

Explanatory notes

The *Workers Compensation and Injury Management Act 2023* requires payment of income compensation must be suspended for the period a worker is in custody or otherwise serving a term of imprisonment.

Before payments of income compensation can be suspended the Chief Executive Officer (Prisons) must provide written confirmation of the worker's custody or imprisonment status.

The request and confirmation must be given in the approved form *Custody or Imprisonment Notice* published on the WorkCover WA website.

REQUESTING CONFIRMATION OF CUSTODY OR IMPRISONMENT

Part 1 of the *Custody or Imprisonment Notice* must be completed by the employer and/or the employer's insurer.

The Employer's details must be properly completed including the name and contact details of the nominated contact person because **only the employer** can receive written confirmation of custody or imprisonment from the CEO Prisons/ authorised officer.

The employer and/ or the employer's insurer can make the request by sending the Notice to the CEO Prisons by email to InformationRelease@justice.wa.gov.au

You must ensure the liability decision notice relating to the worker's claim is attached with the Notice and email so the CEO Prisons/ authorised officer can be satisfied there is a compensable claim and the date income compensation commenced, and of the connection between the worker, employer and insurer.

PROVIDING CONFIRMATION OF CUSTODY OR IMPRISONMENT

Part 2 of the *Custody or Imprisonment Notice* must be completed by the CEO Prisons/ authorised officer.

RECEIVING CONFIRMATION OF CUSTODY OR IMPRISONMENT

Regulations require the *Custody or Imprisonment Notice* to be given to the worker's employer. The Notice will therefore be sent to the **employer's nominated contact and email address** in Part 1 of the Notice only.

The Notice cannot be copied to anyone else (such as the employer's insurer) by the CEO Prisons/ authorised officer. Insurers should contact the employer and require the Notice to be forwarded to the insurer as soon as it is received to authorise suspension of income compensation.