



Government Sector Labour Relations

Shaping a contemporary government sector workforce

Circular 4 of 2024 – Impact of Workers Compensation and Injury Management Act 2023 Amendments on Existing Industrial Instrument Provisions

Application

1. This Circular applies to all Western Australian public sector employers.

Background

2. Elements of the *Workers Compensation and Injury Management Act 2023* (WA) (the Act) commence operation on 1 July 2024.

3. Section 61(2)(d) of the Act provides that:

For any period for which a worker is entitled to receive income compensation ... the worker accrues entitlements to annual leave, long service leave and sick leave that the worker would have accrued if the worker had not been entitled to receive income compensation for that period.

4. This amendment has implications for existing provisions in public sector awards, industrial agreements, *Administrative Instruction 610 - Effects of Grants of Leave*, and employer policies.

Instruction

5. Where existing industrial provisions provide a lesser entitlement than section 61(2)(d) of the Act, the provisions of the Act prevail.
6. Where existing industrial provisions provide a greater entitlement than section 61(2)(d) of the Act, public sector employers should continue to apply those provisions.
7. Industrial instruments are to be amended by 30 June 2025 to ensure consistency with the Act.

Further advice

8. Please contact your [Labour Relations Adviser](#) should you require further information.

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