

Workers Compensation and Injury Management Act 2023

ARBITRATION STANDARD ORDERS

These standard orders are published by the Registrar of the Workers Compensation Arbitration Service for information and benefit of the parties. The use of these Standard Orders is not mandatory but will assist the parties with the timely processing of Interlocutory Applications and Memorandum of Consent Orders in the Arbitration Service.

Arbitration Standard Orders are accessible on the WorkCover WA website under the [Workers Compensation Arbitration Service - WorkCover WA](#) tab.



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REGISTRAR
18 May 2026

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EXTENSIONS OF TIME

Registrar's extension of time for lodging general application (r 12)

1. The time for lodging a general application in respect of the [Certificate of Outcome / Certificate of Unsuitability] issued on [specified date] is extended until [**specified date usually in 7 days**].

Extension of time of previous orders (r 9)

1. The time for compliance with order no [specified number] made on [specified date] ([specified general nature of the order]) is extended to [**specified date**].

THE GIVING OF DOCUMENTS

Giving and certifying the giving of documents (r 73)

1. By [**specified date usually in 7 days**], [specified party] must give to [specified party or third-party] [specified document].
2. By [**specified date usually in 7 days**], [specified party] must lodge and give to the other parties a 'Certificate that Document was Given' certifying that the [specified document] was given to [specified party or third-party].

PARTIES AND LITIGATION GUARDIANS

Amending a party's name in the proceedings (r 78)

1. The name of the [applicant/respondent] is amended in the proceedings to "[specified name]".

Joinder of another party (ss 34, 336, r 25-26)

1. [Specified person or legal entity] is joined as a [respondent / third party] to this proceeding on the application of [specified party who made the application for joinder].
2. By [**specified date usually in 7 days**], [specified party who made the application for joinder] must:
 - 2.1. comply with r 26 of the *Workers Compensation and Injury Management Arbitration Rules 2024*;
 - 2.2. give the joined party a copy of all previous orders including consent orders made in the proceeding, and a copy of all sealed documents that was lodged after the application or reply; and
 - 2.3. lodge and give to the other parties a Certificate that Document was Given certifying that the notices and documents listed in r 26(1) and all previous orders and all sealed documents was given to the joined party.
3. [Specified person or legal entity being joined] must comply with r 27 of the *Workers Compensation and Injury Management Arbitration Rules 2024*.

Litigation guardian (s 367, r 24)

1. [Specified person] is appointed as the litigation guardian to act on [specified child]'s behalf.

2. The taking of any action in respect of this arbitration application is deferred until a litigation guardian is appointed to act on [specified party]'s behalf, whether under the *Guardianship and Administration Act 1990* (WA) or otherwise.
3. **No later than 7 days after being appointed**, any litigation guardian appointed to act on [specified party]'s behalf must lodge and give to the other parties written notice of the appointment.
4. The name of the [applicant/respondent] is amended in the proceedings to “[specified person] as litigation guardian for [specified party]”.

DEFINING AND AMENDING CASES

Amendment of arbitration application or reply (r 78)

1. By [**specified date usually in 14 days**], the applicant must lodge and give to the other parties any Application for Arbitration that will stand as the applicant's amended arbitration application.
2. By [**specified date usually in 28 days**], the respondent must lodge and give to the other parties any Reply to an Application for Arbitration that will stand as the respondent's amended reply to the arbitration application.

Particulars of injury (ss 336, 341, 6)

1. By [**specified date usually in 14 days**], the [applicant/worker] must lodge and give to the other parties particulars of:
 - 1.1. which paragraph(s) of the definition of injury in s 6(1) of the *Workers Compensation and Injury Management Act 2023* (WA) is/are relied on;
 - 1.2. where the injury is alleged to be the contraction of a disease - the nature of the disease, when the disease was contracted, and what events, acts or circumstances of the employment contributed to a significant degree to the contraction of the disease;
 - 1.3. where the injury is alleged to be a recurrence, aggravation or acceleration of a pre-existing disease - the nature of the pre-existing disease, when the disease recurred, was aggravated or was accelerated, and what events, acts or circumstances of the employment contributed to a significant degree to the recurrence, aggravation or acceleration of the disease;

Particulars of administrative action (ss 336, 341, 7)

1. By [**specified date usually in 14 days**], the [respondent/employer] must lodge and give to the other parties particulars of:
 - 1.1. where it is alleged the injury results wholly or predominantly from administrative action as defined in s7(1) of the *Workers Compensation and Injury Management Act 2003* (WA) - the nature of the administrative action and the events, acts and circumstances of the administrative action;
 - 1.2. where it is alleged the injury results wholly or predominantly from the worker's expectation of administrative action as defined in s7(1) of the *Workers Compensation and Injury Management Act 2003* (WA) or the worker's expectation of a decision by the employer in relation to administrative action - the nature of the expected administrative action or decision in relation to administrative action, and the events, acts and circumstances giving rise to the worker's expectation.

