



# **ACCESS AND EQUITY**

## **SERVICE CHARTER**

***Fair, timely, consistent and cost effective  
resolution of all workers compensation disputes  
in New South Wales***

# **Workers Compensation Commission Access and Equity Service Charter**

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# **Part One: What this Access & Equity Service Charter Covers**

## **1.1 Commitment to Service**

The Workers Compensation Commission ('the Commission') is a statutory tribunal that resolves disputes concerning statutory scheme matters, and provides mediation services for workplace injury damages claims. The Commission is committed to providing a transparent and independent forum for the fair, just, timely and cost effective resolution of workers compensation disputes in New South Wales. This is accomplished by an accountable and accessible system of non-adversarial dispute resolution conducted with a high degree of skill, commitment and professionalism.

In exercising its dispute resolution functions the Commission must have regard to its objectives as set out in the *Workplace Injury Management and Workers Compensation Act 1998* (section 367):

- to provide a fair and cost effective system for the resolution of disputes under the Workers Compensation Acts;

- to reduce administrative costs across the workers compensation system;

- to provide a timely service ensuring that workers entitlements are paid promptly;

- to create a registry and dispute resolution service that meets worker and employer expectations in relation to accessibility, approachability and professionalism;

- to provide an independent dispute resolution service that is effective in settling matters and leads to durable agreements between the parties in accordance with the Workers Compensation Acts; and

- to establish effective communication and liaison with interested parties concerning the role of the Commission.

## **1.2 The Purpose of this Access and Equity Service Charter**

The Commission has developed this Access and Equity Service Charter ('the Charter') to clearly set out the way in which it will meet its objectives of providing an accessible and equitable workers compensation dispute resolution service to all members of the community. An equitable dispute resolution service is one that is fair in its dealings with the parties and in its impartial consideration of the merits of the individual case. This document sets out the Commission's access and equity policies in full. A summary brochure has also been developed to give straightforward information about access and equity policies to all persons who use or need to know about the Commission's services.

### **1.3 Role of the Access and Equity Service Charter**

This Charter identifies a number of standards and strategies against which the objectives of access and fairness are to be measured. It is an important statement about the values of the Commission and its commitment to the delivery of a just workers compensation dispute resolution system. The Charter also:

provides information to users of the Commission as to the standards they can expect and the assistance that is available;

establishes a framework for identifying any areas where the Commission needs to improve the accessibility of its service;

forms the basis for a systematic and regular assessment of the Commission's access and equity strategies over time; and

provides an informed basis for the allocation of resources required to maintain the Commission's commitment to a fair and accessible service.

This Charter is a living document that will be reviewed annually to ensure it remains relevant and effective. The Commission's achievements relative to the Charter will be evaluated and reported upon in conjunction with the review of the Commission's strategic plan.

## **Part Two: Access**

### **2.1 Objective**

The Workers Compensation Commission aims to provide a workers compensation dispute resolution service that meets worker and employer expectations in relation to accessibility, approachability and professionalism.

The Commission has set the following standards against which access to its services may be assessed:

financial accessibility to any person who wishes to lodge a workers compensation dispute;

accessibility to all persons - regardless of level of education, prior knowledge or legal representation;

physical accessibility to all persons - regardless of factors such as disability, remoteness, or lack of familiarity with the proceedings;

attentiveness and responsiveness to the needs of all persons - regardless of their cultural background;

effectiveness in its communication with key persons and organizations, and flexibility and responsiveness to recommendations for improved practice and procedures; and

responsiveness to all comments, complaints and concerns of all persons with an interest in the work of the Commission.

To achieve these standards the Commission has developed a range of policies, practices and procedures that are set out in this Charter.

## **2.2 Cost**

The Commission provides its services free to all parties. There are no fees for lodging an application in the Commission, so cost is no barrier to access in the resolution of a workers compensation dispute by the Commission.

*The Workplace Injury Management and Workers Compensation Act 1998* provides for workers to be represented by a legal practitioner or agent free of charge. This covers the provision of documents to the Commission and other organisations or individuals involved in a claim as well as the provision of legal advice and representation. A worker may have to pay legal costs if the Commission determines that the claim for compensation was frivolous or vexatious, fraudulent or made without proper justification.

