

From: [WorkCover WA Communications](#)
To: [WorkCover WA New Act Consultation](#)
Subject: FW: WorkCover WA - Consultation Paper on Proposed Act Amendments
Date: Thursday, 12 February 2026 11:35:34 AM
Attachments: [image001.jpg](#)

Please see email below.

Rachel Mayhew
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From: Able WA <[REDACTED]>
Sent: Thursday, 12 February 2026 10:22 AM
To: Chris White <[REDACTED]>
Cc: WorkCover WA Communications <[REDACTED]>
Subject: Re: WorkCover WA - Consultation Paper on Proposed Act Amendments

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Dear Chris,

Thank you for the opportunity to provide feedback on the proposed amendments to the Workers Compensation and Injury Management Act 2023.

While the consultation paper focuses largely on settlement processes and technical refinements, we wish to raise implementation concerns relating to the application of the Act to NDIS participants in Western Australia.

Our concerns relate specifically to the extended arrangements and the practical interpretation of when a NDIS participant is deemed to be an employer.

1. Scope of Application – Beyond “Support Workers”

The WorkCover WA “NDIS Support Worker Fact Sheet” frames obligations in the context of “support workers”.

However, we have since received advice that the obligation to hold workers compensation insurance may extend to any sole trader engaged under a self-managed or plan-managed NDIS arrangement, including allied health professionals and other sole traders.

If this broader interpretation reflects legislative intent, we believe the guidance material should be updated to clearly reflect that the application is not limited to support workers.

The current wording creates confusion and inconsistent understanding across the sector.

2. Misalignment with the NDIS Pricing Framework

The NDIS Pricing Arrangements assume that providers operate as structured businesses and absorb compliance costs, including workers compensation, within maximum price

limits.

Where extended deeming provisions shift workers compensation obligations to participants, this:

- transfers legal liability to individuals who are not operating businesses,
- compresses plan funding without adjustment, and
- creates a compliance risk for vulnerable participants who often rely on informal advice regarding ABN status.

This misalignment between federal pricing structures and state insurance obligations creates practical implementation challenges.

3. Distinction Between Workers Compensation and Employment Law

The fact sheet correctly notes that being a “worker” for workers compensation purposes does not create an employment relationship under other laws

However, in practice, participants do not understand this distinction.

There remains widespread belief that ABN status or contractor classification removes workers compensation obligations.

We believe clearer legislative or regulatory clarification would significantly reduce inadvertent non-compliance.

4. Practical Impact on Participants

In our role as Support Coordinators, we are observing:

- Participants unknowingly assuming uninsured exposure,
- Budget impacts not contemplated at planning stage,
- Administrative complexity disproportionate to the scale of engagement.

We respectfully submit that clarification of legislative intent and guidance would assist in ensuring the Act operates as intended without unintended adverse impact on NDIS participants.

We appreciate the opportunity to contribute to this consultation and would welcome further engagement on this matter.

Kind regards,

Aaron Kinnersly

Phone: [REDACTED]

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