Particulars of compensation being claimed (ss 336, 341)

1. By [**specified date usually in 14 days**], the [applicant/worker] must lodge and give to the other parties particulars of:
 - 1.1. the [applicant/worker]’s pre-injury weekly rate of income calculated pursuant to s 54 of the *Workers Compensation and Injury Management Act 2023* (WA);
 - 1.2. the dates of any periods of total incapacity;
 - 1.3. the dates of any periods of partial incapacity and the amount of income compensation being claimed for such periods;
 - 1.4. the dates of any period or periods of partial incapacity that the [applicant/worker] alleges they are to be taken to be totally incapacitated pursuant to s 50 of the *Workers Compensation and Injury Management Act 2023* (WA), and what events, acts and circumstances the [applicant/worker] relies on pursuant to s 50(4) of that Act;
 - 1.5. the medical and health expenses being claimed in schedule form including the date on which the expense was incurred, to whom it was incurred and the amount of the expense, and an estimation of expenses likely to be incurred including to whom or for what the expense may be incurred, the purpose of the expense and the estimated amount of the expense;
 - 1.6. the miscellaneous expenses being claimed in schedule form including the date on which the expense was incurred, to whom it was incurred and the amount of the expense, and an estimation of expenses likely to be incurred including to whom or for what the expense may be incurred, the purpose of the expense and the estimated amount of the expense;
 - 1.7. the workplace rehabilitation expenses being claimed.

INTERLOCUTORY APPLICATIONS

Programming foreshadowed interlocutory applications (r 44)

1. By [**specified date**], [specified party] must lodge and give to the other parties any interlocutory applications seeking [specified orders] together with an outline of submissions and a list of authorities.
2. By no later than **7 days after the interlocutory application is given**, [specified other party] must lodge and give to the other parties a ‘Notice Consenting or Opposing Interlocutory Application’ together with an outline of submissions and a list of authorities.

DISCLOSURE AND ORDERS FOR PRODUCTION

Disclosure (r 30)

1. By [**specified date usually in 14 days**], [specified party] must give to the other parties a list of each document that is or has been in [specified party]’s possession or under their control that is relevant to an issue in dispute.
2. By [**specified date usually in 14 days**], [specified party] must produce to the Registrar a copy of [specified document].
3. By [**specified date usually in 14 days**], [specified party] must give to the other parties a copy of [specified document].

4. By **[specified date usually in 14 days]**, [specified party] must lodge and give to the other parties an affidavit that sets out the matters listed in r 30(1)(b) of the *Workers Compensation and Injury Management Arbitration Rules 2024*.

Orders for production (s 341, r 31)

1. By **no later than 14 days after this order is given to them**, [specified person or legal entity] must produce to the Registrar, Workers Compensation Arbitration Service of 2 Bedbrook Place Shenton Park WA 6008 (arbitration@workcover.wa.gov.au) a copy of the following documents or materials:-
 - 1.1. [list specified documents or materials].

Provision of produced documents to the parties (s 364)

1. The documents produced by [specified person or legal entity] are to be provided by the Workers Compensation Arbitration Service to the [specified parties or representatives].
2. The documents produced by [specified person or legal entity] are to be provided by the Workers Compensation Arbitration Service to [specified parties or representatives] on condition that [[specified conditions] / they do not provide the documents or information contained in the documents to any person other than [specified parties or persons or classes of persons]].
3. By **no later than 7 days after order no [specified number of order above] occurring**, the [specified party] is to lodge and give to the other parties any objection to the documents being provided to the other parties, such objection to identify the specific document(s) being objected to and the legal ground of objection.
4. In the event the [specified party] does not lodge any objection within the permitted time, the Workers Compensation Arbitration Service is to provide the documents to the [specified parties or representatives].
5. In the event the worker does lodge an objection within the permitted time, the Workers Compensation Arbitration Service is to provide to the employer's representative a copy of the documents not subject to an objection, and the worker is to be heard further on their objection.