In summary:

the Commission provides free and simple access to all parties;

there is no cost to lodge your dispute at the Commission;

generally, employers pay the legal costs associated with genuine workers compensation disputes; and

there is no fee charged to a person (or party) seeking further documentation to support a claim, such as a 'Direction to Produce'.

The Commission also provides free interpreter services to persons for whom English is a second language and to persons who have a hearing disability.

## **2.3 Self-Represented Parties**

The Commission is an informal dispute resolution organisation. It recognizes its particular responsibilities to injured workers who choose not to be represented by a lawyer or agent, sometimes called the 'self-represented' person. The nature of proceedings in the Commission means that it will be rare, if ever, that an employer or insurer is not represented. The Commission's policy is therefore focused on the 'self-represented worker' but applies to all self-represented parties.

The Commission is required by its rules to take such measures as are reasonably practicable to:

ensure that the parties to the dispute understand the nature of the application for dispute resolution and the legal implications of any assertion made in any documents or proceedings;

explain to the parties any aspect of the procedure, or any decision or ruling made by the Commission in relation to the dispute;

ensure that the parties have the fullest opportunity practicable to have their side of the dispute considered without compromising the objectives of the Commission; and

ensure that the parties involved have every opportunity to explore settlement of the dispute.

### **2.3.1 Needs of Self- Represented Workers**

The needs of self-represented workers must be considered in the context of both the conciliation and arbitration processes. Not all workers will need assistance with every aspect of their cases. Workers may choose to be represented in the preliminary stages of their dispute, but not at the conciliation / arbitration phase, and vice versa.

The Commission recognizes that in the early stages of a case a self-represented worker may need accessible and appropriate information about some or all of the following:

options for obtaining legal or other assistance;

how the Commission operates and what to expect;

lodging and responding to a dispute;

preparing and presenting the matter.

At the conciliation conference and arbitration hearing the self-represented worker may need assistance with some or all of the following:

understanding the procedures;

presenting evidence and participating in discussions aimed at resolving the dispute;

asking questions of other parties.

A self-represented worker may also need assistance to understand his or her appeal rights, if any, and to prepare and present an appeal.

### **2.3.2 General Assistance for Self Represented Workers**

The Commission has taken a number of initiatives to ensure, as far as possible, that information about its services is widely available to workers in an accessible form. This includes:

providing both electronic and published information on sources of assistance available to self-represented workers;

distributing information via a video or DVD to help injured workers gain a better understanding of our dispute resolution process. The video explains the stages of the dispute resolution process, what is involved, and how you can be involved in the resolution process.

distributing information on the Commission's processes and procedures to community legal centres, trade unions, the WorkCover Claims Assistance Service, and in electronic form through the Commission's website and links from related sites;

personally giving self-represented workers information on Commission procedures at the time of lodgment of an application with the Commission;

the publication, in 'plain English' and 11 community languages, of the Commission's key processes and procedures - information which will be available in brochures and on the Commission's website;

a 'plain English' guide to the Commission's forms on the Commission's website;

forms that are available in writeable electronic format, as well as in hard copy.

### **2.3.3 Outreach**

In addition to these general services, the Commission has established an outreach service to provide specific information about its processes to self-represented workers once they have filed an application with the Commission. Telephone and over-the-counter advice will always be provided to self-represented workers on where they may find legal assistance if they wish to do so.

Where a self-represented worker lodges an application that is deficient or incomplete, Commission staff will personally contact the worker by phone and explain the Commission's processes, including the documents or information that are required to commence proceedings. The self-represented worker will be advised that the failure to properly provide all the necessary documentation to support a claim may result in an order that the case be set aside, or another order otherwise unfavourable to him or her.

Where an application is registered, the self-represented worker will be advised in writing that the application has been registered and the contact name and details of the Commission Officer available to provide assistance. The self-represented worker will also be provided with the Commission's brochures on 'The Dispute Resolution Process' and 'The Self-Represented Worker', which detail the assistance the Commission provides in 'plain English' and in eleven community languages. The Commission has also developed a 'plain English' brochure on appeal procedures.

