

# THE SELF-REPRESENTED WORKER



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

Before you lodge an application with the Commission, you may wish to contact the Claims Assistance Service (CAS) at WorkCover NSW on 13 10 50.

The Claims Assistance Service may be able to resolve your workers compensation dispute without you needing to lodge an application with the Commission.

If you lodge an application with the Commission, you are entitled to have a lawyer or agent (for example, union representative) represent you. Employers and insurers usually have legal representatives.

If you decide to represent yourself, this is called **self-representation**. Make sure you identify this on your application form.

If you need legal advice about a workers compensation dispute, you may wish to contact the NSW Law Society or call on (02) 9926 0333.

## What you can lodge a dispute about

You can lodge a dispute with the Commission about:

- weekly benefits compensation,
- suitable duties following a work injury e.g. disagreement about duties to be performed or number of hours,
- medical, hospital and related expenses e.g. payment of your medical expenses has been stopped or refused,
- liability for permanent impairment compensation,
- degree of permanent impairment compensation,

- pain and suffering compensation,
- compensation for death of a worker,
- compensation for damage to personal property, or
- compensation for domestic assistance.

## Cost

Generally, you will not have to pay any costs when you lodge your dispute with us. This is because:

- we provide **our service free** to all parties, and
- we **do not charge you filing fees** to lodge a dispute with us.

The only time you may be liable for legal costs is

- if your application is made without proper justification (for example, your injury did not occur at work), or
- your case proves to be one that should not have come before the Commission, for example, if it was frivolous, vexatious or fraudulent.

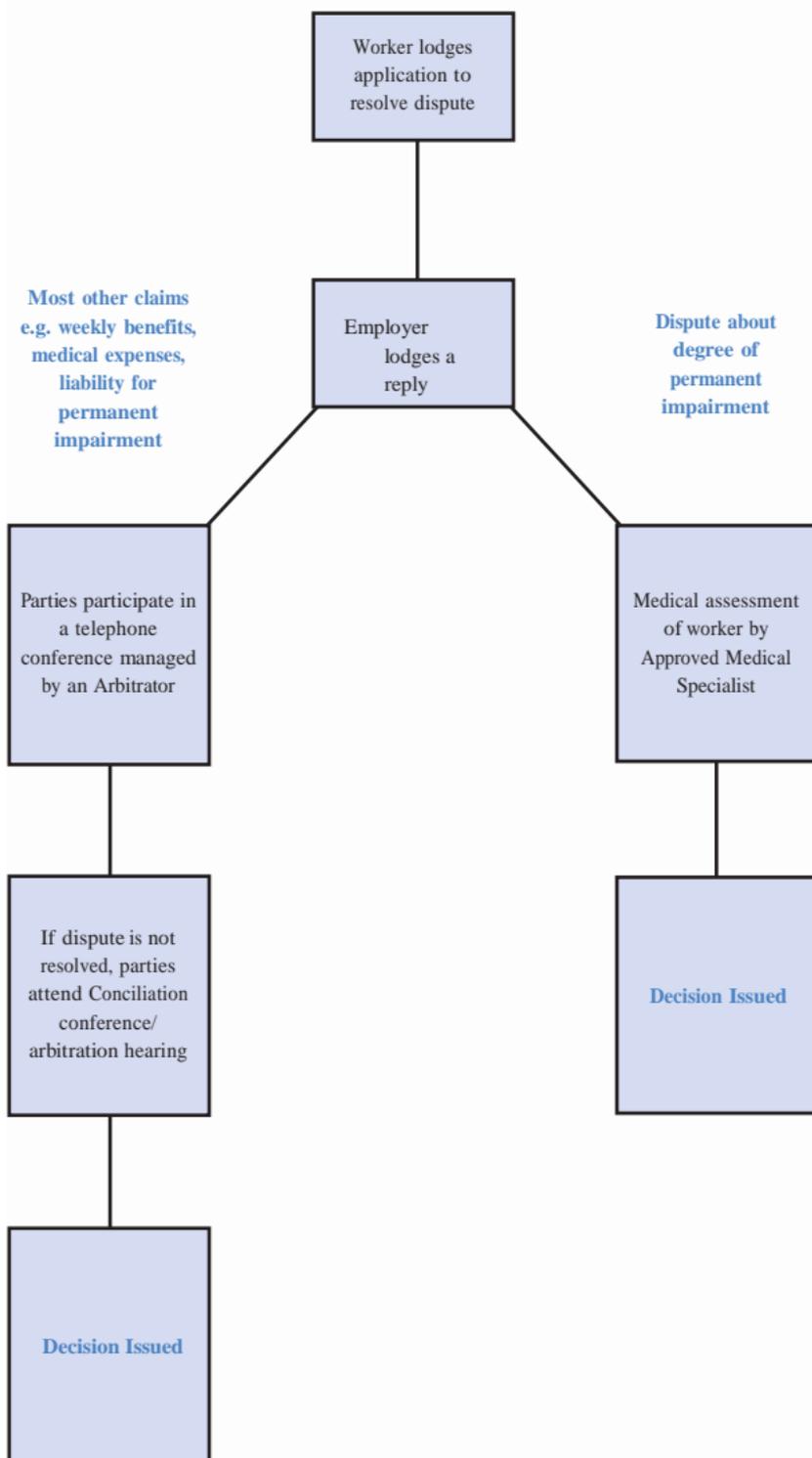
## Summary of the dispute resolution process

