



New South Wales

Workers Compensation Amendment (Commission Members) Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to enable more than 2 persons to be appointed as Deputy Presidents of the Workers Compensation Commission, and
- (b) to enable the appointment by the Minister of:
 - (i) one or more Arbitrators as Senior Arbitrators of the Commission, and
 - (ii) Senior Arbitrators and other Arbitrators on a full-time basis.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Schedule 1 Amendment of Workplace Injury Management and Workers Compensation Act 1998 No 86

Schedule 1 [1] substitutes section 368. The substituted section enables the Minister to appoint any number of Deputy Presidents to the Workers Compensation Commission (currently only two Deputy Presidents may be appointed).

The substituted section also provides that all members of the Commission are to be appointed by the Minister (currently Arbitrators are appointed by the President of the Commission).

The substituted section further provides that the Minister may appoint one or more Arbitrators to be Senior Arbitrators, either by the instrument of appointment or by some later instrument executed by the Minister.

Schedule 1 [2] provides that Senior and other Arbitrators appointed on a full-time basis are to be paid remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*.

Schedule 1 [3]–[6] make consequential and other minor amendments relating to Arbitrators.

Schedule 2 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Schedule 2 makes a consequential amendment to the *Statutory and Other Offices Remuneration Act 1975* to provide that the Statutory and Other Offices Remuneration Tribunal (and not the Minister) is to determine the remuneration of Senior Arbitrators and other full-time Arbitrators of the Commission.

First print



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Workers Compensation Amendment (Commission Members) Bill 2010

No. , 2010

A Bill for

An Act to amend the *Workplace Injury Management and Workers Compensation Act 1998* with respect to the members of the Workers Compensation Commission; and to make a consequential amendment to the *Statutory and Other Offices Remuneration Act 1975*.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Workers Compensation Amendment (Commission Members) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Workplace Injury Management and Workers Compensation Act 1998 No 86	1
		2
		3
[1] Section 368		4
	Omit the section. Insert instead:	5
368 Members of Commission		6
(1)	The Commission consists of the following members:	7
(a)	a President,	8
(b)	Deputy Presidents,	9
(c)	a Registrar,	10
(d)	Arbitrators.	11
(2)	The members of the Commission are to be appointed by the Minister.	12 13
(3)	The instrument of appointment of a member is to specify whether a member has been appointed as:	14 15
(a)	the President, or	16
(b)	a Deputy President, or	17
(c)	the Registrar, or	18
(d)	an Arbitrator.	19
(4)	One or more of the Arbitrators may be appointed as a Senior Arbitrator, either by the instrument of appointment of the Arbitrator or by a later instrument executed by the Minister.	20 21 22
[2] Schedule 5 Provisions relating to members of Commission		23
	Omit clause 4. Insert instead:	24
4 Remuneration		25
(1)	The following are entitled to be paid remuneration (including travelling and subsistence allowances) in accordance with the <i>Statutory and Other Offices Remuneration Act 1975</i> :	26 27 28
(a)	a Presidential member,	29
(b)	the Registrar,	30
(c)	a Senior Arbitrator or any other Arbitrator appointed on a full-time basis by the instrument of appointment of the Arbitrator or by a later instrument executed by the Minister.	31 32 33 34

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Schedule 1 Amendment of Workplace Injury Management and Workers Compensation Act 1998 No 86

(2)	Any other Arbitrator is entitled to be paid such remuneration (including travelling and subsistence allowances) in respect of work done as a member of the Commission as the Minister may from time to time determine in respect of the Arbitrator.	1 2 3 4
[3]	Schedule 5, clause 6 Vacancy in office	5
	Omit “(other than an Arbitrator)” from clause 6 (2).	6
[4]	Schedule 5, clause 6 (3)	7
	Omit the subclause.	8
[5]	Schedule 5, clause 8 Seniority	9
	Insert after clause 8 (1) (c):	10
(c1)	Senior Arbitrators according to the days on which their appointments took effect or, if the appointments of 2 of them took effect on the same day, according to the precedence assigned to them by their instruments of appointment,	11 12 13 14
[6]	Schedule 5, clause 13	15
	Insert after clause 12:	16
13	2010 Amending Act—saving of existing appointments	17
(1)	The substitution of section 368 of this Act by the <i>Workers Compensation Amendment (Commission Members) Act 2010</i> does not affect the continuity in office of any member of the Commission holding office immediately before the commencement of that Act.	18 19 20 21 22
(2)	An Arbitrator holding office immediately before the commencement of that Act is eligible to be appointed as a Senior Arbitrator or on a full-time basis	23 24 25

Schedule 2	Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	1 2 3
Schedule 2 Public Offices		4
Insert in Part 1 after the matter relating to the Registrar of the Workers Compensation Commission:		5 6
Senior Arbitrator or other full-time Arbitrator of the Workers Compensation Commission		7 8