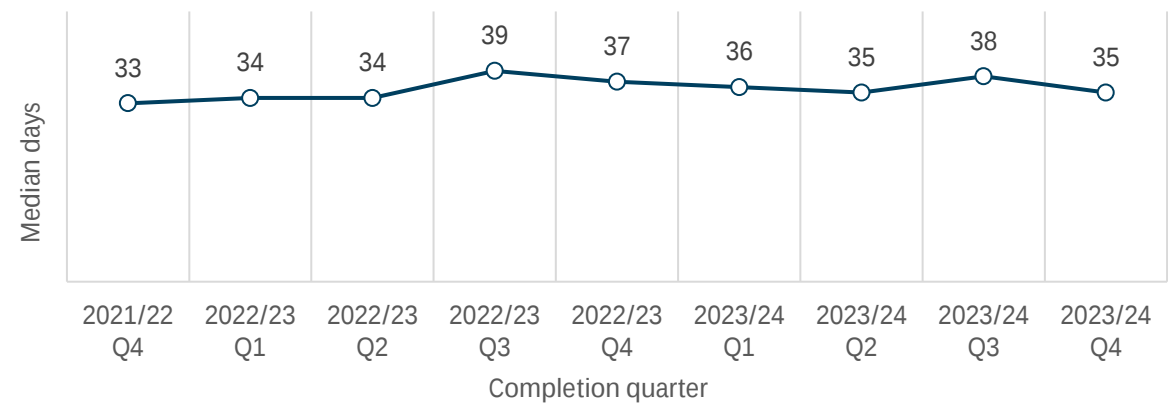
The ratio between the number of accepted to closed conciliations



CONCILIATIONS

1.5 Median days to complete conciliations

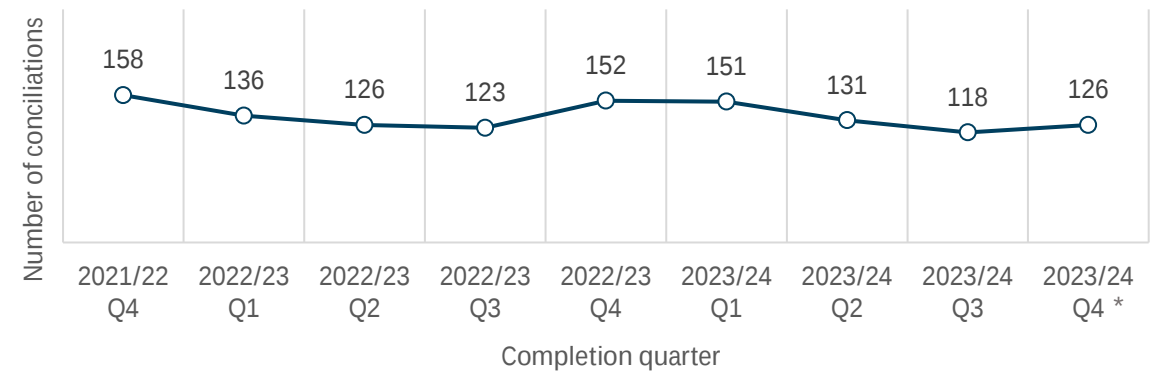
The median number of days from acceptance to completion for conciliations



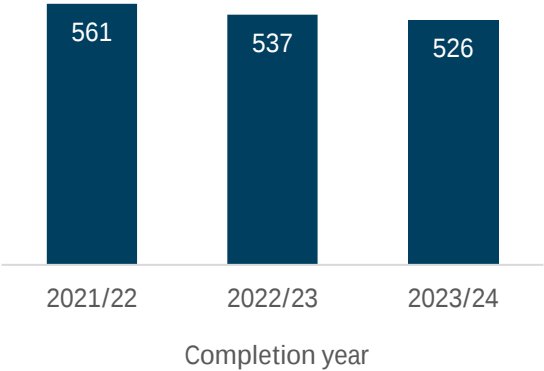
CONCILIATIONS

1.6 Conciliations with subsequent arbitrations

The number of conciliations with subsequent arbitration applications

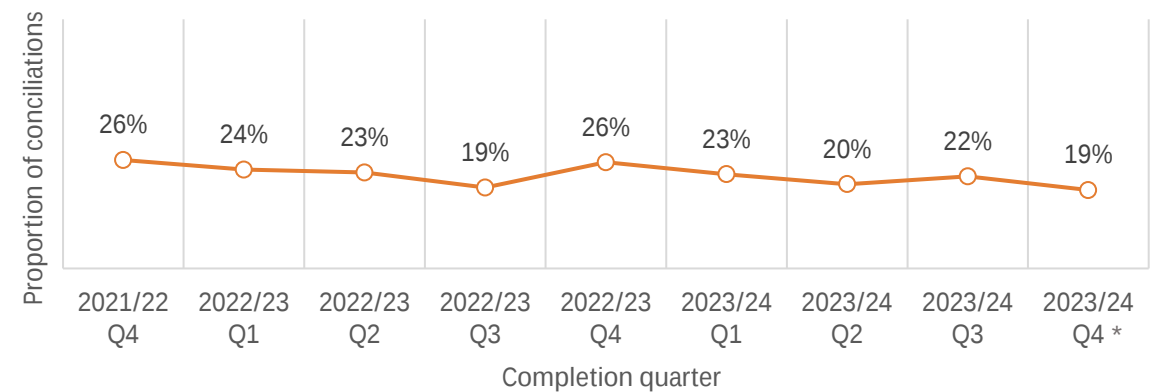


* The data is based on conciliation completed date and the most recent quarter may be subject to change over time, as the data matures.