LODGING PROPOSED EVIDENCE

Uplifting documents (s 336)

1. [Specified document] lodged by [specified party] sealed on [specified date] is uplifted.

Lodging unforeshadowed documents (r 21)

1. By **[specified date]**, [specified party] has leave to lodge and give to the other parties [specified documents].

Witness statements (other than medical practitioners) (r 35)

1. By **[specified date]**, [specified party] must lodge and give to the other parties any foreshadowed witness statements.
2. By **[specified date]**, [specified party] has leave to lodge and give to the other parties a witness statement of [name of witness].

Reports of medical practitioners (r 36, 37)

1. By [**specified date**], [specified party] has leave to lodge and give to the other parties a medical report of [name of medical practitioner].

LISTINGS, ADJOURNMENTS AND PROGRAMMING ORDERS

Listings and adjournments (r 43, 47)

1. A [directions hearing / interlocutory application hearing / preliminary issue hearing / arbitration hearing] [by telephone / by video] is listed on [**specified date and time**].
2. The [directions hearing / interlocutory application hearing / preliminary issue hearing / arbitration hearing] listed [by telephone / by video] on [specified date] is vacated.
3. The [directions hearing / interlocutory application hearing / preliminary issue hearing / arbitration hearing] listed [by telephone / by video] on [specified date] is vacated and is re-listed on [**specified date and time**].
4. A pre-arbitration conference is scheduled on [**specified date and time**].
5. The pre-arbitration conference scheduled on [specified date] is vacated.
6. The pre-arbitration conference scheduled on [specified date] is vacated and is re-scheduled on [**specified date and time**].

Concurrent hearing of arbitration applications (s 336)

1. Proceedings [specified case number] and [specified case number] are to be heard and determined together and the evidence in one proceeding is to be the evidence in the other proceeding.

Statement of agreed and disputed facts and issues (r 42)

1. By [[**specified date**] / **no later than 14 days prior to the arbitration hearing**], the parties must lodge a jointly-signed statement of agreed facts and issues setting out the facts and issues that are agreed and the facts and issues that are in dispute.
2. By [[**specified date**] / **no later than 14 days prior to the arbitration hearing**], each party must lodge and give to the other parties a signed statement of agreed facts and issues setting out the facts and issues that are agreed and the facts and issues that are in dispute.

Determination of preliminary issue on the papers (s 336)

1. The [specified issue] is to be determined as a preliminary issue.
2. By [**specified date**], [specified party] must lodge and give to the other parties [an indexed and paginated book of the documents they rely on,] written submissions, and a list of authorities regarding the preliminary issue.
3. By [**specified date**], [specified party] must lodge and give to the other parties [an indexed and paginated book of the documents they rely on,] written submissions, and a list of authorities regarding the preliminary issue.
4. By [**specified date**], [specified party] must lodge and give to the other parties any written submissions in reply.
5. Upon receipt of the documents specified in the previous orders or in default of same, the preliminary issue is to be determined on the papers.

Determination of preliminary issue by hearing (s 336)

1. The [specified issue] is to be determined as a preliminary issue.
2. By **[specified date usually in 7 days]**, the parties must confer then lodge their joint unavailable dates for
 - 2.1 [a pre-arbitration conference in [specified months and year]; and]
 - 2.2 a [specified number]-day preliminary issue hearing in [specified months and year].
- 3 Upon receipt of the parties' joint dates of unavailability or in default of same, [a pre-arbitration hearing is to be scheduled and] a [specified number]-day preliminary issue hearing is to be listed on dates to be fixed.
- 4 By **no later than 14 days prior to the preliminary issue hearing**, the parties must each lodge and give to the other parties an indexed and paginated book of the documents they intend to adduce at the preliminary issue hearing, an outline of submissions, and a list of authorities regarding the preliminary issue.

OR

- 5 By **no later than 21 days prior to the preliminary issue hearing**, the [specified party] must lodge and give to the other parties an indexed and paginated book of the documents they intend to adduce at the preliminary issue hearing, an outline of submissions, and a list of authorities regarding the preliminary issue.
- 6 By **no later than 14 days prior to the preliminary issue hearing**, the [specified party] must lodge and give to the other parties an indexed and paginated book of the documents they intend to adduce at the preliminary issue hearing, an outline of submissions, and a list of authorities regarding the preliminary issue.

