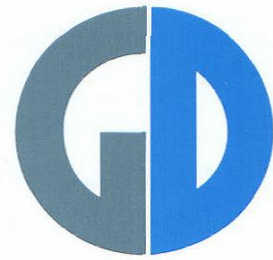


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CASE SNIPPETS

PATERSON -v- WORKCOVER CORPORATION

JD 44/1998

In Paterson -v- WorkCover Corporation (JD44/1998), the Corporation brought an Application for Directions (AFD) before the Deputy President requesting production of certain copy documents from the worker at the Conciliation Conference (CC) stage.

The worker had received the standard type letters sent to all parties to a dispute by Conciliation Officers requiring the parties to provide, at the request of another party, access to the relevant evidentiary materials.

The worker received written requests from the Corporation's representative for production of certain documents. At the CC, the worker's solicitors agreed to provide these but later refused.

The Tribunal held that the power to determine whether or not a party is required to produce materials requested by another party at the CC stage rests wholly with the Conciliation Officer and that it would be an improper exercise of the powers conferred upon a Deputy President at an AFD to make a ruling that a Conciliation Officer is empowered to make. This would usurp the Conciliation Officer's power by fettering the discretion that is otherwise conferred upon him or her by the Act and Rules.

Similar observations were made of Arbitration Officers and the arbitration process.