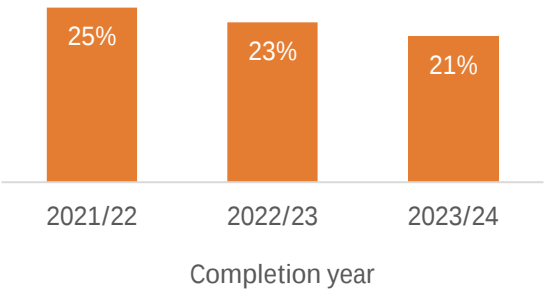


1.7 Proportion of conciliations with subsequent arbitrations

The proportion of conciliations with subsequent arbitration applications



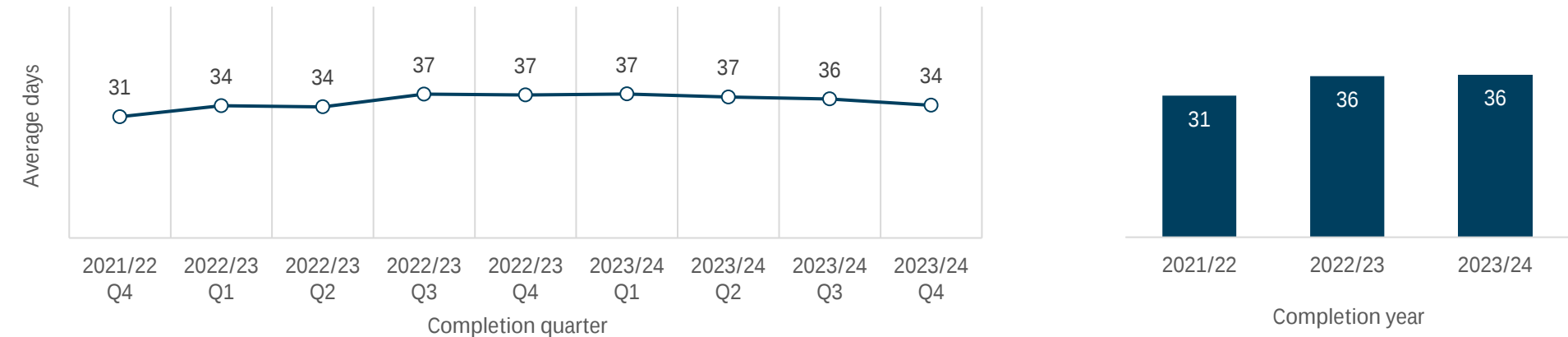
* The data is based on conciliation completed date and the most recent quarter may be subject to change over time, as the data matures.



CONCILIATIONS

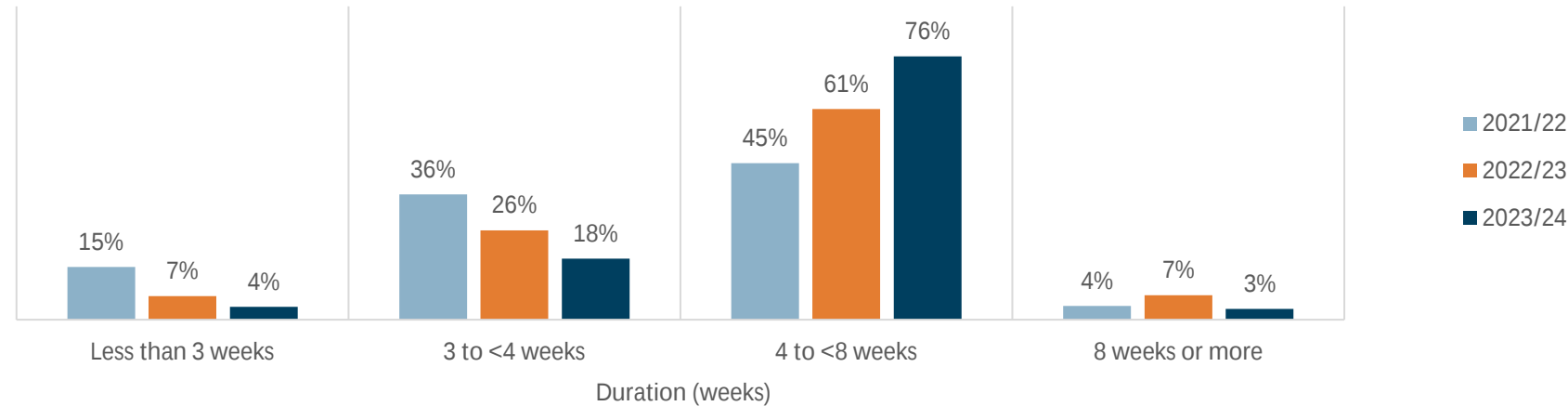
1.8 Average duration between acceptance and first conciliation conference

The average days from the acceptance of conciliation applications to the first conciliation conference



1.9 Conciliations by duration from acceptance to first conference

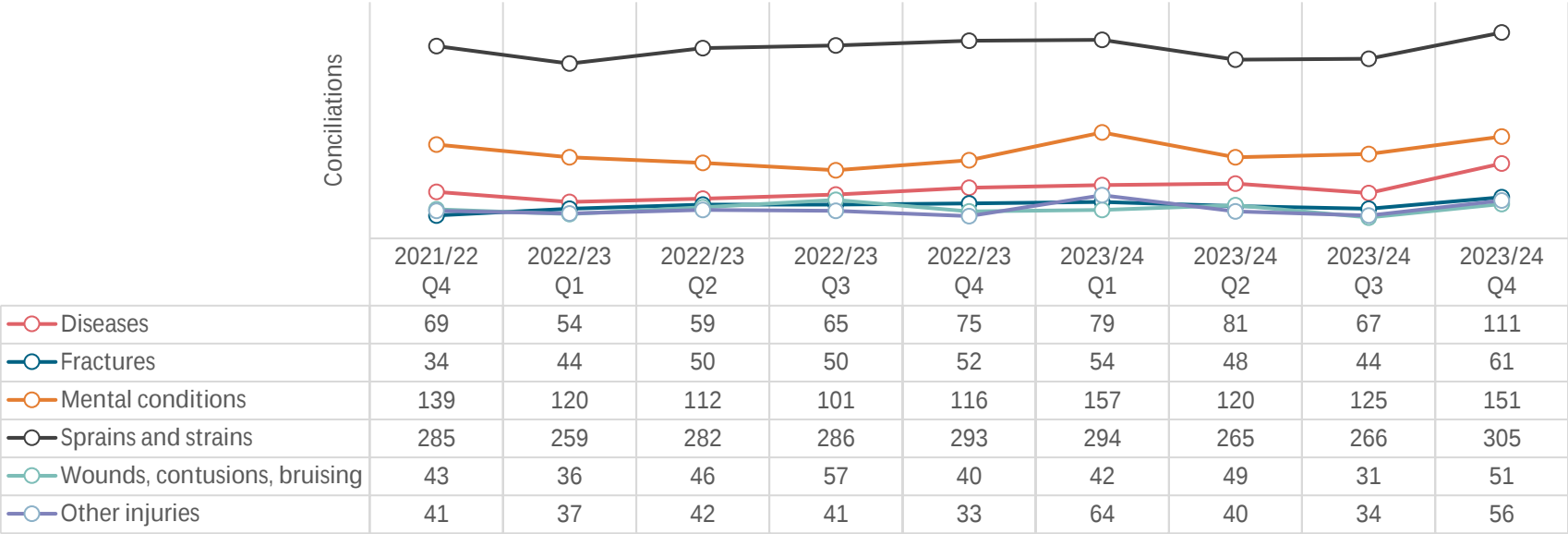
The proportion of conciliation by duration from acceptance to first conciliation conference