Programming orders for arbitration determination on the papers (s 336)

1. By **[specified date]**, [specified party] must lodge and give to the other parties any outstanding foreshadowed documents.
2. By **[specified date]**, [specified party] must lodge and give to the other parties any outstanding foreshadowed documents.
3. By **[specified date]**, [specified party] must lodge and give to the other parties an indexed and paginated book of the documents they rely on, written submissions, and a list of authorities.
4. By **[specified date]**, [specified party] must lodge and give to the other parties an indexed and paginated book of the documents they rely on, written submissions, and a list of authorities.
5. By **[specified date]**, [specified party] must lodge and give to the other parties any written submissions in reply.
6. Upon receipt of the documents specified in the previous orders or in default of same, the arbitration application is to be determined on the papers.

Programming orders for arbitration hearing (s 336)

1. By **[specified date]**, [specified party] must lodge and give to the other parties any outstanding foreshadowed documents.
2. By **[specified date]**, [specified party] must lodge and give to the other parties any outstanding foreshadowed documents.
3. By **[specified date usually in 7 days]**, the parties must confer then lodge their joint unavailable dates for:-

- 3.1. [a pre-arbitration conference in [specified months and year]; and]
- 3.2. a [specified number]-day arbitration hearing in [specified months and year].
4. Upon receipt of the parties' joint dates of unavailability or in default of same, [a pre-arbitration conference is to be scheduled and] a [specified number]-day arbitration hearing is to be listed on dates to be fixed.
5. By **no later than 14 days prior to the arbitration hearing**, the parties must each lodge and give to the other parties an indexed and paginated book of the documents they intend to adduce at the arbitration hearing, an outline of submissions, and a list of authorities.

OR

6. By **no later than 21 days prior to the arbitration hearing**, the [specified party] must lodge and give to the other parties an indexed and paginated book of the documents they intend to adduce at the arbitration hearing, an outline of submissions, and a list of authorities.
7. By **no later than 14 days prior to the arbitration hearing**, the [specified party] must lodge and give to the other parties an indexed and paginated book of the documents they intend to adduce at the arbitration hearing, an outline of submissions, and a list of authorities.

Witnesses (r 36, s 369)

1. The witness [specified person] is permitted to give evidence at the arbitration hearing by [telephone / video].
2. The medical practitioner Dr [specified person] is required to attend the arbitration hearing [by telephone / by video] and give evidence.

FINAL ORDERS

Dismissal of a matter on the basis of that matter being beyond the scope of conciliation application (s 337)

1. [Specified matter in the proceeding] is dismissed on the basis that it is:-
 - 1.1. beyond the scope of the application for conciliation that preceded the application for arbitration; and
 - 1.2. should be the subject of another application for conciliation.

Dismissal of proceedings (s 339)

1. This proceeding is dismissed for [abuse of process / want of prosecution / [specified other ground]].

Discontinuance of proceedings and springing orders (r 39)

1. This proceeding is discontinued by consent.
2. This proceeding is discontinued upon the registration of a settlement agreement entered into by the parties pursuant to the provisions of the *Workers Compensation and Injury Management Act 2023* (WA).

Orders for compensation and increases to compensation limits (s 30, 52, 77, 78)

1. [Specified employer] is liable to compensate [specified worker] for [specified injury] occurring on [specified date of injury].
2. [Specified employer] is to pay [specified worker] compensation in the following forms:-
 - 2.1. income compensation for a total incapacity [from [specified date] / for the period [specified period or periods]] at the rate of \$[specified amount] per week;

- 2.2. income compensation for a partial incapacity for [from [specified date] / for the period [specified period or periods]] at the rate of \$[specified amount] per week;
- 2.3. incurred medical and health expenses in the amount of \$[specified amount];
- 2.4. incurred miscellaneous expenses in the amount of \$[specified amount];
- 2.5. incurred workplace rehabilitation expenses in the amount of \$[specified amount].
3. The [specified employer] is to pay [specified worker] additional income compensation at the weekly rate of \$[specified amount] from [specified date] until the total amount of all additional income compensation reaches \$[specified amount not exceeding 75% of the income compensation general limit applying on the date of these orders].
4. The medical and health expenses general limit is increased by [specified percentage not exceeding 40%]%.
5. The special expenses in the medical and health expenses general limit is increased by [specified percentage not exceeding 190%]%.

