Assistance available to Employers

Talk to your Insurer or call WorkCover: Telephone (02) 6205 0200; Facsimile (02) 6205 0336; Email workcover@act.gov.au

For further information

<table>
<thead>
<tr>
<th>Contact options</th>
<th>Publications &amp; forms</th>
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</thead>
<tbody>
<tr>
<td>Call, email, or fax your approved Insurer for information</td>
<td>Nil</td>
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<td>Call WorkCover: Telephone (02) 6205 0200; Facsimile (02) 6205 0336; Email: <a href="mailto:workcover@act.gov.au">workcover@act.gov.au</a></td>
<td>Nil</td>
</tr>
</tbody>
</table>
Assistance available to employers

- WorkCover’s Claims Assistance Service - 13 10 50
- employer association.

Assistance available to workers

- WorkCover’s Claims Assistance Service - 13 10 50
- worker’s union
- worker’s legal representative.

Dispute resolution steps and processes

1. Agent/insurer review

An injured worker or their representative can request the agent/insurer conduct a further review of a claims decision to dispute liability for all or part of a claim.

An injured worker must complete an Application for Review by Scheme Agent (insurer) form (pages 45-46 of the WorkCover NSW Guidelines for Claiming Compensation Benefits), explaining why a review is being requested and attach any additional information.

It is important for an injured worker to attach all relevant information at the review stage as they will be precluded from introducing new material after an application has been lodged with the Workers Compensation Commission (WCC).

The agent/insurer is required to conduct the review within 14 days of receiving the review request.

The agent/insurer will either accept the claim or maintain their decision to dispute liability and issue a Decision Review Notice, attaching any additional information relevant to the decision.

2. Claims Assistance Service

If a worker does not receive a response from the agent/insurer on their claim for workers compensation or their request for a specific benefit within the required time frame, the worker can contact WorkCover’s Claims Assistance Service (CAS) to intervene on their behalf. CAS will give the injured worker a reference number and contact the agent/insurer to confirm that the agent/insurer has received the documents necessary to make a decision. The agent/insurer is required to inform CAS within 5 days of the action they have taken and/or will take. Within 7 days CAS will provide written advice to the worker about the agent/insurer’s response. The worker then has current information upon which to decide their most appropriate course of action, although in many cases nothing further will be required because the problem will have been resolved.

3. Workers Compensation Commission (WCC)

The WCC handles disputes about:

- weekly compensation
- suitable duties
- medical and related expenses
- permanent impairment
- pain and suffering
- death of a worker
- payments for damages to personal property, such as clothing and spectacles.

Any party to a dispute may make application to the WCC, except regarding permanent impairment and pain and suffering, where application can only be made by a worker or their representative.
The WCC provides a free service to all parties. Forms for different types of applications and information on the application process are available from the WCC and on its website at www.wcc.nsw.gov.au.

Where the worker is satisfied that the agent/insurer has considered all relevant issues but disagrees with the merits of the decision, they can lodge an application to dispute the decision with the WCC.

The WCC screens for a number of preconditions that have to be met prior to the WCC accepting an application to lodge a dispute.

Preconditions include:

- Dispute Notice issued by agent/insurer that complies with section 74 of *Workers Compensation and Injury Management Act 1998* or section 54 of the *Workers Compensation Act 1987*
- copies of all relevant documents referred to in the Dispute Notice provided to worker, or
- a Claims Assistance Service response if the worker has contacted Claims Assistance Service for assistance because the agent/insurer has failed to determine their claim.