CONCILIATIONS

1.10 Conciliations by nature of injury/disease

The number of accepted conciliations by nature of injury or disease



1.11 Comparison of conciliations and claims by nature of injury/disease - 2022/23 Q3 to 2023/24 Q2*

The proportion of accepted conciliations by nature of injury or disease compared with claims lodged

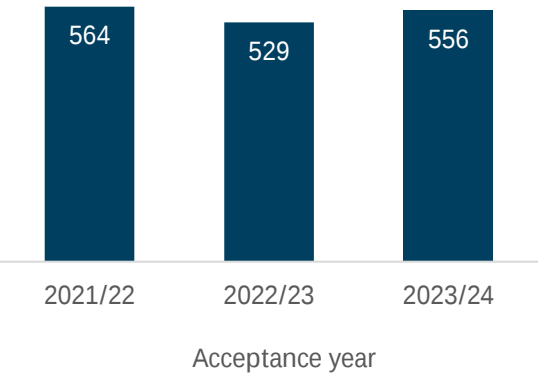
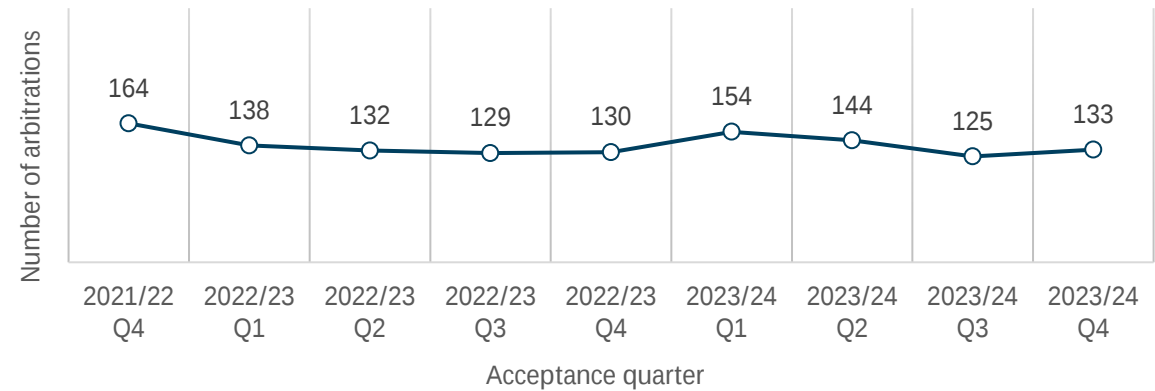
Nature of injury/disease	Conciliations	Claims
Diseases (includes cancer and other diseases)	12.0%	12.0%
Fractures	8.2%	10.8%
Mental conditions	19.7%	6.0%
Sprains and strains	45.5%	42.4%
Wounds, contusions, bruising	7.5%	20.2%
Other	7.1%	8.5%
Total	100%	100%

*Two-quarter lag applies to allow for claims information to be processed

ARBITRATIONS

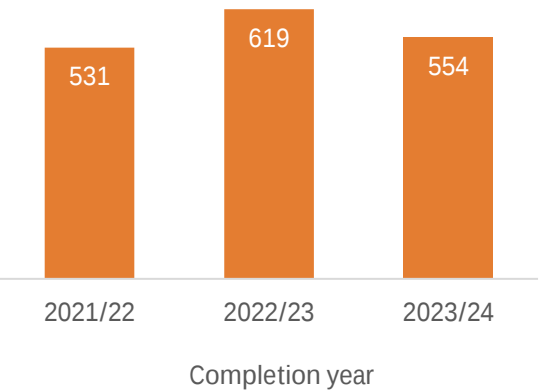
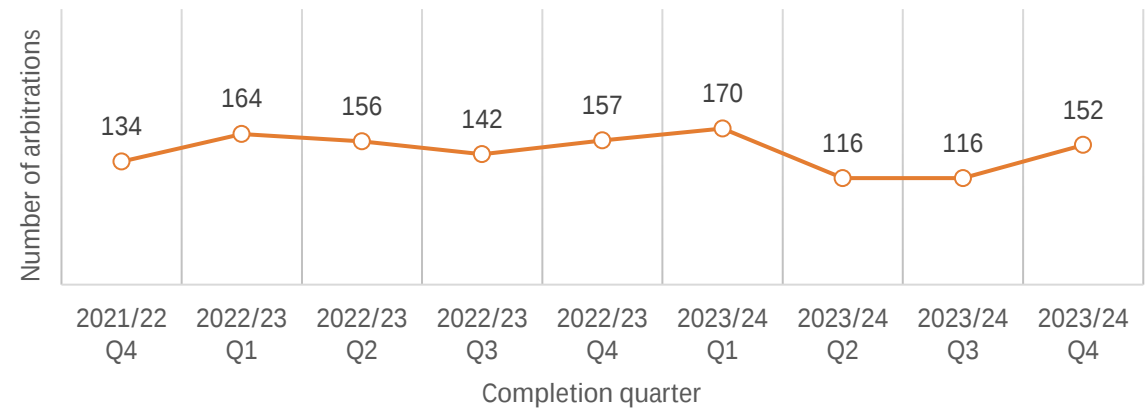
2.1 Accepted arbitrations

The number of accepted arbitrations



2.2 Completed arbitrations

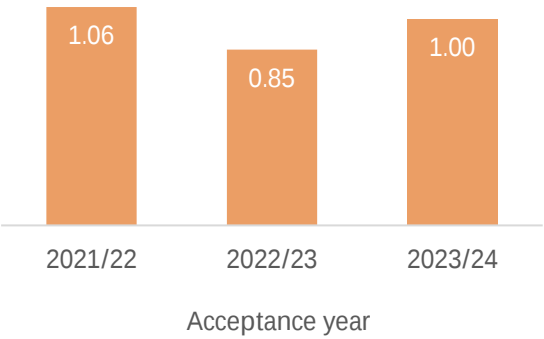
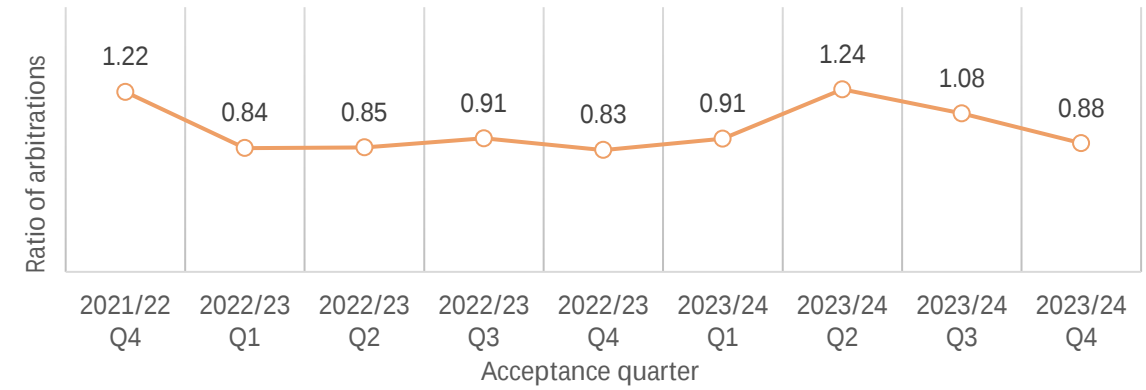
The number of closed arbitrations



