

Freedom of Information Act 1982

Part II Statement

The Accident Compensation and Conciliation Service (**ACCS**) is a statutory body established under the *Accident Compensation Act 1985* (Vic) to facilitate timely and cost effective resolution of worker's compensation disputes.

The ACCS makes information available to the public on its website and in print materials.

We provide information this way to reduce the need for members of the public to submit FOI requests.

These statements are a statutory requirement under the *Freedom of Information Act 1982* (Vic).

This section provides a snapshot of the types of locations of documents held by ACCS. It does not include all ACCS documents.

For more information about freedom of information, visit the Office of the Victorian Information Commissioner's website (link <https://ovic.vic.gov.au/>).

To seek further information about the functioning of the ACCS, please contact us:

ACCS
GPO Box 251
Melbourne VIC 3000

Ph: 1800 635 960 (free call during office hours)

Fax: 03 9940 1000

Email: info@conciliation.vic.gov.au

PART II PUBLICATION REQUIREMENTS

Information Statements	Page number
Statement 1: Organisation and Functions <ul style="list-style-type: none">• About the ACCS• Functions of the ACCS• Strategic Plan• Organisational Chart• Governing Legislation	3
Statement 2: Categories of Documents	6
Statement 3: FOI Arrangements <ul style="list-style-type: none">• What kind of information can you ask for?• Exempt documents.• Can someone make an FOI request on your behalf?• How much does it cost to make an FOI request?• How to make an FOI request.• Alternative ways of accessing our information.• What happens after we receive your FOI request?• How quickly will your request be processed?• Possible outcomes of an FOI request.• What can you do if you are not satisfied with the ACCS's decision?	8
Statement 4: Publicity Services <ul style="list-style-type: none">• Annual Reports• Procedures• Information for the public	11
Statement 5: Procedures and Guidelines <ul style="list-style-type: none">• Conciliation outcomes• Feedback• Complaints against our service	12
Statement 6: Report Literature	14

1. Statement 1: Organisation and functions

For information about the ACCS, its functions and organisational structure please refer to the following sections in this document:

[About](#)

[Strategic Plan](#)

[Organisational Chart](#)

[Legislation](#)

About

The [Accident Compensation \(Amendment\) Act 2001](#) introduced important reforms to Victoria's workplace accident compensation regime by establishing the Accident Compensation Conciliation Service. The ACCS is a statutory authority established on 11 October 201 under the *Accident Compensation Act 1985*.

The ACCS plays an important role in promoting the operation of the *Accident Compensation Act* by providing an independent service that uses the principles of alternative dispute resolution to resolve workers' compensation claims in Victoria. The ACCS resolve disputes by involving all parties, including workers, employers, the Victorian WorkCover Authority and/or self-insurers.

Our Purpose

Achieving fair outcomes for workers' compensation disputes in a respectful and inclusive manner to enhance the social and economic welfare of people impacted by workplace injuries.

Our Vision

Delivering service excellence in alternative dispute resolution for workplace injuries.

Our Values

- **INTEGRITY** - being honest, open and transparent; striving to earn and sustain trust by doing what you say you will
- **IMPARTIALITY** - making decisions on merit without bias; ensuring independence, understanding and respect; acting fairly by objectively considering all relevant facts
- **ACCOUNTABILITY** - accepting responsibility for decisions and actions; delivering on commitments; working to clear objectives in a transparent manner
- **RESPECT** - treating others as you wish to be treated; and ensuring freedom from discrimination, harassment and bullying

We are guided by an ethos of service to the community and are committed to applying Public Sector Values as outlined in the *Public Administration Act 2004* and associated Codes of Conduct, such as the [Code of Conduct for Directors of Victorian Public Entities](#) and [Code of Conduct for Victorian Public Sector Employees](#).

You can also view the ACCS' Code of Conduct and Protocols [here](#).

We also uphold the values in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

The Board:

The ACCS has an independent, skills-based board appointed by the Minister for Finance.

Information about our Board members is available on our [ACCS board internet page](#)

Executive Leadership Team:

Information about our Board members is available [here](#)

The ACCS' Functions

The *Accident Compensation (Amendment) Act 2001* introduced important reforms to Victoria's workplace accident compensation regime by establishing the ACCS.

