



## WORKERS COMPENSATION COMMISSION

**E-Bulletin No. 15**

**September 2004**

### **President's Welcome**

Welcome to E-Bulletin No. 15 of the Workers Compensation Commission.

The *Workers Compensation Amendment (Medical Reports) Regulation 2004* commenced on 3 September 2004. The Regulation is applicable to all matters lodged with the Commission and referred to an Approved Medical Specialist, where the medical assessment has not yet occurred. This edition addresses the implications of this in relation to matters currently lodged with the Commission, and lodgment of future Applications to Resolve a Dispute and medical reports.

Justice Terry Sheahan  
President  
September 2004

### ***Workers Compensation Amendment (Medical Reports) Regulation 2004***

The Regulation commenced Friday 3 September 2004 and affects all matters before the Commission where assessment by an Approved Medical Specialist is required, but has not yet occurred.

The Regulation restricts the medical reports that are able to be sent to an Approved Medical Specialist.

The Regulation is reproduced below:

#### **Clause 43A Restriction on disclosure of medical reports to approved medical specialists**

A medical report is not to be disclosed to an approved medical specialist in connection with a claim unless:

- (a) the report was admitted in proceedings on the claim;
- (b) the report was nominated by the claimant or respondent as the report that the claimant or respondent concerned would introduce in evidence in proceedings on the claim, or
- (c) the report was the sole report in the particular specialty concerned that was lodged in relation to the claim by the claimant or respondent (as the case may be), or
- (d) the approved medical specialist calls under section 324 (1)(b) of the 1998 Act for the production of the report

## **Implications for Matters Referred to an Approved Medical Specialist**

In those matters where an appointment has been made with the Approved Medical Specialist, but not yet occurred, the onus is on the parties to the dispute to ensure that the documentation provided to the Commission for referral to the Approved Medical Specialist, complies with the Regulation and Rules.

The Commission has actively sought to ensure that matters referred to an Approved Medical Specialist in the period 3-17 September 2004 comply with the Regulation. Unfortunately, where the documentation held by the Commission does not comply with the Regulation, the cancellation of some appointments in this period has been necessary. These will be rescheduled as soon as the medical reports to be disclosed to the Approved Medical Specialist are in accordance with the Regulation.

## **Lodgment of Documents**

Parties are reminded of the requirements of Rule 68 of the *Workers Compensation Rules 2003*, which apply to medical reports in which the restrictions in clause 43 of the *Workers Compensation Regulation 2003* apply.

Where Applications, Replies or other documents are lodged which do not comply with this Rule, the Application, Reply or other document will not be accepted for filing.

## **Contact the Commission**

For information, assistance or a request for dispute resolution, please contact the Workers Compensation Commission between 8.30am and 5.00pm Monday to Friday:

<b>By telephone:</b>	1300 368 040
<b>TTY (for people with hearing impairments):</b>	(02) 9261 3334
<b>By facsimile:</b>	(02) 1300 368 018
<b>In person at:</b>	The Registry, Level 19, 1 Oxford Street, Darlinghurst NSW 2010
<b>Postal Address:</b>	PO Box 594, Darlinghurst NSW 1300
<b>Document Exchange:</b>	DX11524, Sydney Downtown
<b>Email:</b>	<a href="mailto:registry@wcc.nsw.gov.au">registry@wcc.nsw.gov.au</a>
<b>Further information and forms are available at:</b>	<a href="http://www.wcc.nsw.gov.au">www.wcc.nsw.gov.au</a>