ARBITRATIONS

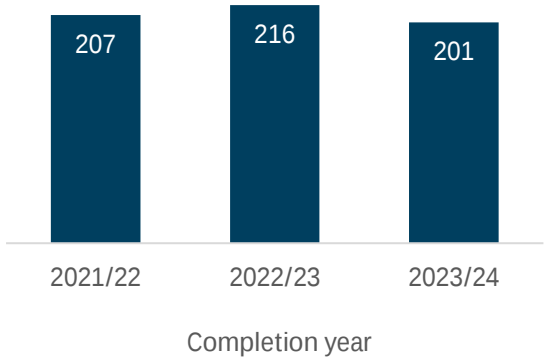
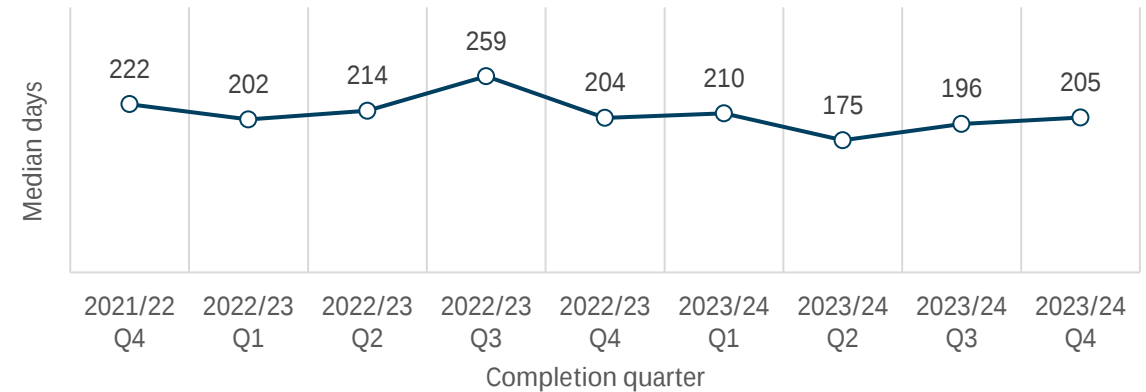
2.3 Ratio of accepted to completed arbitrations

The ratio between the number of accepted to closed arbitrations



2.4 Median days to complete arbitrations

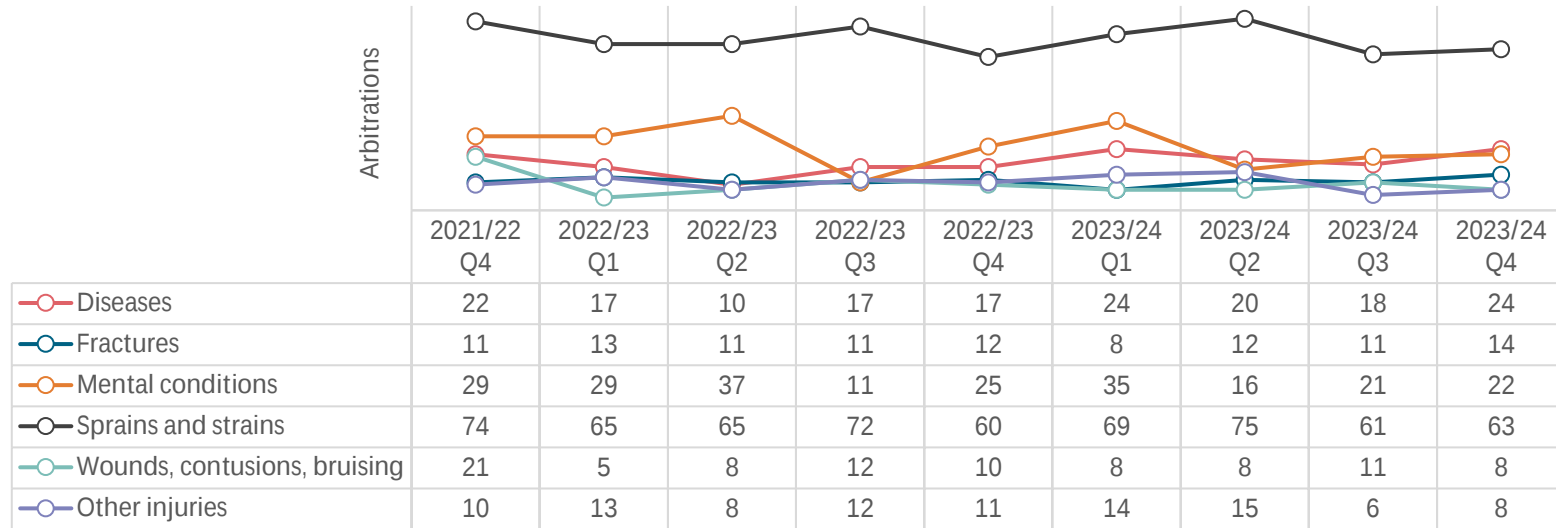
The median number of days from acceptance to completion for arbitrations (excludes conciliation time)



ARBITRATIONS

2.5 Arbitrations by nature of injury/disease

The number of arbitrations by nature of injury or disease



2.6 Comparison of arbitrations and claims by nature of injury/disease - 2022/23 Q3 to 2023/24 Q2*

The proportion of arbitrations by nature of injury or disease compared with claims lodged