The Commission Officer responsible for the case will contact the self-represented worker prior to the holding of the teleconference, and again prior to the next stage of the proceedings. The worker will be reminded of where legal representation may be obtained without cost and advised that an agent or support person may assist him or her. Such a person must not be a witness in the matter. The Commission Officer will ascertain or confirm any requirements of the self-represented worker to enable him

or her to participate fully in the proceedings, such as an interpreter, or assistance due to a disability. The Commission Officer will explain the procedure, process and purpose of the teleconference, the conciliation conference / arbitration hearing process, and the possibility of determination of the dispute 'on the papers'.

The Commission's Arbitrators are trained in ways of ensuring self-represented workers understand the processes of the Commission, the nature of the issues and their implications. Arbitrators will outline the teleconference or conciliation / arbitration process to the self-represented worker in plain English, avoiding abbreviations or legal terminology. During the teleconference or conciliation / arbitration proceedings the Arbitrator will:

- ensure that the process remains informal and, as far as practicable, non-adversarial;

- ensure that procedural fairness is afforded to all parties and explain this concept to the self-represented worker;

- explain to the self-represented worker any aspect of the procedure or any decision or ruling made by the Commission in relation to the dispute;

- use his or her best endeavours to ensure that all parties understand the nature of the application for dispute resolution and the legal implications of any assertion made in any documents;

- explain to the parties any aspect of the procedure or any decision or ruling made by the Commission in relation to the dispute;

- ensure that the self-represented worker has the fullest opportunity practicable to have the dispute considered;

- ensure that the self-represented worker has every opportunity to explore settlement of the dispute; and

- when appropriate, assist the self-represented worker to draft agreed terms of any settlement reached.

Where a self-represented worker wants to issue a direction to another party to produce a document, a Commission Officer will personally contact the self-represented person to explain the operation of these procedures.

## **2.4 Flexible Services for People with Disabilities**

Nearly 20% of persons in NSW have a disability. The Commission has a particular interest in providing services to persons with disabilities because it is primarily dealing with injured workers.

The Commission's commitment to provide the highest level of service to the disabled community includes meeting its obligations under State and Commonwealth anti-discrimination legislation, namely the:

- Disability Discrimination Act (C'th) 1992;*
- Anti-Discrimination Act (NSW) 1977;* and the

*Disability Services Act (NSW) 1993.*

The Commission has identified the following objectives in relation to its services for people with disabilities:

to ensure that people with disabilities do not experience discrimination as users of Commission services, and have their particular needs for services and support acknowledged and met; and

to effectively communicate information about all the Commission's services to people with disabilities, enabling them to communicate effectively before the Commission, through the use of appropriate communications practice, media and technologies.

The Commission's facilities on Level 21 of 1 Oxford Street, Darlinghurst, provide conciliation, break out and hearing rooms that are accessible to persons with physical disabilities. Regular reviews will be undertaken to ensure that all reasonable unrestricted access is maintained in the public areas of the Commission. All other venues where Commission proceedings occur have been inspected to ensure they are accessible to disabled persons, and that effective emergency evacuation procedures for people with disabilities are in place.

In order to provide assistance to persons with hearing difficulties the Commission has installed 'hearing loops' into hearing and conference rooms at 1 Oxford Street, Darlinghurst. A portable 'hearing loop' machine will be made available in other locations when needed. An 'Application for Dispute Resolution' may be used to advise the Commission of any special needs or, alternatively, a person may write to the Commission or obtain free call access by way of TTY.

In addition, the Commission has:

created environments which are calm, supportive and accommodating, to assist people with disabilities in their participation in any aspect of Commission activity;

implemented strategies to address access barriers specific to the use of the premises involving Registry counters and signage;

identified the needs of people with disabilities who use the services of the Commission and put processes in place to provide assistance as necessary;

planned to provide appropriate awareness training on disability access issues for staff;

installed a TTY machine with free call access for the hearing impaired;

trained Commission Members to clearly enunciate instructions and questions to people with a hearing impairment who lip read; and

adopted practices that recognise that some people with particular disabilities could have limited attention spans and would benefit from having shorter sessions, and having questions and instructions repeated or rephrased to ensure that their evidence is comprehensive.

Developed a multi-media (video, dvd) simple language presentation explaining Commission procedures.