Section 52B of this Act outlines the function of the ACCS as providing conciliation services for the purposes of that Act.

[Ministerial Guidelines](#) for the purposes of the *Accident Compensation Act* and *Workplace Injury Rehabilitation and Compensation Act* include statements that conciliation should:

- Assist the parties to achieve durable resolutions and agreements wherever possible;
- Be even-handed and fair, and address matters on their merits;
- Maximise flexibility and informality;
- Facilitate early return-to-work opportunities;
- Enhance ongoing worker/employer employment relationships;
- Be prompt and timely in the conduct of conciliation processes and in dealings with the parties; and
- Reduce cost implications for the parties and the scheme and ensure that matters do not unnecessarily proceed to the courts.

A copy of the Ministerial Guidelines are available [here](#).

Our Strategic Plan

When dealing with our service, you can expect to be dealt with professionally and impartially, making sure you are kept informed of your rights. The ACCS is promptly and fairly to ensure matters are dealt with in a safe environment.

The ACCS strategic objectives and key performance measures are documented in our Strategic Plan. A copy of the Strategic Plan is available [here](#).

Our Organisational Chart

A copy of the ACCS Organisational Chart is available [here](#)

Legislation

Some of the legislation related to the administration of and functions of the ACCS include:

Accident Compensation Act 1985 (Vic)

Accident Compensation (Amendment) Act 2001 (Vic)

Freedom of Information Act 1982 (Vic)

Financial Management Act 1994 (Vic)

Health Records Act 2001 (Vic)

Privacy Act 1988 (Cth)

Privacy and Data Protection Act 2014 (Vic)

Public Administration Act 2004 (Vic)

Public Records Act 1973 (Vic)

Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)

Workers Injury and Rehabilitation Compensation Act 2013 (Vic)

For a full list of Victorian legislation, visit the [Victorian Legislation and Parliamentary Documents](#) website.

2. Statement 2: Categories of documents

Document Types

In the course of administering the ACCS' functions, the following types of documents are created and held by the Service:

- Policy, procedures and standards
- Memorandum / briefings and reports
- Case files
- Registers
- Correspondence
- Meeting records
- Financial records
- Audio-visual material.

Operational

Most documents that the ACCS creates and handles relate to providing conciliation for the purposes of the *Workplace Injury Rehabilitation and Compensation Act 2013* and the *Accident Compensation Act 1985*. The ACCS operates independently of WorkSafe Victoria, WorkSafe agents, self-insurers, workers, employers, solicitors and unions.

Other supporting operational documents created by our service include:

- Guide to Handling Enquiries
- Conciliation Procedures
- Request for Conciliation form
- Resolving workers compensation disputes – the conciliation process booklet
- Resolving workers compensation disputes – the conciliation process DVD
- Complaints Procedures
- Templates
- Hard Copy File Management Protocols
- File Closure and Document Distribution and Return Protocol
- Operational Reports
- Evaluation Reports
- Governance Reports.

Administrative

The other type of documents created and held by the ACCS are those created to support the administrative functions of the ACCS. These workplace, information management and risk management policies include but are not limited to:

- Code of Conduct Policy
- Conflict of Interest Policy
- Privacy Policy
- Procedures under the Protected Disclosures Act
- Complaints Process

- Strategic Plan
- Service Charter
- Board Charter
- Risk, Audit and Finance Committee Charter
- Gifts, Benefits and Hospitality Policy

3. Statement 3: FOI Arrangements

Under the [Freedom of Information Act 1982](#) (FOI Act) you have a right to request information and access documents about your personal affairs and the ACCS's activities.

How to make an FOI request

Requests for documents in the possession of the ACCS should be addressed to:

Freedom of Information Officer
Accident Compensation and Conciliation Service
Level 1, 215 Spring Street
Melbourne VIC 3000

Email: foi@conciliation.vic.gov.au

What type of information can you ask for?

Under the FOI Act you can request:

- access to documents we hold about your personal affairs and our activities; or
- the amendment or removal of incorrect or misleading information about you held by us.

You may ask for a copy of the document or request access to the document.

The word 'document' includes paper documents and a broad range of media (including maps, films, microfiche, photographs, computer printouts, emails, computer discs, tape recordings and videotapes). 'Document' is defined term in section 5(1) of the FOI Act.

