

SOUND RECORDING AND TRANSCRIPTION OF COMMISSION PROCEEDINGS

1 SOUND RECORDING ARBITRAL PROCEEDINGS

Proceedings before Arbitrators in the Workers Compensation Commission initially involve informal conciliation by telephone conference and, if necessary, further conciliation with the parties attending a conference in person. This conciliation phase of proceedings is informal and is not sound recorded.

If the parties fail to resolve the dispute during the conciliation phase, the matter will proceed to arbitration. Arbitration involves a formal hearing and proceedings are sound recorded.

The Commission records arbitral proceedings using digital sound recording equipment, enabling a Compact Disc to be produced of the proceedings for archival purposes.

Upon request, the Commission will provide a copy of the recording to a party, at no cost to the party. A copy will not be provided to other parties unless requested by those other parties.

2 TRANSCRIPT OF ARBITRAL PROCEEDINGS

The Commission does not arrange for a written transcript of sound recordings except in the following circumstances.

(1) Transcript of oral decisions

Where an Arbitrator gives his or her decision orally at the conclusion of an arbitration hearing, that decision will be sound recorded. A transcript of the decision may be obtained upon request by a party, at no cost. In the event of an Application to Appeal being lodged, a transcript of the decision will be provided to the parties at no cost.

A request for a transcript should be made in writing and can be emailed to the Commission at audio@wcc.nsw.gov.au.

Prior to issuing a transcript, the Arbitrator who made the decision will certify that it is an accurate record of the decision and reasons for the decision.

The Commission will endeavour to provide a copy of the transcript to the requesting party within 10 days of the initial request.

Parties should be mindful that an appeal against a decision of an Arbitrator can only be made within 28 days after the making of the decision appealed against, regardless of the availability of a transcript. A Presidential member may only extend the time to appeal in exceptional circumstances if satisfied that to lose the right to seek leave to appeal would work demonstrable and substantial injustice.

(2) Transcript of arbitration hearing if appeal lodged to Presidential member

The Commission transcribes all sound recordings of arbitration hearings where an appeal against an Arbitrator's decision has been made to a Presidential member.

A copy of the transcript(s) of the proceedings is automatically provided to all parties to the appeal proceedings, at no cost to the parties.

3 SOUND RECORDING AND TRANSCRIPTS OF PRESIDENTIAL APPEALS AND QUESTION OF LAW PROCEEDINGS

The Commission records and transcribes all proceedings before the President and Deputy Presidents.

A request for a transcript of proceedings before a Presidential member should be in writing and can be emailed to the Commission at arbitral.appeals@wcc.nsw.gov.au . The decision to issue a transcript of proceedings is at the discretion of the presiding Presidential member. There is no charge for a transcript.

Sian Leathem
Registrar

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