



# Legislative Council

## Compensation Court Repeal Bill

### Hansard - Extract

11/06/2002

#### Second Reading

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.11 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

This Bill is necessitated by the amendments to the Workers Compensation legislation that were made by the Government last year.

A key element of those changes was the establishment of the Workers Compensation Commission, which commenced operation in relation to all disputes arising from new workers compensation claims from January 2002.

Since 1 April 2002 there have been no disputes filed with the Compensation Court arising from workers compensation claims.

As at 1 April 2002 the Compensation Court had a pending caseload of 30,894 matters. It is estimated that it will take the Court until December 2003 to work through its current pending caseload.

Accordingly, this Bill repeals the *Compensation Court Act 1984* and disestablishes the Compensation Court with effect from the end of 31 December 2003.

All Judges of the Compensation Court who are with the Court at that date will be appointed, by operation of the legislation, as Judges of the District Court with their current seniority and status preserved. As the members of the Dust Diseases Tribunal are also Judges of the Compensation Court, these provisions of the legislation will also operate to transfer their appointments to the District Court. The Dust Diseases Tribunal will be otherwise unaffected.

The Bill also makes provision for the present Chief Judge of the Compensation Court, the Hon. Justice Campbell, to stay with the Court as an Acting Judge, if he so chooses, from the date of his compulsory retirement at age 72 until the end of 31 December 2003. I am very grateful to the Chief Judge for his willingness to stay on with the Court and to help it through this difficult transition time.

If there are pending matters in the Compensation Court on the repeal date, the Bill provides that any pending workers compensation matters (other than those relating to coalminers) will be transferred to the Workers Compensation Commission, where they will be dealt with in accordance with the new procedures applicable in the Commission. However a regulation making power is included to enable alternative arrangements to be made in this regard.

Any other pending matters in the Court on the repeal date, including compensation matters relating to coalminers, will be transferred to the District Court and dealt with in accordance with currently applicable procedures.

The Compensation Court presently has jurisdiction in relation to a number of miscellaneous matters that are not the province of the Workers Compensation Commission. Jurisdiction in relation to all of these residual areas, including workers compensation claims for coalminers, will be transferred to the District Court.

The position in relation to disputes arising in relation to coalminers has been the subject of discussions between WorkCover, the Minerals Council and the Construction Forestry Mining and Energy Union. There are a number of issues of mutual concern to the CFMEU and the Minerals Council in relation to:

- the provision of funding by Coal Mines Insurance to the District Court;
- administrative matters relating to the handling of issues within the District Court; and, finally
- whether strategies will be put in place to ensure that there is not a loss of expertise in relation to coal mining matters.

WorkCover, the Attorney General's Department and the District Court will continue discussions with these bodies over the next eighteen months to ensure that these concerns are addressed. These discussions will include consideration of alternative options to the transfer of matters to the District Court, although it is recognised that the District Court option will proceed if an alternative option satisfactory to all the parties cannot be agreed.

Another aspect of the Compensation Court's jurisdiction includes "hurt on duty" applications under the *Police Regulation (Superannuation) Act 1906*. While the bill also provides for the transfer of these matters to the District Court, WorkCover will be contacting the NSW Police Association to discuss alternative options.

The Schedule to the Bill makes consequential amendments to other legislation that contains references to the Compensation Court.

The demise of the Compensation Court is an inevitable outcome of the restructuring and reform of the WorkCover scheme.

I would very much like to thank the Chief Judge, the Judges, the Commissioners, the Registrar and in particular all the staff of the Compensation Court for the fantastic efforts they have made to accommodate the legislative changes that have been made. They have coped with an unprecedented number of filings in the last few months, and I have every faith that this dedicated band of people will continue to rise to the challenge of change over the coming months.

The Registrar of the Compensation Court will be working very hard with the Attorney General's Department to find new and challenging opportunities for staff as the time for closure of the Court approaches.

I commend the Bill to the House.