Exempt documents

The ACCS can refuse to grant access, or may decide to grant partial access, to certain documents or information that we hold based on exemptions under the Act ('exempt documents'). Exempt documents include (for example):

- Some internal working documents (section 30);
- Law enforcement documents (section 31);
- Documents covered by legal professional privilege, such as legal advice (section 32);
- Documents containing personal information about other people (section 33);
- Documents containing information provided to an agency in confidence (section 35);
- Documents containing information provided to an agency by a business (section 34); and
- Documents which are covered by secrecy provisions in other legislation (section 38).

Can someone make an FOI request on your behalf?

You can authorise another person (e.g. a solicitor) to make a request on your behalf. If you would like someone to make a request on your behalf for your personal information, you must give them written authorisation.

How much does it cost to make an FOI request?

A non-refundable fee is charged when you make an FOI request (the 'application fee'). You can claim a waiver of the application fee if payment of the fee would cause you financial hardship. Evidence of financial hardship must be included with your FOI request if you wish to seek a waiver. If you have any questions or queries about waiver of the fee, please contact us.

Additional charges apply in certain circumstances ('access charges'). Access charges are the costs incurred in granting access to the requested documents (e.g. photocopying the documents to provide copies to the applicant).

These costs may or may not apply depending on the nature of your request. All fees and charges are exempt from GST. To view the current application fee and access charges, please visit the [FOI Online website](#).

Alternative ways of accessing our information

- You may be able to access our information without going through the FOI process. Before you submit an FOI request, it may be worthwhile to contact us to find out if we can provide the information to you outside the FOI process.
- If you need documents for a court case or some type of litigation, speak to your legal advisor about your options for accessing those documents.
- The FOI Act does not apply to documents which contain information that is available for purchase by the public in accordance with arrangements made by the ACCS.

What happens after we receive your FOI request?

Once we receive your request, we will conduct an initial assessment. If your request is valid, we will process it. We will contact you if we require further information or clarification.

How quickly will your request be processed?

We have 30 days after the day we receive a valid FOI request to process it.

Pursuant to section 21 of the FOI Act, an agency may extend the 30 day due date when consultation is required under section 29, 29A, 31, 31A, 33, 34 or 35 of the FOI Act.

Possible outcomes of an FOI request

When the ACCS has reached a decision about your request, we will send you a letter informing you of the decision. The ACCS may decide to:

- refuse access in full or in part to a document;
- refuse to amend a personal record;
- defer access to a document; or
- not waive or reduce an application fee.

An application for a review must be made to the Office of the Victorian Information Commissioner (**OVIC**) within 28 days of you receiving the decision of the ACCS.

If your request has not been processed within the time limit, this is taken to be a refusal to grant access to the requested information under the FOI Act (a 'deemed refusal'). If this occurs, you can apply directly to the Victorian Civil and Administrative Tribunal (**VCAT**) for review of the deemed refusal.

What can you do if you are not satisfied with the ACCS's decision?

You can submit your application for review to OVIC by email or post. An application for review must:

- be in writing;
- identify that the ACCS is the agency concerned; and
- identify the decision you would like reviewed.

You can send your review application form and supporting documents to enquiries@ovic.vic.gov.au.

Alternatively you can send your application to:

Victorian Information Commissioner
Freedom of Information Reviews
PO Box 24274
Melbourne Victoria

4. Statement 4: Publicity Services

The ACCS continues to work to make information for users of conciliation services available in effective formats for the public. All publications are available free of charge online at <https://www.conciliation.vic.gov.au/>, or by contacting the ACCS direct.

Publications of the ACCS can be accessed and downloaded from the [Publications](#) section of this website. Publications are indexed by type.

The following publications and information about the ACCS are available to the public including:

- Request for Conciliation form
- Resolving workers compensation disputes – the conciliation process booklet*
- Resolving workers compensation disputes – the conciliation process DVD**
- Annual Report
- Privacy Policy
- Complaints Process
- Strategic Plan
- Service Charter
- Board Charter
- Directors Code of Conduct
- Conflict of Interest Policy
- Remuneration Committee Charter
- Risk, Audit and Finance Committee Charter
- Gifts, Benefits and Hospitality Policy.