In future, the Commission will consider:

expanding the use of suitable and available technology to enable more effective communication with people with disabilities;

providing hearing assistance equipment in all Commission rooms through the use of assistive hearing devices; and

## **2.5 Communication**

The Commission is committed to direct and effective communication with all persons who may need or use its services. Wherever possible, parties are encouraged to attend all proceedings in person, rather than solely through their legal representative. This requires a flexible, informal and non-legalistic approach that ensures effective two-way communication between the Commission and all parties regardless of their command of English language, literacy levels, special abilities or disabilities. Where appropriate, the Commission uses the latest technology to facilitate easy and quick communication with parties.

### **2.5.1. Communications Policy**

The Commission's communications policy aims to ensure that all persons have clear and easy access to information about the Commission and about the progress of their case, and that they are able to communicate their claims effectively in all Commission proceedings. To achieve this aim the Commission will:

ensure that all parties to a dispute receive correspondence about their case;

workers who have legal representation will also receive correspondence directly from the Commission;

use simple language in all communications and proceedings;

provide written communication in clear, typed simple language, including the use of large print formats;

ensure that Members and staff are trained in addressing the needs of people with disabilities, or literacy / language difficulties;

develop accessible documents and procedures that are inclusive of cultural diversity and address the communication issues facing people from non-English speaking backgrounds, and those with disabilities in the context of written, spoken and electronic communications;

publish key information brochures in eleven community languages, currently: Arabic, Cantonese, Croatian, Greek, Italian, Macedonian, Mandarin, Serbian, Spanish, Turkish and Vietnamese;

regularly review these languages to ensure that we are meeting the needs of the non-English speaking community; and

adapt all documents through which people access Commission information and services for use via electronic media.

### **2.5.2. Simple Language**

The Commission is committed to the use of simple or 'plain English' language in all of its activities in meeting its legislative objectives of accessibility and approachability. 'Plain English' is to be used in the following activities within the Commission:

all language versions of explanatory information;

all forms for making applications;

all correspondence;

all proceedings before the Commission;

as far as possible, all determinations and orders;

as far as possible, taking into account the need to use medical terminology in medical examinations and assessments, the reports which are prepared by Approved Medical Specialists.

### **2.5.3 Interpreters**

Upon request, interpreters can be provided free of charge in the language or dialect requested. Only interpreters accredited by the National Accreditation Authority for Translators and Interpreters (NAATI) will be used.

However, where interpreters are required in languages not yet accredited by NAATI, or where the President determines it is otherwise necessary in view of the unavailability of NAATI accredited interpreters, the President may approve an interpreter or interpreters for use in proceedings. Where requested, the Commission will also provide AUSLAN interpreters.

The Commission is aware of the need to recognize that in some cases people of Aboriginal and Torres Strait Islander background may also be considered as being from a non-English speaking background and may require assistance to communicate.

The Commission will ensure that Arbitrators, Mediators, Approved Medical Specialists and Commission staff are familiar with the Commission's policy and practices in relation to interpreters, and the use of interpreters in their respective roles.

Where a party engages an interpreter in the preparation of an agreement, or for any other reason prior to the commencement of proceedings in the Commission, the Commission does not meet the costs of the interpreter. The party is required to state

that an interpreter was used in the preparation of an agreement and that the party clearly understands the terms and effect of the agreement.

#### **2.5.4 Obtaining a Record of Proceedings**

To assist parties in retaining a record of their case and in any appeals process, the Commission has developed a recording and transcription policy. Proceedings of the Commission are recorded during the arbitration hearing phase of dispute resolution where the parties have not reached a conciliated settlement and the Arbitrator must determine the matter. (Conciliation proceedings are not recorded to allow parties to have a full and frank discussion of the settlement of their case.)

Arbitration proceedings are recorded by digital sound recording, enabling a Compact Disc to be produced. A free copy of the Compact Disc will be provided to a party to the dispute upon request. The Commission will also record all hearings before the President and Deputy Presidents and, where necessary and appropriate, provide a free copy of the written transcript of such proceedings to the parties to the proceedings.

