

Commencing the Dispute Application Process  
**APPLICANT'S PROCEDURES**



# Steps to lodging a Dispute

## **1. Prepare the Application Form**

If you want to start proceedings in a workers compensation dispute you need to make a formal application to the Workers Compensation Commission.

As the person applying to have the dispute heard, you are called the Applicant in the case. The other parties are called Respondents.

If you want to lodge a dispute, you need to complete the appropriate application form.

### **1. If your dispute relates to:**

- Weekly benefits compensation (where the period is not more than 12 weeks), or
- Medical expenses compensation (where the amount is not more than \$7,500)  
you should complete Form 1 - *Application for Expedited Assessment*.

### **2. If your dispute relates to:**

- weekly benefits (where the period is more than 12 weeks),
- medical expenses (where the amount is more than \$7,500),
- domestic assistance,

- compensation for property damage,
- compensation for death of a worker,
- lump sum compensation where liability is in dispute,
- compensation for pain and suffering,
- lump sum compensation where degree of permanent impairment is in dispute, or
- threshold for work injury damages where the degree of whole person impairment is in dispute

you should complete Form 2 - *Application to Resolve a Dispute*.

**\* The remainder of this brochure relates to the Commission's process and procedure for managing disputes lodged on a Form 2. For information on the process and procedure for disputes lodged on a Form 1 please read our *Interim Payment Directions* brochure.**

We recommend that you read our *Guide to completing Form 2* prior to completing your application to ensure it is completed fully and accurately.

Fill in all the information requested on Form 2. (If you need the help of an interpreter, please contact the Commission).

Include any documents that may support your case, along with your application. Please note that you

are restricted, in the application, to matters previously notified, and documents exchanged prior to lodgment of the application with the Commission.

You will need to make multiple copies of the form and documentation. Two copies are kept on file by the Commission and a separate copy is needed to give to each of the Respondents.

## 2. Lodge the Application

Send the completed form and supporting documents, plus the required number of copies, to us.

There is no cost to lodge a dispute.

If your application is **incomplete or does not comply with the legislative requirements** we cannot register it and it will be rejected. You may resubmit a further application.

The Commission will seal the application and copies, and your application will be given a case or 'matter' number. This means that the application has been formally registered. The sealed application, plus documents and copies, will now be returned to you.

## 3. Serve the Application

You must now ensure that all the other parties in the dispute - the Respondents - know that a matter has been lodged with the Commission.

The process of notifying the Respondents is known as 'Serving the Application', and the case cannot go forward unless this happens.

You must send one sealed copy of the application and supporting documents to each Respondent involved in the dispute. The legal requirement is that this is done within 7 days of the date on which the application is sealed by the Commission.

#### **4. Reply and Response**

The Respondent (or Respondents) have 21 days from the date the Commission registers the application to lodge a Reply and serve a sealed copy of the Reply on the Applicant.

## **What happens if you don't follow these steps?**

If you don't serve your application on all the Respondents and insurers in your dispute, the case will not proceed.

If the documentation supporting your case is not served on all of the Respondents and insurers, you may not be allowed to rely on it in the proceedings.

Finally, you must ensure that all of these steps take place within the times specified. If not, your case may not proceed or your supporting documentation

may not be allowed.

## For further information

For further information on lodging a dispute with the Commission, refer to:

- *Guide to completing Form 2*,
- *Information for Injured workers* brochure,
- *Information for Injured workers* DVD.

These are available on our website or by calling 1300 368 040.

The information in this brochure is not legal advice.

If you need legal advice about lodging 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).

## Explanation of terms used in this brochure

**Applicant.** An Applicant is the person who applies to the Commission to have a dispute resolved. Usually, the Applicant is an injured worker, but may sometimes be an employer or insurer.

**Certificate of Service.** The Certificate of Service is used by the Commission as legal proof that documents relating to a dispute have been given to the other people (or parties) involved in the case.

**Matters previously notified.** When an injured workers receives a s74 notice from the insurer stating why their claim has been rejected, it will identify matters they are disputing. These matters, in addition to any additional matters the injured worker raises in writing with the insurer are considered matters previously notified.

**Party/Parties.** An injured worker, employer or insurer involved in a dispute is referred to as a Party.

**Reply.** A Reply is the documentation needed to respond to an Application.

**Respondent.** A Respondent is the person (or party) who responds to an Application from another person (or party) who starts proceedings in a dispute.

**Sealed.** The Commission stamps documents lodged with the Commission with its seal.

**Supporting Documents.** Any documents which help or support an Applicant's or Respondent's case.



# 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)

