Form P33a

Sample Consent Orders

### About Sample Consent Orders

In accordance with section 47 of the *South Australian Employment Tribunal Act 2014*, parties may agree to settle a matter before the Tribunal. In order for a matter to be settled, parties must agree in writing and lodge the documented agreement with SAET in order for it to make a determination or order.

Form P33 Application for Consent Orders is the form which parties must complete and lodge with SAET (including any supporting documents demonstrating consent of the parties) for a settlement order to be considered.

This document provides parties with samples of commonly used consent orders which they can copy into the P33 Application for Consent Order form and modify to the particular situation.

Note: These are sample consent orders. It should not be assumed that using them will automatically be accepted by the Tribunal. Parties should adapt them to their particular case as necessary.

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# Return to Work Act 2014

### Average Weekly Earnings

With the consent of the parties I make the following orders: -

1. The decision of the Respondent dated <date> setting the average weekly earnings at $###, is varied by substituting a rate of average weekly earnings of $###

2. The average weekly earnings rate includes: -

2.1 An overtime component of $###

2.2 A non-cash benefit component of $### in respect of ###

2.3 A component for equipment and/or facilities of $### in respect of ###

3. The Applicant is entitled to costs of the proceedings fixed at $### and reasonable disbursements, to be agreed or fixed by the Tribunal.

3. The Applicant is entitled to costs of the proceedings and reasonable disbursements, to be agreed or fixed by the Tribunal.

### Confirm

With the consent of the parties I make the following orders: -

1. The decision of the Respondent dated <date>, made pursuant to Section ##, is confirmed.

2. The Applicant is entitled to costs of the proceedings fixed at $### and reasonable disbursements, to be agreed or fixed by the Tribunal.

2. The Applicant is entitled to costs of the proceedings and reasonable disbursements, to be agreed or fixed by the Tribunal.

### Set aside and substitute

With the consent of the parties I make the following orders: -

1. The decision of the Respondent dated <date> (insert the description of the decision), is set aside.

2. (insert the substituted decision)

3. The Applicant is entitled to costs of the proceedings fixed at $#### and reasonable disbursements, to be agreed or fixed by the Tribunal.

4. The Applicant is entitled to costs of the proceedings and reasonable disbursements, to be agreed or fixed by the Tribunal.

### Whole Person Impairment (WPI)

With the consent of the parties I make the following orders: -

1. The decision of the Respondent dated ###, assessing lump sum compensation pursuant to Section 43 of the Act is varied to reflect the following entitlement for permanent impairment.

###% loss of function and impairment of the ###

1. The decision of the Respondent dated ### assessing lump sum compensation pursuant to Section 43 of the Act is varied to assess the worker’s degree of Whole Person Impairment at ##

2. The Applicant is entitled to the sum of $### (in accordance with Regulation 25 and the relevant prescribed sum(s) as applicable).

3. The Applicant is entitled to costs of the proceedings fixed at $### and reasonable disbursements, to be agreed or taxed.

3. The Applicant is entitled to costs of the proceedings and reasonable disbursements, to be agreed or taxed.

### Whole Person Impairment (WPI) Section 58

With the consent of the parties I make the following orders: -

1. The decision of the Respondent dated <date> assessing lump sum compensation pursuant to Section 58 of the Return to Work Act 2014 is varied to assess the worker’s degree of Whole Person Impairment at ##.

2. The Applicant is entitled to the sum of $###.

3. The Applicant is entitled to costs of the proceedings fixed at $### and reasonable disbursements, to be agreed or fixed by the Tribunal.

3. The Applicant is entitled to costs of the proceedings and reasonable disbursements, to be agreed or fixed by the Tribunal.