



Checklist for appealing against a review decision of the Workers' Compensation Regulator

On 1 October 2015, the Queensland Industrial Relations Commission commenced a new process for dealing with appeals against review decisions of the Workers' Compensation Regulator. Cooper Grace Ward's insurance team has prepared this checklist to assist you in the process of conducting an appeal.

Please note this publication is for information only and is not legal advice. You should obtain advice that is specific to your circumstances and not rely on this publication as legal advice. If there are any issues you would like us to advise you on arising from this publication, please contact a member of our team.



Step 1: Read the review decision and assess the appeal body

- Consider the review decision you have received from the Worker's Compensation Regulator (Regulator).
- Assess the appropriate appeal body for the decision. Certain decisions of the Regulator go to the Queensland Industrial Relations Commission (QIRC) for review and others to an industrial magistrate. This checklist is for appealing decisions of the Regulator to the QIRC.



Step 2: Prepare a written Notice of Appeal

- Prepare a written Notice of Appeal using the form available on the QIRC website.



Step 3: File the written Notice of Appeal

- **Deadline:** Within 20 business days of receiving the review decision.
- Lodge the written Notice of Appeal with the QIRC in person or by fax.



Step 4: Send a copy of the Notice of Appeal to the Regulator

- **Deadline:** Within 10 business days of filing the notice of appeal.
- Send a copy of the Notice of Appeal to the Regulator by post.



Step 5: Read the directions order

- A directions order will be issued to you within two days of filing the appeal. The orders are to be completed before you attend the 'callover'.



Step 6: Serve a list of documents on the Regulator

- **Deadline:** Within 10 days of receiving the directions order.
- Serve on the Regulator a list of the documents you have in your possession which are relevant to the matters in dispute.



Step 7: Request documents from the Regulator

- The Regulator will send you a similar list of documents. Request any of the documents that you do not have in your possession as soon as possible.



Step 8: Supply copies of the documents requested by the Regulator

- **Deadline:** Seven days after the deadline for serving the list of documents.
- Supply the Regulator with copies of the documents they have requested. You do not need to supply a document for which there is a legal claim to privilege.



Step 9: File a statement of facts and contentions

- **Deadline:** 21 days after the completion of the supply of documents.
- File a statement of facts and contentions in the Industrial Registry. You will be bound by the statement of facts and contentions.
- The Regulator will be given a further 21 days to file its statement of facts and contentions.



Step 10: Serve the statement of facts and contentions on the Regulator

- You must serve the statement of facts and contentions on the Regulator.



Step 11: File a list of witnesses

- **Deadline:** Three days after the deadline for the Regulator to file its statement of facts and contentions.
- File a list of the names of all witnesses to be called by you at the hearing.



Step 12: Appear at the QIRC callover

- **Deadline:** Within a week of compliance with steps five to eleven.
- At the callover, the QIRC will set a hearing date. The appeal is not decided at the callover.



Step 13: Make any application to amend a statement of facts and contentions

- **Deadline:** Within seven days of the callover.
- You must apply to the QIRC to make any amendment to your statement of facts and contentions.



Step 14: Complete any further directions orders

- **Deadline:** Dates stipulated by the Vice President of the QIRC.
- After the callover, the Vice President will issue directions for further conduct of the matter.



Step 15: Attend a section 552A conference

- **Event Date:** Likely to be held within two weeks of the callover.
- If the parties require it, or if there is a self-represented appellant, the Vice President of the QIRC may set the matter down for a section 552A conference.



Step 16: Arrange for your witnesses to appear at the hearing

- You will need to call witnesses, including yourself, to give evidence at the hearing to support your appeal.



Step 17: Appear at a review mention

- **Event date:** Approximately two weeks prior to the hearing dates.
- Often, the vice president of the QIRC will list an appeal for a review mention.



Step 18: Attend the hearing

- You must attend the hearing and prove your case on the balance of probabilities.



Step 19: Pay appeal costs

- The unsuccessful party will usually be required to pay the costs of the other side.



Step 20: Appeal to the Industrial Court if you are not happy with the QIRC decision

- **Deadline:** Within 21 days of receiving the Commissioner's decision.
- Use the form from the Industrial Court of Queensland website. The decision of the Industrial Court is final.