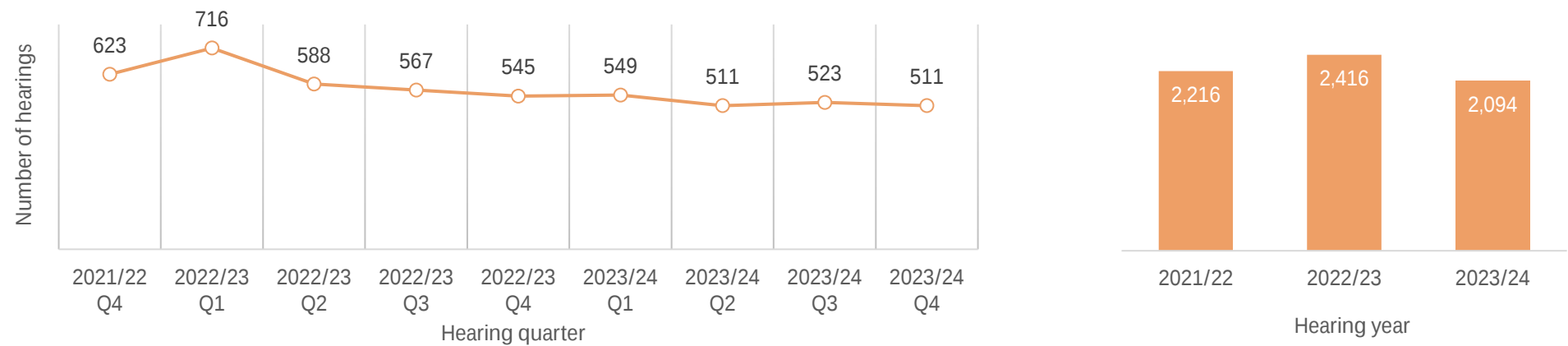
Nature of injury/disease	Arbitrations	Claims
Diseases (includes cancer and other diseases)	13.6%	12.0%
Fractures	7.5%	10.8%
Mental conditions	15.2%	6.0%
Sprains and strains	48.1%	42.4%
Wounds, contusions, bruising	6.6%	20.2%
Other	9.1%	8.5%
Total	100%	100%

* Two-quarter lag applies to allow for claims information to be processed

HEARINGS

3.1 Arbitration hearings held

The number of all arbitration hearings (directions, interlocutory, formal arbitration, costs) held/completed (excludes pre-arbitration conferences)



3.2 Proportion of arbitration hearings by type

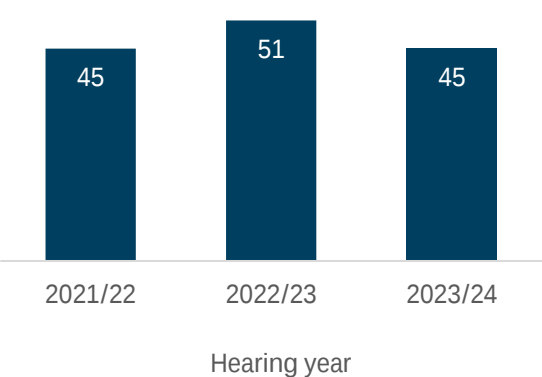
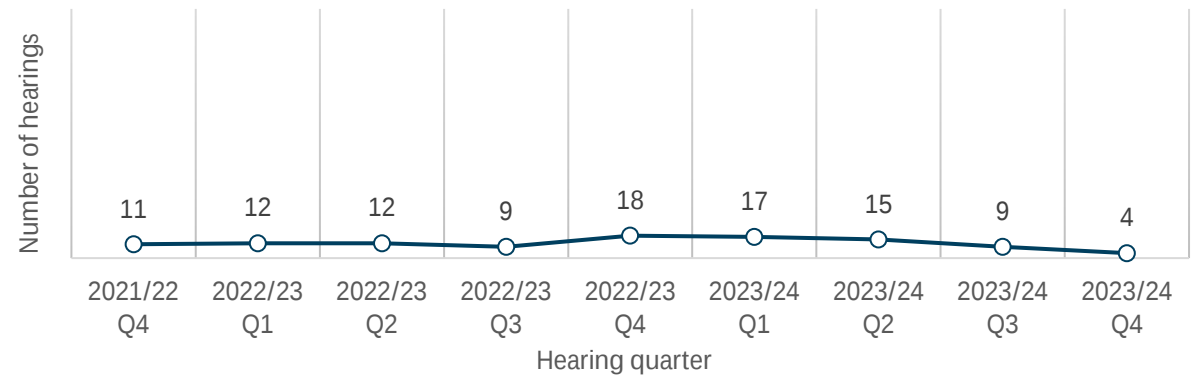
The proportion of arbitration hearings held/completed by type of hearing

Hearing type	2021/22	2022/23	2023/24
Formal arbitration	2.0%	2.1%	2.1%
Costs	0.2%	0.4%	0.6%
Directions	90.0%	90.4%	92.6%
Interlocutory	7.7%	7.1%	4.6%
Total	100%	100%	100%

HEARINGS

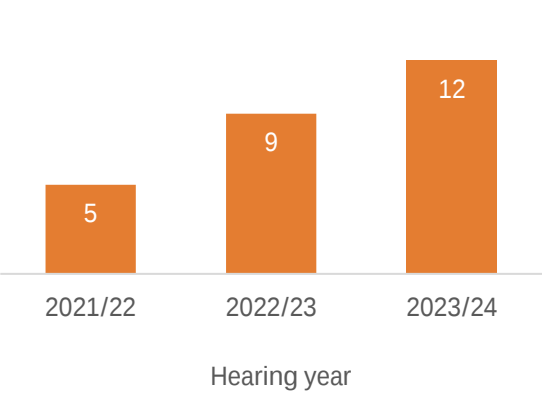
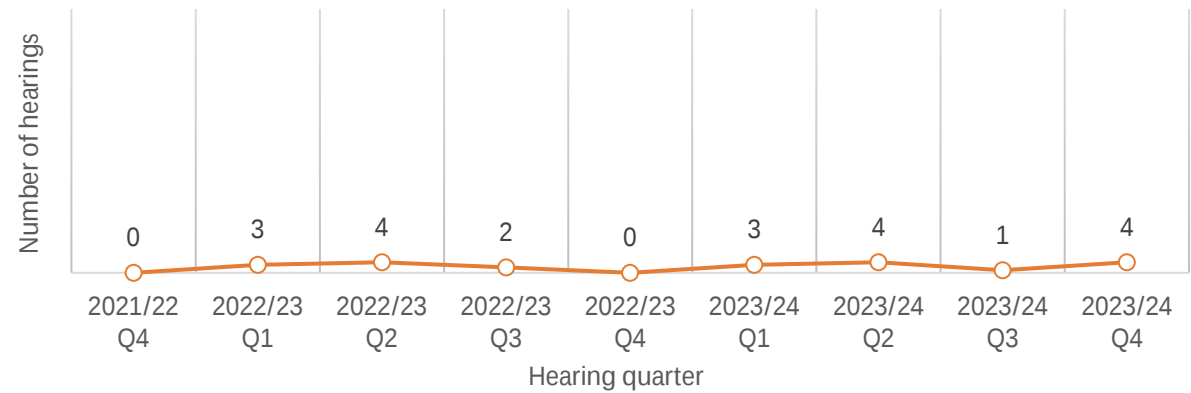
3.3.1 Hearings held by hearing type - Formal arbitration

