



Policy - exception rule for expert reports in the statutory offer period

1. During the statutory conference process, should the workers' legal representative consider that it is absolutely necessary to obtain an expert report to respond to assertions made by WorkSafe's legal representative, the workers' legal representative may make a request in writing to DMD to grant an exception status for such a report. A grant of exception status may be made where:
 - The question of liability is a significant factor in the non resolution of the case;
 - The report can be provided to WorkSafe's legal representative at least 5 working days before the employer's statutory offer is due; or
 - The issue in dispute was not previously known to the worker's legal representative.
2. DMD will advise the worker's legal representative in writing of the outcome of the request within 3 working days of any request.
3. DMD approval **must** be obtained prior to an expert being engaged. Reimbursement will be paid for the reasonable cost for a "relevant and necessary report" obtained in the statutory offer period.
4. If more than one expert report is required during the statutory offer period any subsequent reports for which reimbursement will be sought must also be confirmed by request under this exception rule.
5. DMD anticipate that this exception rule will only be required in exceptional circumstances. DMD will monitor, and if necessary revise, the use of this exception rule to ensure that it complies with the overall WorkSafe policy on payment for expert reports.