**INFORMATION SHEET:**

**Miscellaneous Matters**

* 1. **Lists of Authorities**

If at any hearing a party wishes to rely on any authorities then notice of the cases to be relied upon is to be provided to the other party and the Tribunal within 3 clear days prior the hearing.

* 1. **Application for a Summons**

Any application to issue a summons pursuant to s104 of the *Tasmanian Civil and Administrative Amendment Act* 2021 will be considered by the Deputy President or a Senior Member. Parties will be required to fully detail their reasons for the application and satisfy the Deputy President or a Senior Member of the existence of a proper basis for the issue of such a summons[[1]](#footnote-1).

The Tribunal will not accept responsibility for any fees associated with the summons and the party seeking the summons must accept responsibility for such costs prior to the summons being issued.

Documents sought upon such a summons will be returnable to the Tribunal. Upon receipt, the Tribunal will arrange for the opposing party to examine the documents, if appropriate, in order to identify any objections. Such objections will be determined by the Tribunal (either formally or informally) before the documents are made available for viewing by the other party.

In the normal course the Tribunal will not hear objections on the grounds of privilege, relevance or otherwise until the documents are before the Tribunal.

* 1. **Referral to Arbitrated Hearing**

Where a matter is referred for hearing to the Tribunal by the conciliator, and after the directions hearing where the parties have confirmed the dates for hearing provided by the Tribunal are suitable, the Tribunal will, within 7 days, provide to the parties a notice of prehearing conference and in most cases a notice of hearing.

The purpose of the prehearing conference is to ensure that the matter is ready to proceed to hearing on the scheduled dates.

If there is an unsuccessful conciliation in relation to a s86(4) and s88 referral involving the same worker, the hearing of the s86(4) referral will not be delayed if the employer is not in a position to proceed with the s88 referral.

* 1. **Applications for Interim Orders (s60A)**

Applications for an interim order should be accompanied with the evidentiary material to be relied upon, in particular an affidavit or statutory declaration from the applicant setting out the evidence to be relied upon in establishing the basis for the making of an order. The application will not be listed until the Tribunal is satisfied that the supporting material and an outline of the basis of the application have been provided to the other party and to the Tribunal.[[2]](#footnote-2)

* 1. **Requests for Orders By Consent (s61(2))**

Parties seeking orders by consent are to provide a joint memorandum clearly outlining the form of the orders sought and the section of the Act pursuant to which orders can be made.[[3]](#footnote-3)

* 1. **Expert Witnesses**

Parties are to ensure that expert witnesses engaged for the purposes of matters before the Tribunal are aware of and agree to comply with the Expert Witness Code of Conduct published as Practice Direction 1 of 2016 at <http://www.supremecourt.tas.gov.au/publications/practice_directions>.[[4]](#footnote-4)

* 1. **Microsoft Teams and Video Conference Facilities**

Facilities are available for parties to attend the Tribunal via Microsoft Teams. These facilities can be made available if requested and approved by the Tribunal.

* 1. **General Administration Issues**
1. When filing paper referrals, the appropriate numbers of copies (including all attached documents) must be provided.
2. All referrals can now be filed with the Tribunal electronically by sending them to the following email address: wrc.personalcompensation@tascat.tas.gov.au.
3. If a referral is lodged electronically the onus will be upon the party lodging the referral to prove the referral has been filed with the Tribunal within the time limit prescribed by the relevant section of the Act. When the Tribunal receives a referral it will acknowledge receipt of it. However, if a party does not receive an acknowledgement, they should contact the Tribunal to ensure the referral has been received.
4. All referrals filed electronically must be collated and attached in a single document. Covering letters may be attached separately.
5. The Tribunal will continue to provide workers with a hard copy of any referral filed on behalf of an employer
6. When noting the names and addresses of parties on referral forms it is not acceptable to leave details for parties blank or to note these as “care of” the insurer or other party unless there are exceptional circumstances such as an employer ceasing to trade or being in liquidation. A specific street address must be provided as the Tribunal is required to send notices to all parties and the Act only makes provision for delivery by mail.
7. When referrals are filed with the Tribunal, where possible, all evidentiary material relied upon should be attached (including the claim form and the initial workers compensation medical certificate)[[5]](#footnote-5). If a party does not have and cannot obtain a copy of the claim documents then the referral needs to be accompanied by a letter stating why that is so. The letter also needs to provide details of the injury, the date of the injury and the parties that are involved.
8. The Tribunal will make available to parties telephone and teleconference facilities as requested and approved.
9. All decisions of the Tribunal (except ex parte s81A decisions) are published on Austlii.
1. See Practice Direction 1.13 [↑](#footnote-ref-1)
2. See Practice Direction 1.14 [↑](#footnote-ref-2)
3. See Practice Direction 1.15 [↑](#footnote-ref-3)
4. See Practice Directions 1.16 [↑](#footnote-ref-4)
5. See Practice Direction 1.3 [↑](#footnote-ref-5)