We appoint independent decision makers, called Arbitrators, to disputes that require resolution or determination by the Commission. Arbitrators are trained to conduct Commission proceedings in a way that is fair to all parties.

At every stage of the process, Arbitrators encourage and assist parties to resolve their dispute. However if parties fail to come to an agreement, the Arbitrator will determine the dispute.

If your dispute is about the degree of permanent impairment, it will be referred for medical assessment by an Approved Medical Specialist.

Further information about medical assessments is available in our brochure *Referral for Medical Assessment* available on our website or by contacting the Commission.



Broadly speaking, we aim to resolve your dispute through one of the following processes:

### **By Referral to an Arbitrator**

If your dispute is referred to an Arbitrator, you will be involved in a telephone conference and, if appropriate, a face-to-face conciliation conference/arbitration hearing.

#### **At a telephone conference**

During the telephone conference, parties try to reach an agreement with the help of the Arbitrator.

#### **By Determination on the papers**

If the dispute does not resolve at the telephone conference and the Arbitrator is satisfied that the matter can be determined without a face-to-face hearing, he or she will determine the matter on the basis of the documents lodged.

#### **By Conciliation Conference / Arbitration Hearing**

If the dispute does not resolve at the telephone conference, a conciliation conference/arbitration hearing may be arranged.

During the face-to-face conciliation conference, the Arbitrator tries to help the parties reach an agreed settlement.

If the matter is not settled as a result of the conciliation conference, the Arbitrator will move ahead on the same day to determine the dispute by arbitration. The Arbitrator will make a legally binding decision.

## By Medical Assessment

In permanent impairment disputes a Medical Assessment Certificate from an Approved Medical Specialist will be issued. The assessment by an Approved Medical Specialist is binding on the parties. Please refer to our brochures on *Referral for Medical Assessment* and *Medical Appeals* for further information.

## How to lodge a dispute application

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If you want to lodge a dispute with us, you need to complete an application form, *Application to Resolve a Dispute - Form 2*. Form 2 is available on our website, or call us for a copy on 1300 368 040.

We recommend that the following documents be read prior to completing an application to ensure it is completed fully and accurately, and to help you understand the dispute application process:

- *Guide to completing Form 2*,
- *Commencing the Dispute Application Process – Applicant’s Procedures* brochure, and
- *Information for Injured Workers* brochure.

Once your dispute has been registered we will send you information that explains how the dispute process works, what you can expect, and what you have to do.

## For more information

To find out more about our dispute resolution process please read our brochures:

- *Information for Injured Workers*, and
- *Commencing the Dispute Application Process - Applicant's Procedures*.

We can also provide you with a DVD that explains how the Commission resolves workers compensation disputes.

Our brochures and DVD are available on our website or you can request copies by calling 1300 368 040.

The information in this brochure is not legal advice. If you need legal advice about lodging a dispute, 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

All enquiries: 1300 368 040

Telephone Interpreter Services: 13 14 50

TTY service: (02) 9261 3334

## In person

Level 20

1 Oxford Street

Darlinghurst NSW 2010

Opening hours: 8.30am to 4.30pm

Monday to Friday

## Fax

1300 368 018

## Mail

PO Box 594

Darlinghurst 1300

## Document Exchange

DX 11524

Sydney Downtown

## Email

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

## Website

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