* Available in the following languages: English, Arabic, Cantonese, Croatian, Greek, Italian, Macedonian, Mandarin, Polish, Serbian, Spanish, Turkish and Vietnamese.

** Available in the following languages: English, Arabic, Croatian, Greek, Italian, Macedonian, Serbian and Vietnamese. The English version includes closed captions for use by hearing impaired people.

Annual Reports

The Annual Report lists information on both the operation of our Service and the operation of accident compensation and conciliation in Victoria. This report is also tabled in Parliament.

The ACCS is required to report annually to the Parliament on the operation of the ACCS during that year. Copies of our Annual Report are available [here](#)

Procedures

[Complaints Procedure Overview](#)

[Code of Conduct](#)

[ACCS Service Charter](#)

[Ministerial Guidelines](#)

Information for the public

The following links provide further information to applicants and the general public about the conciliation process.

- [Requesting Conciliation](#);
- [Conferences](#);
- [Outcomes](#);
- [Conference Participants](#);
- [Obtaining Medical Records](#);
- [Guide to Conciliation \(Video\)](#);
- [Conciliation Service Brochure](#).

5. Statement 5: Procedures and Guidelines

Conciliation outcomes

The ACCS may propose a recommendation for resolving the dispute. The parties can then consider whether they will accept the as a way of concluding the dispute.

There may be disputes where the parties do not reach an agreement. In these circumstances:

- If the dispute relates to medical questions and there are no facts in dispute, the Conciliation Officer may refer the matter to the Medical Panel for a final and conclusive opinion;
- If the Conciliation Officer is satisfied there is no genuine case for denying a payment, they may make a direction that weekly payments and/or medical expenses be made for a limited period; or
- If there is an 'arguable case' made by the Victorian WorkCover Authority or Self-Insurer, the Conciliation Officer may issue a 'Genuine Dispute' or 'Unresolved' certificate allowing the injured worker to take the matter to the relevant court.

Court action may only be taken where the Conciliation Officer certifies that all reasonable steps have been taken by the person making the claim to settle the dispute.

Feedback

If you would like to provide feedback about this website, our service or our publications, please use the [contact form](#) on our website.

Complaints about our service

If you have a concern or complaint about the ACCS regarding the way we have performed our functions, or the services we have provided, please email complaints@conciliation.vic.gov.au or contact the Deputy Senior Conciliation Officer by mail:

The Deputy Senior Conciliation Officer
ACCS
GPO Box 251
Melbourne 3001

The ACCS is committed to providing a high level of service and takes your complaint seriously.

The ACCS will always handle personal information included in the lodgement of a complaint in accordance with applicable Victorian privacy law.

Complaints may be made by any person having contact with the ACCS about:

- The actions and conduct of the ACCS, its staff and contractors working at or on behalf of the ACCS;
- The actions and conduct of conciliation officers in some circumstances;
- The collection, holding, use or disclosure of personal information under the [Health Records Act 2001](#) and *Privacy and Data Protection Act 2014*; and
- A decision, policy or procedure of the ACCS relating to the operation and management of business of the ACCS.

Process

The Deputy Senior Conciliation Officer has primary responsibility for receiving, investigating and responding to complaints, although this may be delegated to appropriate ACCS staff or appointed external investigators.

The ACCS will send back a written acknowledgement of your complaint within three working days either by a return email or letter where your complaint was received by letter.

The ACCS intends to resolve complaints within 28 days, but complex investigations may take longer. We endeavour to keep you informed as to the progress of your complaint.

The ACCS will take appropriate action in response your complaint, including providing you with a written response, describing the outcome of the complaint and investigation.

If you are not satisfied with the ACCS' response to the outcome of your complaint, there may be a number of avenues you may take. For example:

- If your matter relates to personal information, it may be escalated to the [Victorian Information Commissioner](#);
- If your matter relates to health information, your complaint may be escalated to the [Health Complaints Commissioner](#);
- All other complaints may be escalated to the [Victorian Ombudsman](#).

A copy of our complaints process is available [here](#).

6. Statement 6: Report Literature

Please refer to the [Publications](#) section of this website in relation to reports of the ACCS. The Annual Report lists information on the operation of our service. This report is also tabled in Parliament.

Data and research information is included in the publications section of this website.

Further enquiries should be directed to: info@conciliation.vic.gov.au