### For further information

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<tr>
<td>• visit WCA website:</td>
<td>Fact sheets from WCA information Centre 13 10 50:</td>
</tr>
<tr>
<td><a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a></td>
<td>• <em>Getting More Information</em> -</td>
</tr>
<tr>
<td>• call the WorkCover Assistance Service on 13 10 50</td>
<td><a href="http://www.workcover.nsw.gov.au/formspublications/">http://www.workcover.nsw.gov.au/formspublications/</a></td>
</tr>
<tr>
<td>• visit Workers Compensation Commission website:</td>
<td>publications/Pages/WC01297_GettingMoreInformationFactsheetNo8.aspx</td>
</tr>
<tr>
<td><a href="http://www.wcc.nsw.gov.au">www.wcc.nsw.gov.au</a></td>
<td>• *Resolving Problems and Disputes about Workers</td>
</tr>
<tr>
<td>• call Workers Compensation Commission – 1300 368 040</td>
<td>Compensation Claims*</td>
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<td></td>
<td>publications/Pages/WC01294_ResolvingProblems</td>
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<td>andDisputesAboutWorkers_.aspx</td>
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<td></td>
<td>WorkCover Guidelines for Claiming Compensation</td>
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<td>Benefits:</td>
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<td>publications/Pages/Claimingcompensationbenefits</td>
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<td>guidelines.aspx</td>
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<tr>
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<td>DVD/Video from WCC: <em>Information for Injured Worker</em></td>
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<tr>
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<td>Pamphlet from WCC: <em>Information for Injured Workers</em>:</td>
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</tbody>
</table>
Assistance available to Employers
- Contact NT WorkSafe advisory service on free call 1800 250 713 or (08) 8999 5585
- Contact your approved insurer

Assistance available to Workers
- Contact NT WorkSafe advisory service on free call 1800 250 713 or (08) 8999 5585
- Contact your employer’s approved insurer case manager

Dispute resolution steps and processes
An injured worker who disagrees with a decision made by their employer’s insurer can request mediation. These decisions include:

(a) dispute liability for the claim;
(b) reduce or cancel compensation being paid; or
(c) relating to a matter or question incidental to or arising out of the workers claim for compensation.

The worker must be notified of decisions (a) and (b) in writing by the insurer. This notification is called a Notice of Decision and Rights of Appeal. On this notice the insurer must state in a manner that is easily understood, the reasons for their decision and advise the worker of their rights of appeal.

NOTE: The worker has 90 days from receipt of the Notice of Decision and Rights of Appeal form to apply to NT WorkSafe for mediation.

There is no requirement for the insurer to issue a formal Notice of Decision and Rights of Appeal regarding (c) above.

To initiate the mediation process the worker can write, email or fax NT WorkSafe clearly stating the nature of the dispute.

NT WorkSafe must appoint a mediator within 7 days of receiving the request. On appointment the mediator has 21 days to progress and complete the mediation process. The mediator may conduct a mediation conference if he or she deems it necessary.

The mediator may contact the worker regarding any additional information that may be available to assist in resolving the dispute. This additional information will be shared with the insurer. The insurer may reconsider the claim, taking into account the additional information provided.

The insurer must also provide to the mediator all medical reports and all the information that was relied upon when reaching the decision. There may be times when legal professional privilege may apply to some information.

If the claim is still in dispute and in the opinion of the mediator, a conference would help resolve the matter then the mediator will invite both parties to attend a mediation conference. Participation at the conference is compulsory.

The conference will usually include the worker, the insurer, the mediator and where appropriate, the employer. If because of distance it would be impractical for all parties to attend, the mediation conference may be conducted by telephone conference.

The worker may bring a friend, union representative, legal guardian or person holding power of attorney for the worker, to the mediation conference. Lawyers are not permitted to attend mediation conferences except where agreed to by the mediator.

At the conference the worker will be asked to explain why they disagree with the insurer’s decision. The insurer will be asked to explain the reasons for their decision. Following this the mediator will assist in
identifying the matters actually in dispute; then, with both parties, endeavour to resolve those issues and if possible, bring about agreement.

Mediation may result in:

- the reasons for a decision becoming clearer or better understood by the worker;
- the decision being changed;
- an undertaking by the insurer to reconsider their decision on receipt of further information; or
- no change to the decision.