The number of formal arbitration hearings held/completed



3.3.2 Hearings held by hearing type - Costs

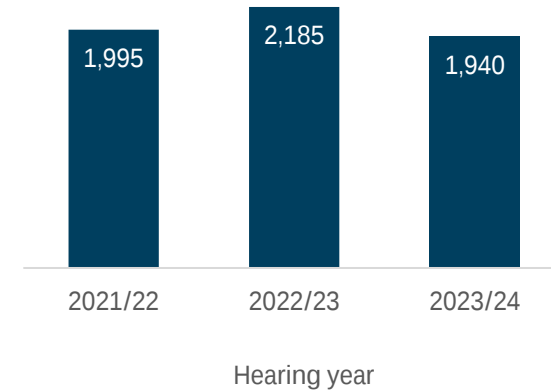
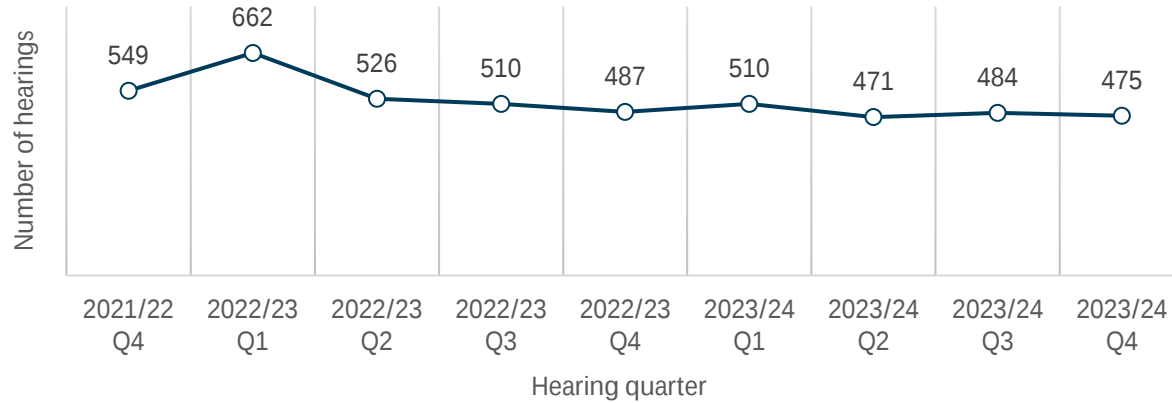
The number of costs hearings held/completed



HEARINGS

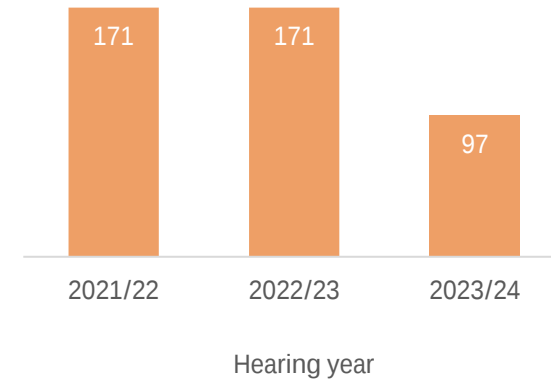
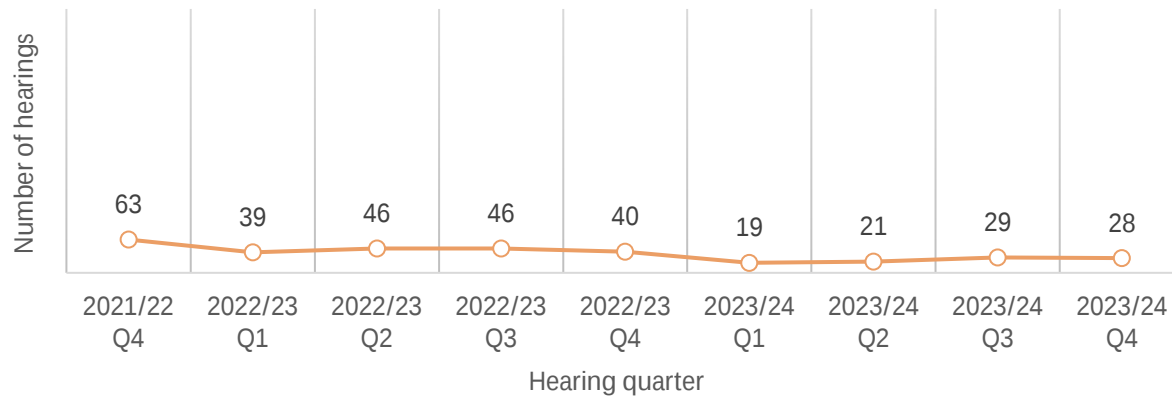
3.3.3 Hearings held by hearing type - Directions

The number of directions hearings held/completed



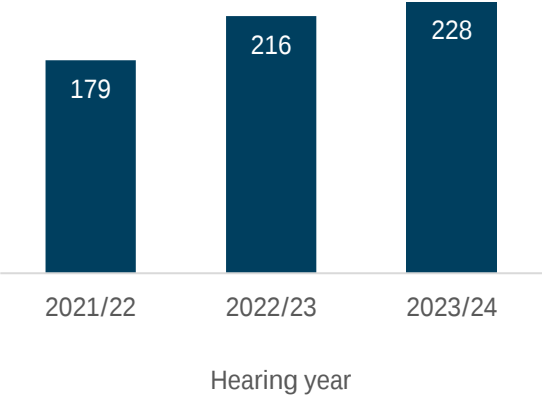
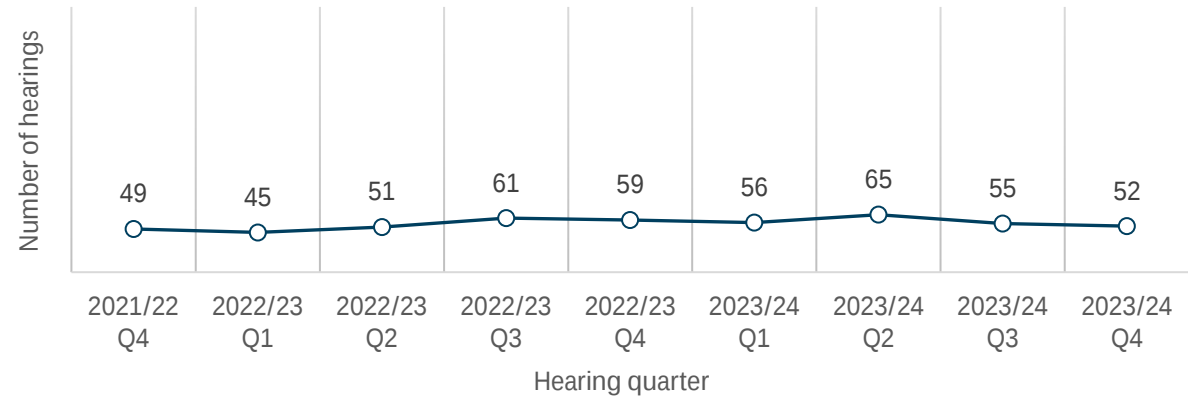
3.3.4 Hearings held by hearing type - Interlocutory

