



Australian Rehabilitation Providers Association
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30 March 2026

Mr Kevin Gillingham
Manager – Policy & Legislative Services
Workcover WA
2 Bedbrook Place
Shenton Park, WA 6008

Dear Mr Gillingham

Re: ARPA WA response to Proposed Act Amendments Consultation Paper

On behalf of ARPA WA, we thank you for the ability to be able to provide a formal response to the Proposed Act Amendments Consultation Paper.

The ARPA WA Executive committee has met and agreed on the following response:

Consultation Paper Proposals

ARPA WA considers the consultation paper to be well developed and is broadly supportive of the proposed changes, particularly those aimed at improving settlement registration timeframes.

ARPA WA anticipates that the proposed changes will have minimal direct impact on Workplace Rehabilitation. However, we wish to highlight the current delays in settlement registration following the ATO Class Ruling issued on 17 December 2025, and the resulting impact on Workplace Rehabilitation. Delays in the settlement process can extend the duration of rehabilitation involvement and adversely affect provider outcomes.

We note that the consultation paper does not propose any changes to the structure of settlements in light of the ATO ruling. As such, ARPA WA anticipates that these delays may continue to impact Workplace Rehabilitation provider outcomes.

Feedback on Other Technical Matters

Return to Work Plan – Approved Form.

ARPA WA appreciates the opportunity to provide feedback on the Return to Work Plan and the implementation of the Approved Form.

The current Approved Form for RTWPs has been identified as overly cumbersome and lacking the flexibility required to accommodate the diversity of businesses, industries and roles. Its length and formatting also make it difficult to clearly identify key information.

ARPA WA considers that the form, in its current state, may contribute to confusion for injured workers, employers and treating practitioners. We recommend that the form be reviewed and refined, in consultation with industry.

Annual leave and Long Service Leave

ARPA WA acknowledges that the Act provides workers with an entitlement to both leave payments and income compensation during periods of partial capacity. We note that income compensation cannot be ceased or suspended while a worker is on approved leave.

However, ARPA WA seeks to highlight the practical implications of this provision for Workplace Rehabilitation Providers (WRPs), particularly in circumstances where a worker elects to take long service leave. In such cases, WRPs may close a file pending the worker's return from leave. This can result in a negative return to work outcome where the worker has not resumed their full pre-injury role. Alternatively, if the WRP remains engaged during the leave period, overall service durations are extended without meaningful rehabilitation activity, and there is reduced opportunity to actively support return to work once the leave period concludes, given wage entitlements have already been utilised.

While recognising that the approval of leave remains an employment matter, ARPA WA considers that the current arrangements may unintentionally impact provider performance metrics and return to work outcomes. We recommend that these implications be considered to ensure alignment between legislative intent and practical rehabilitation outcomes.

Sick Leave

ARPA WA understands that a worker cannot access paid sick leave while in receipt of income compensation, even where the sick leave relates to a non-compensable condition.

As a result, income compensation continues during periods where the worker is unable to participate in return to work activities due to the non-compensable condition. This may reduce the available timeframe for active rehabilitation and return to work once the worker has recovered from that condition.

ARPA WA anticipates that this may have unintended consequences for scheme return to work rates and overall recovery outcomes, and recommends that these impacts be considered in the ongoing review of the legislation.

Section 64 outcomes.

Section 64 of the Act outlines the process for discontinuing or reducing income payments where a worker is determined to have total or partial capacity for work, or where the injury is no longer considered compensable.

ARPA WA proposes that outcomes arising under this section be excluded from Workplace Rehabilitation Provider (WRP) performance metrics reported by WorkCover WA, consistent with the treatment of settlement outcomes.

In many cases, WRPs have actively supported the worker to develop and demonstrate work capacity; however, a sustainable return to work outcome may not be achieved due to factors beyond the scope of the compensation claim. Excluding these outcomes would more accurately reflect provider performance and ensure that metrics align with factors within the provider's influence.

Should you have any questions or seek clarity in any comments, please do not hesitate to Robb Moffat or myself.

Kind regards

A handwritten signature in cursive script, appearing to read 'Lisa Lange', written in black ink on a white background.

Lisa Lange
President, ARPA WA