### **2.6 Recognition of Cultural Differences**

The Commission will ensure that it is attentive to the impact of cultural diversity on participation in the dispute resolution process. It is recognized that cultural factors may have a particular impact on the way in which parties view the legal process. The Commission takes particular care to be informal and flexible in its procedures and to be sensitive to cultural factors that impact on the ability of persons to fully participate in the resolution of their disputes. These factors may extend to the attendance of parties and witnesses, the physical arrangements of the hearing room, gender and religious beliefs, and individual experiences in foreign justice systems. Many persons may have negative cultural experiences of the justice system in their country of origin.

To achieve our aim of being responsive and attentive to the cultural and linguistic needs of our clients the Commission will:

- train staff and Members in cultural awareness;

- recruit using equal employment opportunity principles to ensure staff and members are representative of the community;

- use the community language skills of staff, where appropriate – in this regard staff will be advised of the availability of colleagues who are recognized under the Community Language Allowance Scheme;

- accommodate, as far as practicable, any related cultural issues communicated by the party that might have an impact on the use of an interpreter in proceedings; and

- review brochures and other information for cultural sensitivities.

## **2.7 Servicing Rural and Regional Communities**

The Commission is committed to maintaining high levels of service throughout New South Wales, and has adopted a number of strategies to meet the needs of rural and regional communities. These include:

- the appointment of Arbitrators who are resident throughout rural and regional NSW;

- the installation of high quality telephone and video technology to enable parties to attend the proceedings by use of these facilities;

- a commitment to allocation of an Arbitrator to resolve a dispute at the location of the Applicant, without requiring the parties to travel to the city to attend;

- participation in education and information seminars throughout regional and rural NSW about the role of the Commission; and

- consultation with key stakeholders in regional and rural areas to ensure that particular needs are identified and met.

### **2.7.1 Venue policy**

The Commission has developed a venue policy that outlines how the Commission arranges the location of conciliation conferences/arbitration hearings. The policy also outlines the Commission's expectations of parties and representatives located within the Sydney Metropolitan area, rural and regional NSW, and outside New South Wales regarding the location of conferences/arbitrations.

Applicant workers or their representatives are required to advise their preferred locations from a specified location list when lodging an application with the commission. In addition, applicant workers or their representatives are required to indicate the most convenient location within NSW if the worker resides in NSW. The Venue Policy is available at the Commission's website at:  
<http://www.wcc.nsw.gov.au/>

## **Part Three: Equity**

### **3.1 Objective**

The Workers Compensation Commission aims to provide a fair and cost effective system for the resolution of disputes under the Workers Compensation Acts.

To achieve this objective the Commission is open to the full participation of the parties, and is independent and unbiased. It makes only lawful decisions on the basis of logically probative evidence, is transparent, and acts at all times within the powers given to it under the *Workplace Injury Management and Workers Compensation Act 1998*. The standards against which this objective may be assessed include the provision of:

- a respectful forum for parties to resolve disputes with proper respect for the parties;

quality decisions that are fair, consistent and well reasoned;

flexible procedures that are responsive to the needs of the individual case;

efficient and timely processes that provide for a just resolution of disputes;  
and

effective and accessible procedures for facilitating genuine appeals so that any errors may be quickly addressed.

To achieve these strategies the Commission has developed a range of policies, practices and procedures, as set out in the Charter.

### **3.2 Dealing Fairly and Respectfully with Participants**

The Commission is committed to providing a forum for the resolution of workers compensation disputes, with proper respect for all the parties. Arbitrators, Mediators and Approved Medical Specialists are bound by a Code of Conduct that provides guidance to them on matters such as conflict of interest, ethical concerns and standards of behaviour in the Commission. The Commission has also made a particular commitment to the training of Arbitrators in the recognition and handling of ethical issues in their work. These persons have been appointed because, amongst other things, of their capacity to respond to the specific needs of parties to ensure understanding of procedures and outcomes of disputes.

The Code of Conduct requires Members of the Commission to carry out their roles in a manner that is consistent with the objectives of the Commission:

to uphold the highest standards of integrity and honesty, and to act ethically, in accordance with the law;

to ensure fairness in dealing with parties involved in the arbitration process;

to remain independent of the parties involved in the matter before them;

to maintain the highest professional standards, in particular by continuing to improve and develop their professional knowledge and skills; and

to uphold the integrity and reputation of the Commission at all times.