Orders for adjustment, suspension and discontinuance of income compensation payments (s 63, 64, 65, 66, 68, 164, 181)

1. [Specified worker]’s income compensation payments are adjusted from \$[specified amount] to \$[specified amount] from [specified date] [to [specified date]].
2. [Specified worker]’s income compensation payments are suspended from [specified date] [to [specified date]].
3. [Specified worker]’s income compensation payments are discontinued from [specified date] [to [specified date]].

Orders for recovery of erroneous payments (s 146)

1. [Specified worker] is to refund [specified employer] compensation in the following forms:-
 - 1.1. \$[specified amount] for income compensation;
 - 1.2. \$[specified amount] for medical and health expenses;
 - 1.3. \$[specified amount] for miscellaneous expenses;
 - 1.4. \$[specified amount] for workplace rehabilitation expenses.

Permanent Impairment (s 106)

1. The worker’s degree of permanent impairment for the [specified injury] occurring on [specified date] is [specified percentage]% of Item [specified item number] (Impairment of [specified column 1 description]) of the Table in s 101 of the *Workers Compensation and Injury Management Act 2003* (WA).

Orders for compensation for death of worker (s 140)

1. [Specified employer] is to pay funeral expenses in the amount of \$[specified amount] to [specified person].
2. [Specified employer] is to pay medical and health expenses incurred by the worker in the amount of \$[specified amount] to [specified person].
3. [Specified employer] is to pay lump sum compensation of \$[specified amount] to the worker’s dependents in the following proportions:
 - 3.1. [[specified percentage]% being \$[specified amount] to [specified partner 1] payable as and from the date of these orders;]
 - 3.2. [[specified percentage]% being \$[specified amount] to [specified partner 2] payable as and from the date of these orders;]

- 3.3. [[specified percentage]% being \$[specified amount] payable as and from the date of these orders to WorkCover WA to be held on trust for the benefit of [specified child 1] such amount to be paid to a bank account held by them upon the occurrence of their 18th birthday; and]
- 3.4. [[specified percentage]% being \$[specified amount] payable as and from the date of these orders to WorkCover WA to be held on trust for the benefit of [specified child 2] such amount to be paid to a bank account held by them upon the occurrence of their 18th birthday.]
4. [Specified employer] is to pay eligible dependent child allowance at the rate of \$[specified amount] per week (as amended from time to time) in respect of each of [[specified child 1] (DOB [specified date]), [[specified child 2] (DOB [specified date])] [etc] to WorkCover WA in relation to each child:-
 - 4.1. as a lump sum calculated from between [specified date of death] to [specified date being the last date of current annual quarter] **payable as and from these orders;**
 - 4.2. in advance as quarterly lump sum thereafter from **[specified date being the first date of next annual quarter] onwards;** and
 - 4.3. until the latter of the occurrence of each child's 16th birthday or the occurrence of their 21st birthday on condition they remain in full time education.
5. The eligible dependent child allowance at the rate of \$[specified amount] per week (as amended from time to time) in respect of each of [[specified child 1] (DOB [specified date]), [[specified child 2] (DOB [specified date])] [etc] be paid by WorkCover WA:-
 - 5.1. to a bank account held by or on behalf of each of those children;
 - 5.2. as a lump sum calculated for the period between [specified date of death] and [specified date being the last date of current annual quarter] payable by WorkCover WA **on receipt of the lump sums from [specified employer] pursuant to paragraph [specified paragraph above] above;**
 - 5.3. **monthly on the last calendar day of each month;** and
 - 5.4. to continue until the latter of the occurrence of each child's 16th birthday or the occurrence of their 21st birthday on condition they remain in full time education.

Settlement agreements (s 154)

1. Registration of the settlement agreement entered into by the parties on [specified date] is [granted/refused].

Reconsideration of decision on basis of new information (s 354)

1. The orders made on [specified date] are [affirmed / revoked / amended as follows:].

COSTS (s 397, 398, r 54, 57)

1. There be no order as to costs.
2. [Specified party or person] is to pay [specified party or person]'s costs to be assessed if not agreed.
3. [Specified party or person] is to pay the [specified party or person]'s costs [fixed/assessed] at \$[specified amount] inclusive of GST.
4. [Specified representative] is to [repay [specified client]'s costs which [specified client] has been ordered to pay to [specified other party] / personally indemnify [specified person] against costs payable by [specified indemnified person].
5. The costs as between [specified representative] and [specified client] are disallowed.