

Workers Compensation and Injury Management Act 2023

ARBITRATION PRACTICE NOTE 2 [s. 384(3)]

COMMUNICATIONS WITH THE ARBITRATION SERVICE

Introduction

This practice note is made pursuant to s 384(3) of the *Workers Compensation and Injury Management Act 2023* (the Act) and sets out how the Arbitration Service will deal with communications from a party or their representative. It articulates the well-established practice of Australian courts and tribunals. This practice protects the integrity of the Arbitration Service as Western Australia's workers compensation tribunal and the right of all parties coming before the tribunal to a fair hearing.

The Arbitration Service will generally not action any communication that does not comply with this Practice Note and the communication will be returned to sender. That return may be courtesy copied (i.e., "cc") to the other parties or representatives.

Significant time is consumed by staff of the Arbitration Service responding to correspondence and telephone calls related to active arbitration cases. Many of these letters, emails and phone calls relate to general enquiries, requests for legal or technical advice, complaints about policy matters or dissatisfaction with the workers' compensation scheme or dispute resolution process and it is not appropriate or good use of the resources of the Arbitration Service for the case management team or an Arbitrator to respond.

Enquiries about WorkCover WA Online can usually be answered by the [Workers Compensation Arbitration Service](#) and the [WorkCover WA Online FAQ](#) sections on the WorkCover WA website. If the website does not contain the answer, the party or representative should contact the CAS Online Help Desk on 9388 5551 or CASOnline@workcover.wa.gov.au.

Direct Communication with Arbitrators

It is not appropriate for a party or representative to contact the Arbitration Service seeking to speak directly with an Arbitrator or to put matters directly before an Arbitrator as rule 41 of the *Workers Compensation and Injury Management Arbitration Rules 2024* (WA) (**the Arbitration Rules**) prohibits an Arbitrator from conferring with a party or witness in relation to a proceeding except in a proceeding before the arbitrator, i.e. in a hearing.

Documents sought to be included in a party's case must be lodged in accordance with the Arbitration Rules, i.e. on [WorkCover WA Online](#) unless the party is EDS exempt.

If a party seeks any interlocutory orders or directions, the party should confer with the other parties and lodge a AS9 Memorandum of Consent Order or AS7 Interlocutory Application.

General Correspondence

Any written communication to the Arbitration Service should also be lodged as correspondence on [WorkCover WA Online](#) unless the party is EDS exempt, or the party or representative is directly responding to a communication from the Arbitration Service, or the communication is of a trivial administrative nature. In any event, it should be clear on the face of the communication that it is being courtesy copied (i.e., “cc”) to the other parties or their representative.

If the communication is responding to a communication from the Arbitration Service is to multiple parties or representatives, the reply should be too (i.e., “reply all”).

Respectful and reasonable correspondence and behaviour

Parties and representatives are expected to behave, correspond and communicate in a reasonable and respectful manner with each other, with the staff of the Arbitration Service and in proceedings before an Arbitrator. If a person does not behave appropriately, their permitted ways of interacting with the Arbitration Service may be restricted and their behaviour may be referred for investigation as an offence under section 389 of the Act.

A handwritten signature in black ink, appearing to be 'R. Yates', written in a cursive style.

RICHARD YATES
A/REGISTRAR
4 February 2026