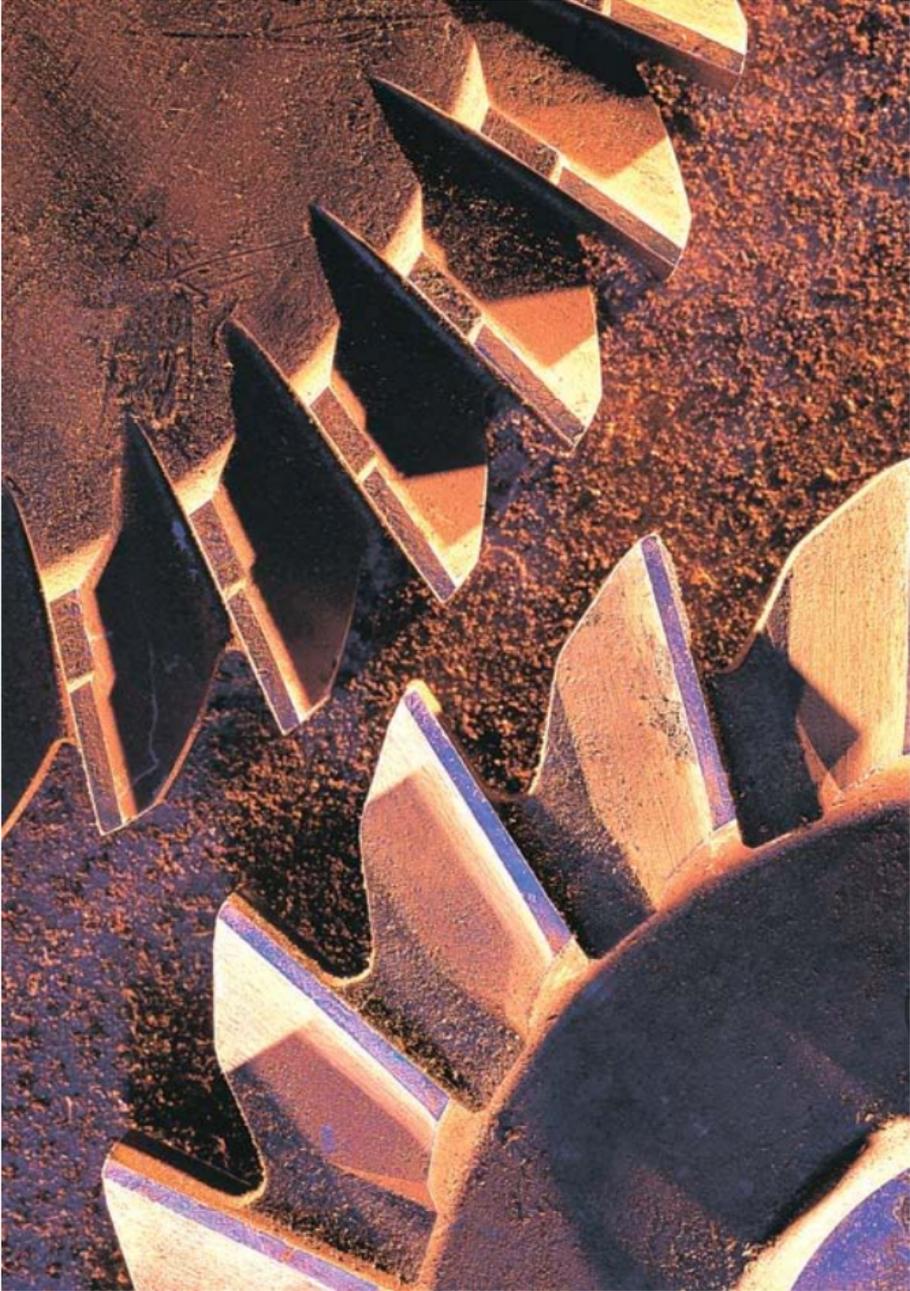


# CLOSING THE DISPUTE RESOLUTION PROCESS



The Workers Compensation Commission resolves workers compensation disputes between injured workers and employers.