The worker will be advised in writing, by the mediator, of the outcome of the mediation including any recommendations. The written advice of the mediator is referred to as a Certificate of Mediation.

If the worker is dissatisfied with the outcome of the mediation process they may then make an application to the Work Health Court.

The application to commence court proceedings should be made within 28 days from the date of receipt of the Certificate of Mediation.

Before making application to the Work Health Court the worker MUST first apply for and complete the mediation process.

**Note:** The worker may apply to the Court for a determination on their entitlement to interim weekly benefits. In this instance the worker must have applied to NT WorkSafe to commence the mediation process but the process need not be complete.

**For further information**

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<tr>
<th>Contact options</th>
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<tr>
<td>Visit your approved insurer’s website</td>
<td>Visit the contacts listed to the left to access information forms and publications</td>
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<tr>
<td>Call, email or fax your approved insurer for information</td>
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<tr>
<td>Call, email or fax your vocational rehabilitation provider</td>
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<tr>
<td>Call NT WorkSafe: Free call 1800 250 713; Facsimile (08) 8999 5141; Email: <a href="mailto:worksafe@nt.gov.au">worksafe@nt.gov.au</a></td>
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</tbody>
</table>
Assistance available to Employers

- Q-COMP: 1300 361 235
- WorkCover Queensland: 1300 362 128
- Workers’ Compensation Advice Line - a free service provided by Commerce Queensland: 1300 364 165

Assistance available to Workers

- Q-COMP 1300 361 235
- WorkCover Queensland 1300 362 128
- Workers’ Compensation Information Service - a free service provided by Queensland Council of Unions: 1800 102 166

Dispute resolution steps and processes

- **Step one: Advice**
  Workers and employers can obtain advice regarding the workers’ compensation process from the organisations listed above.

- **Step two: Review**
  If either an injured worker or an employer is unhappy with a decision made by an insurer, the decision may be reviewed by Q-COMP. The application for review must be lodged with Q-COMP within three months of receiving the insurer’s decision. Q-COMP must make its decision within 25 business days from the date when the application was lodged, and notify the injured worker or employer of the decision within 10 business days of the decision being made.

- **Step three: Appeal**
  An appeal can be lodged with the Queensland Industrial Relations Commission or the Industrial Magistrates Court. From the date the injured worker or employer receives Q-COMP’s decision they have 20 business days to lodge an appeal.

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<tr>
<td>Visit WorkCover Queensland website to access information, forms and publications: <a href="http://www.workcoverqld.com.au">www.workcoverqld.com.au</a></td>
<td>Visit the contacts listed to the left to access information forms and publications.</td>
</tr>
<tr>
<td>Call WorkCover Queensland for information: 1300 362 128</td>
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<tr>
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<td></td>
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<tr>
<td>Call, email, fax Q-COMP for information: 1300 361 235</td>
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<tr>
<td>Call the Workers Compensation Advice Line - Commerce Queensland (for Employers) on 1300 364 165</td>
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<tr>
<td>Call the Workers’ Compensation Information Service - QCU (for Workers) on 1800 102 166</td>
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</tbody>
</table>
Assistance available to Employers

- WorkCover Service Centre: 13 18 55
- Business SA advocacy service: [Business services](http://www.business-sa.com) > Workplace services > workers compensation representation, e-mail [info@business-sa.com](mailto:info@business-sa.com), or telephone 08 8300 0101
- Relevant employer associations

Assistance available to workers

- WorkCover Service Centre: 13 18 55
- SA Unions’ free advocacy service available for all workers, including non-union members
- The individual union the worker is a member of
- Employers Mutual (SA claims agent)

Dispute resolution steps and processes

1. **Advice**
   Workers and employers can get advice on claim decisions from the above bodies.

2. **Notice of Dispute**
   Worker can lodge a Notice of Dispute within a month of claim decision and the worker can apply for an extension of the one month period and this must be done in the prescribed form.

