



## Who pays for costs at arbitration?

During the arbitration each party has to pay their own costs unless any of the following situations occur:

- WIC may order the WorkSafe Agent or Self-insurer to pay the costs of obtaining further evidence if we need it to make our final decision. We call this making an ancillary determination.
- If we make a final decision in the Worker's favour, the WorkSafe Agent or Self-insurer pays the Worker's costs.
- In very limited circumstances, we can order a Worker to pay the WorkSafe Agent's or Self-insurer's costs, but only if we determine that the Worker has been dishonest or improper during the arbitration or when making their claim. We call this a determination that the claim is fraudulent or vexatious.

## When is a final decision in favour of a Worker?

A final decision is in favour of the Worker when we:

- Change or cancel the WorkSafe Agent's or Self-insurer's decision
- Order that compensation must be paid and/or
- Order the WorkSafe Agent or Self-insurer to accept all or part of a claim.

If the Worker is successful in some but not all of the dispute, they can still claim their costs.

## How are costs awarded?

The *Costs Schedule* outlines what costs we can award. It lists various items of work involved in preparing a case for arbitration.

If a Worker has a legal practitioner, the amount of costs we can award may depend upon the value of the compensation or the complexity of the dispute.

The amount of costs awarded may be less than the amounts spent by the parties.

## What sort of costs can be claimed?

A Worker may claim for their legal fees, expenses and other costs (called 'disbursements') such as:

- Medical records and report costs
- Expert report costs
- Transcription fees
- Additional interpreter services (Note: we provide interpreter services at hearings for no charge)
- Witness expenses
- Lost wages
- Travel, accommodation and meals

Note: Some of these costs are paid only if they were necessary for the arbitration and do not duplicate any other expenses claimed.

A Worker can't claim for their time spent preparing for the arbitration or claim their support person's expenses.

## What happens when we award costs?

When the final decision is in the Worker's favour we also state that the WorkSafe Agent or Self-insurer must pay their costs. We call this awarding costs.

The Worker is then expected to provide the WorkSafe Agent or Self-insurer with details of their costs. They should send proof of these costs (for example, tax invoices or pay slips).



If the WorkSafe Agent or Self-insurer agrees to pay the costs, we do not need to have any further involvement.

### **What if the parties cannot agree on costs?**

If we have decided that a Worker is entitled to costs but the parties cannot agree on the amount, either of them can ask us to make a costs decision.

A party can ask us to make a costs decision by sending us a *Request for a Costs Decision Form* found on our website [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

### **Can costs be claimed if the parties reach an agreement before we make our final decision?**

If the parties reach an agreement before we make our final decision, they may also include costs as part of their agreement. We have no role in deciding or approving costs unless we have made our final decision.

For more information, see our *Costs Policy and Procedure* and the *Costs Schedule* on our website [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

### **Need help?**

For more information or assistance, please:

- call **03 9940 1111** or **1800 635 960**
- email **info@wic.vic.gov.au**
- visit **wic.vic.gov.au**

## Do you need an interpreter?



If you have trouble understanding any of the information outlined please contact 131 450 and ask for the interpreter to contact the Workplace Injury Commission on 1800 635 960 or 9940 1111 to explain further.

إذا كنت تواجه مشكلة في فهم أي من المعلومات الموضحة، فيرجى الاتصال بالرقم 131 450 واطلب من المترجم الاتصال بلجنة الإصابات في مكان العمل لمزيد من المعلومات اتصل على الرقم 1800 635 960 أو 9940 1111

如果您对上述信息有疑问，请拨打 131 450，通过口译员联系工伤赔偿委员会，电话 1800 635 960 或 9940 1111，进行进一步咨询。

Ako ne razumijete ove informacije, nazovite 131 450 i zamolite tumača da vam nazovu Workplace Injury Commission (Komisiju za ozljede na radu) na 1800 635 960 ili 9940 1111 za objašnjenja.

Εάν δυσκολεύεστε να κατανοήσετε οποιαδήποτε από τις πληροφορίες που περιγράφονται, επικοινωνήστε με τον αριθμό 131 450 και ζητήστε από τον διερμηνέα να επικοινωνήσει με την Επιτροπή Τραυματισμών στο Χώρο Εργασίας (Workplace Injury Commission) στον αριθμό 1800 635 960 ή 9940 1111 για περαιτέρω διευκρινίσεις.

Se hai difficoltà a comprendere queste informazioni chiama il 131 450 e chiedi all'interprete di contattare la Workplace Injury Commission al 1800 635 960 o al 9940 1111 per una spiegazione più approfondita.

Ако имате тешкотии да разберете која било од наведените информации, ве молиме јавете се на 131 450 и побарајте преведувач да контактира со Workplace Injury Commission (Комисија за повреди на работното место) на 1800 635 960 или 9940 1111 заради натамошни објаснувања.

'Jeśli masz problemy ze zrozumieniem którejkolwiek z podanych informacji, zadzwoń pod numer 131 450 i poproś o tłumacza, aby skontaktował się z Workplace Injury Commission pod numerem 1800 635 960 lub 9940 1111 pod dalsze wyjaśnienia'.

Ако не разумете ове информације, назовите 131 450 и замолите преводиоца да вам назову Workplace Injury Commission (Комисију за повреде на раду) на 1800 635 960 или 9940 1111 да бисте добили објашњења.

"Si usted tiene dificultades para entender cualquier información expuesta, póngase en contacto con el 131 450 y pida que el intérprete contacte a la Workplace Injury Commission (Comision de Accidentes de Trabajo) llamando al 1800 635 960, a fin de obtener una explicación más detallada "

Nếu quý vị có bất kỳ khó khăn trong việc hiểu thông tin được nêu, xin vui lòng liên hệ 131 450 và nhờ thông dịch viên liên hệ với Ủy Ban về Thương Tích tại Nơi Làm Việc qua số 1800 635 960 hoặc 9940 1111 để được giải thích thêm.