



Who pays for costs at arbitration?

During the arbitration each party has to pay their own costs.

If we make a final decision in the Worker's favour, the WorkSafe Agent or Self-insurer pays the Worker's costs. Otherwise, the Worker can't claim their costs of arbitration.

WorkSafe Agents and Self-insurers must also pay their own costs of arbitration, even if the decision is in their favour.

However, in very limited circumstances, we can order a Worker to pay the WorkSafe Agent's or Self-insurer's costs. We can only do this 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 the Worker's favour when we:

- Change or cancel the WorkSafe Agent's or Self-insurer's decision
- Order that compensation must be paid
- 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.

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.

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 cannot understand this form please contact 131 450. Ask the interpreter to contact the Workplace Injury Commission on 1800 635 960 or 03 9940 1111 to explain this form.

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Nếu quý vị không hiểu mẫu này, xin gọi 131 450. Yêu cầu thông dịch viên liên lạc WIC qua số 1800 635 960 hoặc (03) 9940 1111 để giải thích về mẫu này.