With respect to their general duty to ensure fairness, the Commission Code of Conduct requires that Arbitrators, in exercising their powers, should:

conduct proceedings according to the law, with due regard to equity, good conscience and the substantial merits of the case;

abide by principles of procedural fairness;

ensure that all parties are given adequate opportunity to participate in proceedings;

ensure that decisions are based on relevant and logically probative information;

treat the parties involved with respect and courtesy;

take into consideration any special needs, such as language, cultural background, literacy or disability;

ensure that any communication with the parties and witnesses occurs in an open and transparent way; and

consider any factors that may give rise to an unfair advantage to one party over another.

The Commission is not bound by the rules of evidence and may inquire into and inform itself on any matter in such manner as it thinks appropriate and as the proper consideration of the matter permits.

Commission Members have particular legal responsibilities in relation to any potential conflicts of interests. Where any actual or potential conflict of interest arises Arbitrators, at the earliest opportunity, will advise the Registrar of the Commission and the parties (where necessary) of any matter that may prevent them from arbitrating a matter. This includes any factor that may give rise to a reasonable apprehension of bias.

### **3.3. Quality Decision Making**

The Commission aims to give fair, consistent and well-reasoned decisions. Training is provided to Commission staff and Members on the nature of the workers compensation environment, as well as the legal, procedural and ethical dimensions of their role. The Commission Code of Conduct provides that Arbitrators should maintain the highest standards of professionalism, and ensures quality decision-making by requiring them:

to co-operate fully, as required, with performance evaluations conducted by the Commission to ensure that they are able to meet objectives;

to undertake continuing training to develop and enhance knowledge and skills relevant to their role as Arbitrators;

to undertake continuing training, where necessary, in order to function in the electronic environment established by the Commission;

to participate in any training programs provided or stipulated by the Commission; and

to maintain up-to-date knowledge of NSW workers compensation law.

The Commission has adopted a number of strategies to achieve quality and consistency in decision-making. These include the development and implementation of policies, practices and procedures such as:

a professional development program for Commission Members to ensure consistent and high quality decisions;

the clarification of issues of practice within the Commission through the publication of practice notes and guidelines;

the development of 'model' conciliation and arbitration procedures that give effect to informality, timeliness, cost effectiveness and justice in the individual case;

the development of Commission procedures to maximize participation by the parties and facilitate a mutually agreed resolution of their dispute;

the development of expertise in the fair and expeditious handling of medical disputes by Approved Medical Specialists; and

the development of a number of support 'tools' for Members, including information manuals, legal bulletins, and templates for reason for decisions.

### **3.4 Timeliness and Efficiency**

The Commission recognizes that a fair decision is also one that is timely. It has implemented differential case flow management practices to move cases to disposition in a timely and efficient manner. This comprises:

early identification of the needs of each case;

examination of cases for complexity, based on established criteria;

differential management procedures for different types of cases; and

event and time standards for case disposition.

The implementation of differential case flow management, Commission Rules and Practice Directions allow the Commission to have a range of procedures that are flexible and responsive to the needs of individual cases.

## **Part Four: Effective Key Relationships**

The Commission is committed to continuous improvement. To this end it is responsive to feedback, both from individuals who have accessed its services, and from key organizations and individuals who have a professional interest in its work. Ultimately, the Commission aims to provide a range of practices and procedures that are flexible and responsive to the needs of the individual case. To achieve this requires regular communication and liaison with key persons and representative stakeholder groups.

The Commission offers ongoing education and training seminars for key interest groups, including employers, insurers, medical practitioners, trade union personnel and the legal profession.

The Commission will regularly convene consultative groups of key persons and organizations. This will contribute to ongoing, regular review of Commission policies and practices and of the effectiveness of our processes from a user perspective. The Commission has a range of strategies to gain feedback on its work, including:

- surveys and face-to-face interviews with persons who use the Commission to capture feedback on the process;

- interviews with Commission staff and Members;

- monitoring of Commission decisions for consistency and professional presentation;

- measurement, where possible, against relevant key performance indicators, such as appeal rates;

- monitoring and responding to complaints; and

- actively seeking and recording feedback from key individuals and organizations who have an interest in the resolution of workers compensation disputes in New South Wales.