The number of interlocutory hearings held/completed



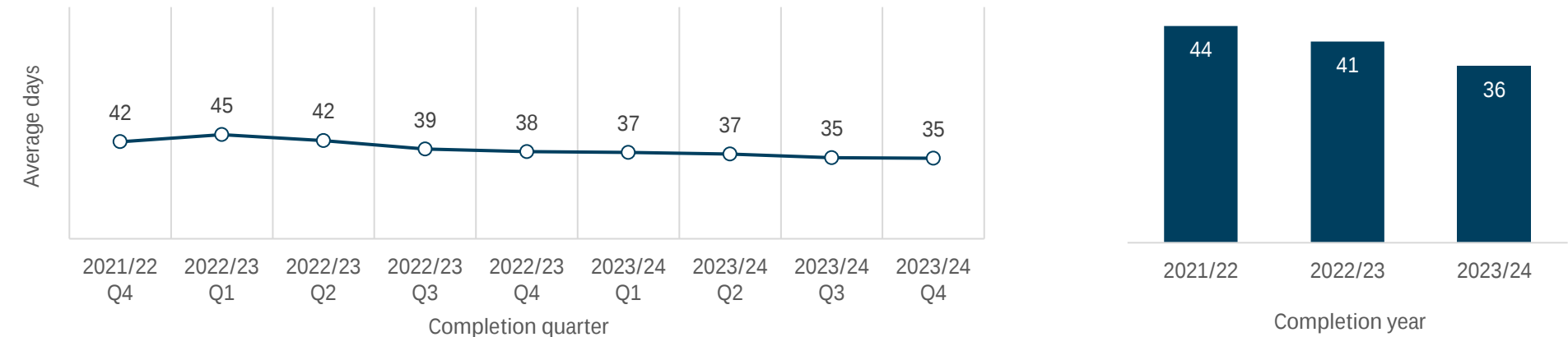
3.3.5 Pre-arbitration Conferences held

The number of pre-arbitration conferences held/completed



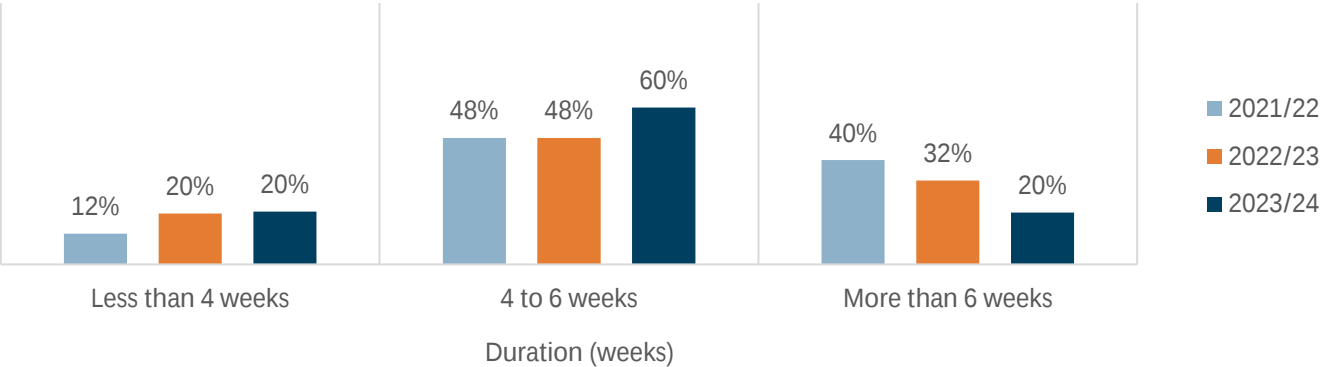
3.4 Average duration between acceptance and first hearing

The average days from the acceptance of arbitration application to the first hearing of any type (directions, interlocutory, formal arbitration and costs)



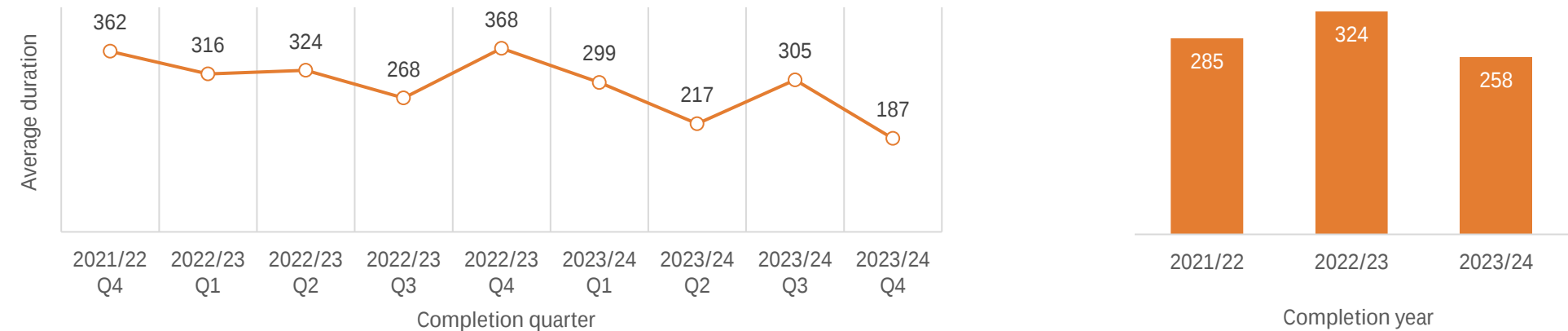
3.5 Arbitrations by duration from acceptance to first hearing

The proportion of arbitration applications by duration from acceptance to first hearing of any type