3. **Review**
   A worker or an employer can ask the agent to review their own decision.

4. **Conciliation**
   If someone’s not happy with the review, the Tribunal can refer the matter to the conciliator. The first conference must happen within 21 days of referral. No time limits apply on conciliation overall.

5. **Judicial Determination**
   If a party is unhappy with the conciliation decision, a Judicial Determination may be requested within 14 days. Matters can also be referred directly to Judicial Determination from conciliation. Judicial Determinations are heard by either one judge or three (Full Bench) if the dispute is complex. The hearing is from scratch and not on ‘appeal’. Exception: A party can appeal from one judge to ‘Full Bench’ on a question of law.
For further information

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<tr>
<td>Call WorkCover’s Service Centre on 13 18 55.</td>
<td>Dispute Resolution Process: <a href="http://www.workcover.com%3E">http://www.workcover.com&gt;</a> Resources&gt;Documents A-Z</td>
</tr>
<tr>
<td>Call Employers Mutual Limited (the SA Claims Agent): Telephone (08) 8127 1100,</td>
<td>How disputes are resolved by the Worker’s Compensation Tribunal</td>
</tr>
<tr>
<td>or call your relevant employer association</td>
<td>Workers&gt;<a href="http://www.workcover.com%3EWhat%E2%80%99s">http://www.workcover.com&gt;What’s</a> next&gt;Help if you’re not satisfied</td>
</tr>
<tr>
<td><a href="http://www.industrialcourt.sa.gov.au">http://www.industrialcourt.sa.gov.au</a></td>
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</table>
## Assistance available to Employers
- Contact the Workplace Standards Tasmania Helpline on telephone 1300 366 322 (inside Tasmania) or (03) 6233 7657 (outside Tasmania).
- Contact the Workers Rehabilitation and Compensation Tribunal on telephone (03) 6233 4697 or [www.workerscomp.tas.gov.au](http://www.workerscomp.tas.gov.au)
- Visit the WorkCover Tasmania website at [www.workcover.tas.gov.au](http://www.workcover.tas.gov.au)

## Assistance available to Workers
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- Contact the Workers Rehabilitation and Compensation Tribunal on telephone (03) 6233 4697 or [www.workerscomp.tas.gov.au](http://www.workerscomp.tas.gov.au)
- Visit the WorkCover Tasmania website at [www.workcover.tas.gov.au](http://www.workcover.tas.gov.au)
- Contact your licensed insurer.

## Dispute resolution steps and processes
### Disputes Regarding Liability For A Claim At The Time of Lodgement
1. **Advice**
   Workers and employers can obtain advice on issues (refer to contact information above).

2. **Lodgement**
   An employer has 84 days from receipt of the claim to dispute liability by referring the matter to the Tribunal, and must within this 84-day period notify the injured worker in writing that they dispute liability and the reasons for this.

3. **Initial Hearing**
   The dispute will be scheduled for a hearing. Legal representation is not necessary at hearings but the employee and employer may have a union advocate, lawyer or other person present to assist them.

   The purpose of this hearing is to determine whether a reasonably arguable case exists. If the Tribunal finds that a reasonably arguable case *does* exist, the worker, employer or licensed insurer may refer the matter back to the Tribunal for resolution.

4. **Conciliation Conference**
   If the dispute has not been resolved during the preliminary stage, a conciliator will hold a conciliation conference. This is a meeting where the worker, employer and insurer discuss all issues relating to the dispute and try to resolve it. Attendance at these conferences is compulsory.

5. **Arbitration**
   Where a dispute is unable to be resolved at conciliation, it is referred to the Tribunal for determination.