## **Part Five: Complaints and Appeals**

### **5.1 Appealing a Decision of the Commission**

The Commission will promptly and fairly attend to any comments or complaints about its services. Care must be taken to ensure that, at the same time, the Commission is clear that a complaint about the outcome of a disputed claim is not dealt with by internal complaints policies. Appeal rights exist in relation to decisions of the Commission. The Registrar cannot change a determination made by a Member of the Commission or an Approved Medical Specialist. Parties are advised, wherever possible, to obtain legal advice before proceeding to appeal. Effective and accessible procedures are in place for the correction of wrong decisions, and for the facilitation of genuine appeals.

### **5.2 Complaints Policy**

A complaint may be made about the actions of Commission staff or Members, including Presidential Members, Arbitrators and Mediators. A complaint may also be made about the actions of an Approved Medical Specialist appointed by the Commission in a particular case. The Commission believes that a professional response to suggestions and complaints about its practices and procedures promotes fairness, leads to improvements in its services, and creates confidence in the outcome of disputes.

### **5.2.1 Making a Complaint**

Persons wishing to complain about the actions of Commission staff, Presidential Members, Arbitrators, Mediators or Approved Medical Specialists, should write to the Registrar setting out their concerns. If the complaint concerns the Registrar personally it should be directed to the President for attention. A complaint that does not identify the complainant and / or is not signed, cannot be the subject of a written response. Where a complaint is made verbally and not put in writing, the Registrar is not able to formally reply to it. However, where appropriate, the Registrar will give serious consideration to how matters raised in verbal complaints may inform improvements in the Commission.

Where a person has difficulty putting a complaint to writing, staff of the Commission will provide assistance in doing so. If necessary, assistance will be provided for persons who have a disability to make a complaint, for example via the use of TTY. The Telephone Interpreter Service may also be of assistance to a complainant.

### **5.2.2 Investigation of a Complaint**

The Registrar will investigate all written complaints and, where necessary, may do any or all of the following:

- consider what, if any, prompt action may resolve the complaint and, where appropriate, institute or recommend such action;

- consult with a staff or Commission Member who is referred to directly in the complaint, (the person about whom a complaint in writing is made will, in most circumstances, be given a copy of the complaint and asked to respond to the Registrar or President);

- contact the complainant personally to seek informal and speedy resolution of the complaint;

- refer the complaint to the President for consideration in relation to reviewing the performance of a Member, Arbitrator, or Approved Medical Specialist;

- recommend, in the case of Commission staff, that some action be commenced in accordance with formal public sector procedures; and

- initiate changes to practices or procedures to prevent a similar complaint arising in the future.

The substantive details of a complaint will be dealt with by the Registrar confidentially on the basis that information is restricted to those who have a 'need to know'. Statistics on the number of complaints to the Commission will be the subject of general reporting requirements.

### **5.2.3 Responding to a Complaint**

The Registrar will respond to all written complaints in writing as soon as possible and will advise the complainant of the outcome of her investigation into the complaint.

## **Part Six: How to contact the Workers Compensation Commission**

The Commission welcomes feedback and comment on the Access and Equity Service Charter, and on any aspect of its work. It is intended that this Charter be reviewed in light of the Commission's experiences in its first phase of operation. There may be aspects of our Access and Equity Service that we have not considered – please let us know.

You can contact the Commission on:

**Telephone:** Sydney & NSW Country: 1 300 368 040

TTY (Telephone Typewriter Service for people who are hearing impaired):  
(02) 9261 3334

Please call this service if you wish to speak to Commission staff with the help of a telephone interpreter – Telephone Interpreter Services: 131 450

### **In person**

The Registry  
Level 20  
1 Oxford Street  
Darlinghurst NSW 2010

**Opening hours:** 8.30am to 4.30 pm  
Monday to Friday

### **Fax**

Sydney & NSW Country: 1 300 368 018

### **Mail**

Post Office Box 594  
Darlinghurst 1300

### **Document Exchange**

DX 11524  
SYDNEY DOWNTOWN

### **Email**

[registry@wcc.nsw.gov.au](mailto:registry@wcc.nsw.gov.au)

**The Commission's Website is at:**

[www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au)

***Other useful sources of information regarding Access and Equity can be found by clicking on the links below:***

<http://www.courts.qld.gov.au/practice/etbb>

<http://www.judcom.nsw.gov.au/benchbks/equality/>

*July 2006*