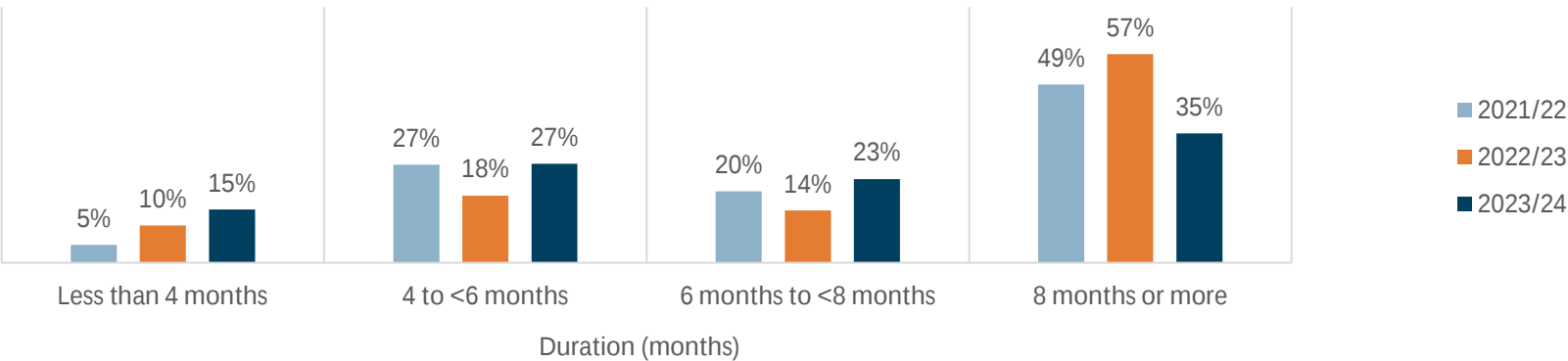
3.6 Average duration from acceptance to first formal arbitration hearing

The average number of days from the acceptance of arbitration application to the first formal arbitration hearing



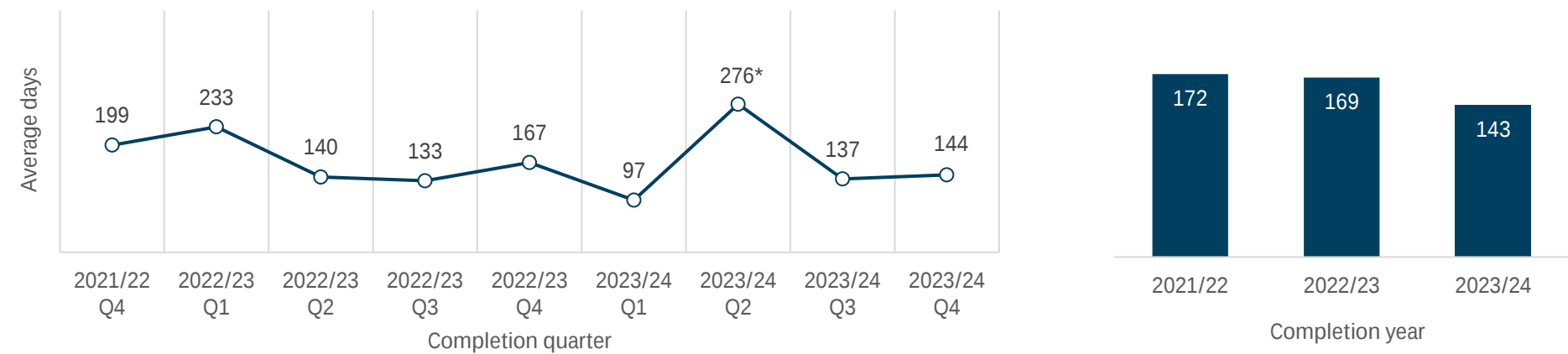
3.7 Arbitrations by duration from acceptance to first formal arbitration hearing

The proportion of arbitration applications by duration from acceptance to first formal arbitration hearing



3.8 Average duration from last formal arbitration hearing to completion

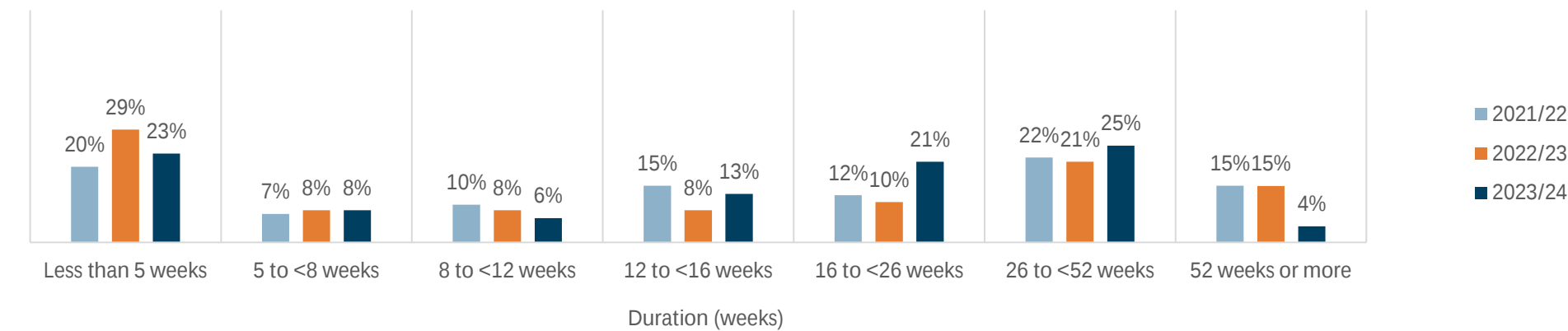
The average number of days from the last formal arbitration hearing to completion



* In 2023/24 Q2, a dispute was identified as an outlier which caused the average to skew to 276 days. Excluding this outlier reduces the average to 140 days.

3.9 Arbitrations by duration from last formal arbitration hearing to completion

The proportion of arbitrations by duration from the last formal arbitration hearing to completion



GLOSSARY

Acceptance quarter/year

Based on the date the conciliation/arbitration case was accepted.

Arbitration

If an agreement cannot be reached through a conciliation, the dispute can proceed to a more formal process where an independent and impartial decision maker (arbitrator) will assess evidence presented by the worker and other parties at a formal hearing or series of hearings.

Completion quarter/year

Based on the date the conciliation/arbitration case was completed.

Disputation rate

The number of dispute applications per 100 active claims (claims with at least one transaction payment within the reference period).

Dispute

A dispute over a workers compensation claim by parties involved (e.g. worker, employer, insurer). A dispute can occur at any stage of a claim in relation to a number of matters. Disputes must have been conciliated by the workers Compensation Conciliation Service (or a certificate issued by the Director of Conciliation advising the matter is not suitable for conciliation) before an application can be made to the workers Compensation Arbitration Service.

Nature of injury or disease

The nature of injury or disease classification is intended to identify the most serious injury or disease suffered by the worker. The nature of injury/disease is based on the *Type of Occurrence Classification System (TOOCS) 3rd edition* published by Safe Work Australia (safeworkaustralia.gov.au).