The legislation requires that every endeavour be made to bring the people involved in a dispute (the parties) to settlement as early as possible. Settlement at the Commission can take place at any stage of the process.

There are specific procedures for closing a matter.

## How a dispute may be finalised

A dispute may be resolved or finalised in a number of ways:

- an agreement is reached,
- the dispute is discontinued, or
- a decision is made.

### **An agreement is reached**

Parties may come to an agreement about the dispute at any time before a dispute is determined by the Commission.

Parties may file Consent Orders (or terms of settlement) for agreements reached in relation to some types of disputes. A Consent Orders template is available from our website.

### **Discontinuing the dispute**

A dispute may be discontinued at any time, either because the applicant asked for this to happen, or because all parties have reached agreement and wish to stop proceedings.

A dispute can be discontinued when:

- the applicant discontinues,
- the parties agree to discontinue, or
- a decision is made.

### **Where the applicant discontinues**

An applicant can decide to discontinue proceedings, or any part of the proceedings, by lodging an *Election to Discontinue Proceedings* - Form 14B. Form 14B is available on our website or call us for a copy on 1300 368 040.

The applicant must send this documentation to all the other parties involved in the dispute.

When Form 14B is filed with us, the matter is considered closed. This means no further action can be taken in relation to the proceedings or those parts of the proceedings that have been discontinued.

### **Where the parties agree to discontinue**

If all parties involved in a dispute reach an agreement, at any time, and decide to discontinue proceedings or any part of proceedings, they must let us know by lodging an *Agreement to Discontinue Proceedings* - Form 14A. Form 14A is available on our website or call us for a copy on 1300 368 040.

Copies of the form must be sent to all parties.

When the above form is filed with us, the matter is considered closed. This means no further action can

be taken in relation to the proceedings or those parts of the proceedings that have been discontinued.

## **A decision is made**

If no agreement has been reached between the parties and a dispute is referred to an Arbitrator, the Arbitrator will make the decision. The decision may be made immediately or sent to the parties in writing within two weeks.

When a dispute before an Arbitrator has been finalised, a Certificate of Determination is issued to all parties which records how the dispute was resolved.

If the decision is made immediately, the Arbitrator will state his or her decision and the reasons for the decision verbally, and the statement (or Statement of Reasons) will be recorded. The parties will be sent the Certificate of Determination which contains the decision. Full text of the Statement of Reasons is available in a sound recording from the Commission.

If the decision is not given immediately, the Arbitrator will write the Statement of Reasons, and the parties will be sent the Certificate of Determination and the written Statement of Reasons.

## **Finalising medical disputes**

A medical dispute before the Commission can be finalised in a number of ways:

- If the parties reach agreement about the degree of permanent impairment before the dispute is

determined, the applicant or parties may discontinue the dispute.

- If the only issue in dispute is the degree of permanent impairment, we will issue a Certificate of Determination in accordance with the decision of the Approved Medical Specialist, once the period for an appeal to be lodged has expired.
- If the Medical Assessment Certificate gives rise to an entitlement to compensation for pain and suffering, and the applicant advises us in their dispute application that there is a dispute in relation to this entitlement, the application will be referred to an Arbitrator to resolve or determine this dispute. Once this issue is resolved we will issue a Certificate of Determination finalising the matter.

## For more information

If you require more information about how a dispute may be finalised, please call us on 1300 368 040 or visit our website [www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au)

The information in this brochure is not legal advice. If you need legal advice about lodging or responding to a dispute application, you need to talk with a solicitor. If you do not have a solicitor, you can contact the Law Society of NSW for referral to a solicitor by phoning:

- (02) 9926 0300 (if you live in Sydney), or
- 1 800 422 713 (if you live outside Sydney).

# How to contact us

## **Telephone**

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