



## Workers Compensation Commission

e-Bulletin No. 77

March 2018

### President's Welcome

Welcome to e-Bulletin No. 77 of the Workers Compensation Commission.

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### Mediation listing arrangements

Over the past eighteen months, the settlement rate at mediation has increased from 63% to 70%. This is a pleasing result and reflects well on the parties and their legal representatives for their open participation and commitment to resolving work injury damages matters without the time, expense and added stress of court proceedings.

Despite the strong results in mediations, the Commission continues to explore opportunities for further improvement. One such opportunity is to reduce the time from lodgment to conference. The Commission's current target is for mediations to be held within 35 days of a matter being allocated to a mediator. We would like to reduce that time.

From 9 April 2018, Commission staff will contact the parties to arrange a suitable date for mediation, prior to allocating the matter to a mediator. Once a date and a time are agreed between the parties, the matter will be allocated to an available mediator. It is anticipated that this change in procedure will reduce the time to conference to under 28 days.

Initially, this procedure will be implemented for Sydney mediations only. It may be extended to regional mediations once the Commission has had an opportunity to evaluate the improvements to timeliness.

## Documents attached to applications and other forms

The Commission's User Group, which includes representatives of the Bar Association and The Law Society, recently considered the issue of the volume of unnecessary material filed in proceedings. It was observed that all too frequently documents attached to applications and other forms are not relevant to the issues in dispute (for example, wage documents in disputes regarding permanent impairment) or there are multiple copies of the same documents.

Legal practitioners, insurers and parties are reminded that unnecessary and repetitive documents impede the timely and effective conduct of proceedings, and potentially frustrate the early resolution of a dispute. Parties should carefully select documents to be attached to applications, replies and other forms.

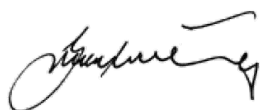
The order of documents attached to a form is also an issue that was discussed.

Supporting documents should be sorted into a logical sequence. The following order is recommended:

- Witness statements
  - Worker
  - Other witnesses
- Claim forms
- Dispute notices
- Relevant correspondence
- List of payments
- Factual investigation reports,
- Medical reports
- Medical investigation reports
- Clinical notes
- Financial records
  - Wage records
  - Pay slips
  - Bank statements
  - Tax returns
  - Award information

Documents within each of the above categories should be arranged in chronological order, with the first in time placed first.

The exception to the above recommended order is in relation to the Application to Resolve a Dispute (Form 2) and Reply to Application to Resolve a Dispute (Form 2A), which contain separate sections for listing medical reports.



Judge Greg Keating  
**President**