

DMD Policies and Procedures
POLICY ON TIME LIMITS ON PLAINTIFF COSTS CLAIMS

DISPUTE MANAGEMENT DIVISION

POLICY ON TIME LIMITS ON PLAINTIFF COSTS CLAIMS

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Policy on Time Limits on Plaintiff Costs Claims

1. In order to ensure consistency of dealing with all Plaintiff claims for costs and prompt delivery of those costs WorkSafe will apply the following:
 - i. Where as a result of an agreement or Court Order there is an entitlement to claim a worker's legal costs, such claims for costs must be submitted to WorkSafe within eighteen months of case resolution¹; or
 - ii. Where costs claims are not submitted within eighteen months, WorkSafe may apply to have the costs taxed or otherwise dealt with pursuant to Court Rules (eg O 63A.53, County Court rules).
2. Where claims for costs are submitted after eighteen months from the date of case resolution, WorkSafe may rely upon technical defences.
3. This policy will apply as follows:
 - i. For matters with a date of case resolution prior to 30 June 2007, unless costs claims in respect of these matters are submitted by 31 January 2009;
 - ii. For all matters with a date of case resolution after 30 June 2007; and
 - iii. For all costs claim that have not resolved within eighteen months of being submitted.

¹ *In this context case resolution does not include Legal Action resolution e.g. s 134AB serious injury application, which may predate case resolution.*