

Application for termination, diminution, redemption or commutation

In the District Court of New South Wales Coal Miners Compensation List

Statement of Claim

(If amended application precede with first, second, etc. as relevant)

By an employer seeking a review of an existing award in matter no:

Redemption or commutation under the Workers Compensation Act 1987 (delete where not relevant)

Note:

- 1. If this is an amended application, information that has been added or varied must be clearly identified by being italicised or underlined.**
- 2. Applications seeking the review, redemption or commutation of an existing award must be accompanied by a copy of the award.**

Defendant Worker (Injured person's details)

Given names:

Family name:

Date of birth:

Sex:

Address:

Plaintiff Employer (Employer details)

Name:

Address:

Plaintiff's Insurer

Name:

Claim number (if known):

Address:

Period of insurance (if all state the relevant period, 'whole'):

Plaintiff's Solicitor

Firm name:

Solicitor name:

DX:

Reference:

Telephone:

Fax:

Address for service (not DX):

Application is hereby made, particulars of which are set out herein, for the review of the weekly payment awarded / redemption / commutation of the employer's liability (delete where not relevant) under the said Act in respect of the injury received by the defendant worker.

Signature (Solicitor for the Plaintiff):

Notice to the Defendant

You are liable to have an Award or other order made against you unless, within 28 days after service of the Statement of Claim on upon you, you file a Defence in the Registry of the Court and you comply with the Rules of the Court in defending this matter.

Signature (Registrar of the Court):

Listing Information

A.

State the desired venue for the Hearing:
(Available Courts from the calendar are Sydney or Newcastle)

B.

State day or days of the week desired for the Hearing:
(Available days – any day from Monday to Friday)

Particulars

1.

- a) Date of injury (if over a period of time, state the period as accurately as possible):
- b) Grounds on which the variation is sought (leave this blank if application for redemption or commutation):

2.

- a) Nature of injury:
- b) Incapacity for work (state whether total, partial or partial claimed as total and the periods for each):
- c) Estimated duration of incapacity:
- d) Work for which defendant worker is fit during partial incapacity:

3. Particulars of variation sought of weekly payment awarded (in redemption and commutation applications, substitute 'Lump Sum proposed for redemption or commutation') (fill in below):

- a) Diminution to \$ pw as from (date):
- b) Termination as from (date):

Note - The following details need only be supplied for redemption and commutation applications

4. Defendant workers occupation at time of injury:

5.

a) Workers present weekly earnings:

b) Workers average weekly earnings in the last year:

c) Estimated ability of worker to earn (if not in employment):

d) Workers average weekly earnings in the last year:

e) Likely weekly earnings for the injury – s 38:

6. Particulars of compensation paid in respect of the injury (vary or add to as necessary, delete where irrelevant) (fill in below):

a) Periods of payment at maximum weekly rate:

Periods of payment at less than maximum weekly rate:

b) s 66 lump sum \$ in respect of

c) s 60 expenses (fill in below) :

Medical \$

Hospital \$

Rehabilitation\$

d) s 67:

e) Interest:

f) Other (specify):

7.

Particulars of compensation claimed by the worker but unpaid (fill in below):

a) Weekly payments \$ per week from (date):

b) s 60 expenses:

c) Other (specify):

8. Medical examinations of worker on employer's behalf on the past year:

Doctor/Doctors: on (date):

9.

State whether determination is sought in the circumstances set out in either s 51 (a), (b) or (c)

If s 51 (c), state date of approval of WorkCover Authority and attach a copy of the approval (only for commutation applications):

Note – Further particulars may be attached. Particulars must be given of any other fact alleged; failure to give this may take the defendant by surprise.