

**PRACTICE DIRECTIVE #11**

**SECTION 10(8) TRANSFER OF COSTS**

**Effective Date: March 3, 2003**

The Legislature has enacted the *Workers Compensation Amendment Act (No. 2), 2002* ("Bill 63"), which amends the *Workers Compensation Act* (the "Act"). As a result this practice directive was amended on March 3, 2003.

By resolution dated December 11, 1996, the Panel of Administrators rescinded Item 2, Paragraph 2.0, Decision Number 4, 7 W.C.R. 19, which assigned the decision-making authority on s.10(8) applications to the Chief Appeal Commissioner and the Appeal Division. They assigned to the President of the Workers' Compensation Board (the "WCB") the authority to delegate this decision-making authority. The resolution further designated that notice of a decision pursuant to s. 10(8) of the *Act* is a notice under the provisions of s. 96(6.1) of the *Act* and is therefore appealable to the Appeal Division. This policy decision became effective January 15, 1997. By delegation dated February 17, 1997, the President delegated the decision-making authority to the Director, Central Services, Compensation Services Division.

As historical background, the above statement remains accurate. However, s.96(6.1) of the *Act* has since been repealed under Bill 63. Under s.96.2 (2)(e)(i) of the *Act* decisions pursuant to s.10(8) are now reviewable by the Review Division. As well, the portion of the December 11, 1996 resolution designating that notice of a decision under s. 10(8) is appealable to the Appeal Division is no longer applicable. Therefore:

- a decision pursuant to s. 10(8) made on or after March 3, 2003 (the effective date of Bill 63) can not be considered a notice under the former s. 96(6.1);
- decisions pursuant to s.10(8) made on or after the effective date of Bill 63 are reviewable by the Review Division under s.96.2 (2)(e)(i) of the *Act*; and
- the decision-making authority on s.10(8) applications remains with the Director, Central Services, Compensation Services Division.

Applications for transfers of costs under s. 10(8) are to be made to Central Services, Compensation Services. If a Board officer receives an application for a transfer of costs under s. 10(8), or identifies a potential s. 10(8) issue on a claim file, the file should be referred to Central Services, E-file Desk.