### Other Disputes
All other disputes may be referred to the Tribunal by the employer, employee or licensed insurer for resolution. Once a dispute is referred to the Tribunal, steps 4 and 5 of the above process apply.
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</table>
MULTI-STATE WORKERS’ COMPENSATION GUIDANCE MATERIAL

Topic: Compensation
Item: 6. Dispute Resolution
State: VICTORIA

Assistance available to Employers

- WorkSafe Advisory Service: freecall 1800 036 089 or (03) 9641 1444
- Your WorkCover Agent
- Your Employer association

Assistance available to Workers

- WorkSafe Advisory Service: freecall 1800 036 089 or (03) 9641 1444
- Your WorkCover Agent
- WorkCover Assist, a free VWA service: telephone (03) 9941 0537
- Union Assist, a free service run by the Victorian Trades Hall Council: (03) 0639 6144
- The Union of which you are a member

Dispute resolution steps and processes

1. **Advice**
   Workers and Employers can obtain advice on issues and the decision/s.

2. **Review**
   A Worker or Employer can request an Agent review any claims decision.

3. **Conciliation**
   A Worker or Employer can lodge a request for conciliation form with the Accident Compensation Conciliation Service (ACCS) within 60 days of receiving a decision with which they disagree. The ACCS is a free service that gives Workers, Employers and the VWA Agent an opportunity to resolve WorkCover disputes with the assistance of a conciliation officer.
   Conciliation will result in either:
   - Agreement
   - A direction given to the Agent
   - A recommendation given to the Agent
   - A Genuine Dispute

4. **Legal Proceedings**
   Where no agreement is reached and the conciliation officer considers the dispute to be genuine, the parties have the right to bring the dispute to the Magistrate’s or County Courts.

For further information

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<tr>
<td>Visit WorkSafe’s website to access information, forms and publications: <a href="http://www.workcover.vic.gov.au%3E">www.workcover.vic.gov.au&gt;</a> injury &amp; claims&gt; resolving disputes</td>
</tr>
<tr>
<td>Visit the Accident Compensation Conciliation Service website to access information, forms and publications: <a href="http://www.conciliation.vic.gov.au%3E">www.conciliation.vic.gov.au&gt;</a> conciliation process</td>
</tr>
<tr>
<td>Call or email the WorkSafe Advisory Service: 1800 136 089 or (03) 9641 1444, <a href="mailto:info@workcover.vic.gov.au">info@workcover.vic.gov.au</a></td>
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<tr>
<td>Visit your Agent website.</td>
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Assistance available to Employers

- WorkCover WA Advisory Service: freecall 1300 794 744 or (08) 9388 5550.
- Approved Insurers internal dispute resolution

Assistance available to Workers

- WorkCover WA Advisory Service: freecall 1300 794 744 or (08) 93885550.
- Approved Insurers internal dispute resolution

Dispute resolution steps and processes

1. **Advice**
   Workers and Employers can obtain advice on issues from the services listed above.

2. **Insurer**
   Parties may access the Approved Insurers internal dispute resolution procedures.

3. **Dispute application**
   A written dispute application form may be completed and submitted to the Dispute Resolution Directorate WorkCover WA. A dispute application may be filed 17 days after the claim form was lodged with the Employer if no payments have been received, or if the Insurer has not accepted liability.

4. **Conciliation by arbitrator**
   On receipt of a dispute application the arbitrator will attempt to conciliate between parties to reach an agreement.

5. **Arbitration by arbitrator**
   If no agreement is reached the arbitrator will make a determination.

6. **Appeal**
   A party may apply to the Commissioner for leave to appeal an arbitrator’s determination.

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<td>- Call, email, or fax your Approved Insurer for information and publications</td>
<td><strong>Understanding Dispute Resolution: Information for Injured Workers (DVD):</strong> <a href="http://www.workcover.wa.gov.au">www.workcover.wa.gov.au</a>&gt; Dispute resolution&gt; Overview&gt; DVD on dispute resolution</td>
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<td>- Call the WorkCover WA Advisory Service on 1300 794 744 to obtain information and publications</td>
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