

Policy on Publication of Decisions in the Workers Compensation Commission

Publication of Decisions of the Commission

Section 365(1) of the Workplace Injury Management and Workers Compensation Act 1998 provides that:

(1) The Commission may cause details of its decisions and determinations under the Workers Compensation Acts to be published

Policy Statement

The Commission is committed to the publication of its decisions on its website (www.wcc.nsw.gov.au) and on the Australasian Legal Information Institute (AustLII) website (www.austlii.edu.au) to ensure transparency, accountability, education and guidance to parties on all matters within the jurisdiction of the Commission.

The Commission operates under a presumption in favour of publication of decisions.

The Commission may in exceptional circumstances, either at the request of a party made in writing or of its own motion, withhold from publication all or part of a decision if it is desirable to do so because of the confidential or sensitive nature of the information in the decision or for any other reason. The final decision concerning whether a decision should be withheld from publication rests with the Commission.

Presidential Decisions

The Commission routinely publishes all Presidential decisions in appeals against decisions of the Commission constituted by an Arbitrator, Questions of Law and Pre-filing Strike Out applications. The publication of Presidential decisions remains subject to the discretion to withhold from publication all or part of any decision if, in exceptional circumstances, it is desirable to do so because of the confidential or sensitive nature of the information in the decision or for any other reason.

A request to withhold publication of a decision may be raised with the Presidential Member prior to determination of the appeal. Alternatively, an application to withhold publication may be made in writing to the Registrar within 7 days from the date of receipt of the decision.

Decisions by Arbitrators, Costs Assessors, Expedited Assessment Officers and Medical Appeal Panels

Decisions by an Arbitrator, Costs Assessor, Expedited Assessment Officer (EAO) or a Medical Appeal Panel (MAP) will generally be published on the Commission's website, subject to a request to withhold publication or the Commission's decision not to publish the decision. A request to withhold publication of a decision may be raised with the Arbitrator, Costs Assessor, EAO or MAP prior to the issuing of a decision or by application in writing to the Registrar within 7 days from the date of receipt of a decision.

Timeframe for Publication

The Commission is committed to timely publication of its decisions on the Internet. Decisions will be published following the expiration of the 7 day period for raising objections.