

tendered by Ms Aplin
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Bob

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ESTABLISHMENT, STRUCTURE AND OPERATION OF THE
COMPENSATION AUTHORITIES STAFF DIVISION OF THE
NSW GOVERNMENT SERVICE

Summary

1. The Compensation Authorities Staff Division is a NSW Public Service Department created following the restructure of the Public Sector in July 2009. The Division forms part of Treasury being the Principal Department.
2. The Division consists of the former Office of the WorkCover Authority and the former Office of the Motor Accidents Authority. The Division provides staff to various statutory bodies, being – the WorkCover Authority, the Motor Accidents Authority, the Lifetime Care and Support Authority, the Workers Compensation (Dust Diseases) Board, the Workers Compensation Commission, and the Building and Construction Long Service Payments Corporation.
3. The Chief Executive of the Division is the Chief Executive Officer of the Motor Accidents Authority, the Lifetime Care and Support Authority, and the WorkCover Authority. The Chief Executive of the Division is also the Independent Chairperson of the Workers Compensation (Dust Diseases) Board. The Chief Executive Officer of the WorkCover Authority is the Chief Executive Officer of the Building and Construction Long Service Payments Corporation.
4. The Chief Executive of the Division delegates the management of staff and related financial controls to the General Managers or other appropriate staff members of the respective statutory bodies.
5. The statutory bodies to which the Division provides staff are established under specific legislative arrangements which provide for those bodies to exercise relevant powers, authorities, duties and functions including fund management. The operation of the Division involving the provision of staff to the statutory bodies by way of support does not affect the exercise of relevant powers, authorities, duties and functions by any statutory body. The Division does not affect the administration and management of the funds to which each of the statutory schemes relate.

Establishment

On 27 July 2009 the *Public Sector Employment and Management (Departmental Amalgamations) Order 2009* (the Order) was published on the NSW Government's legislation website. The effect of the Order was to abolish the Office of the WorkCover Authority and the Office of the Motor Accidents Authority (which included staff of the Lifetime Care and Support Authority) as Divisions of the NSW Government Service.

(The NSW Government Service consists of those persons who are employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* (PSEMA) by the NSW Government in the service of the Crown: s4A(1) of the PSEMA. The Divisions of the Government Service specified in Part 1 of Schedule 1 to the PSEMA comprise the Public Service of New South Wales. Any such Division may be referred to as a Department (or a Department of the Public Service) for the purposes of the PSEMA or any other Act. The person exercising functions as Division Head of such a Division may be referred to as the Department Head: s6 of the PSEMA).

The Order established as a Division of the Government Service the Compensation Authorities Staff Division. The Division forms part of Treasury as the Principal Department. The Division is listed in Schedule 1, Part 1, Division 2, of the PSEMA. The Division is responsible to the Minister for Finance and the Minister for Industrial Relations. The officers of the former Office of the WorkCover Authority and the Office of the Motor Accidents Authority were transferred to the Compensation Authorities Staff Division. The Office of the WorkCover Authority was formerly the Department responsible for the Workers Compensation (Dust Diseases) Board, the Workers Compensation Commission and the Building and Construction Long Service Payments Corporation, and the Compensation Authorities Staff Division also includes these staff. The Division Head is the Chief Executive of the Division.

The *Public Sector (Miscellaneous Acts Amendments) Act 2009*, Schedules 13, 14 and 30 provide for amendments to the *Motor Accidents Compensation Act 1999*, the *Motor Accidents (Lifetime Care and Support) Act 2006*, and the *Workplace Injury Management and Workers Compensation Act 1998* which have the effect of making the Chief Executive of the Compensation Authorities Staff Division the Chief Executive Officer of the Motor Accidents Authority, the Lifetime Care and Support Authority, and the WorkCover Authority. The Chief Executive Officer of the WorkCover Authority is the Chief Executive Officer of the Building and Construction Long Service Payments Corporation.

Structure

An organisational structure chart indicating the operational and Ministerial reporting structure of the Compensation Authorities Staff Division is attached.

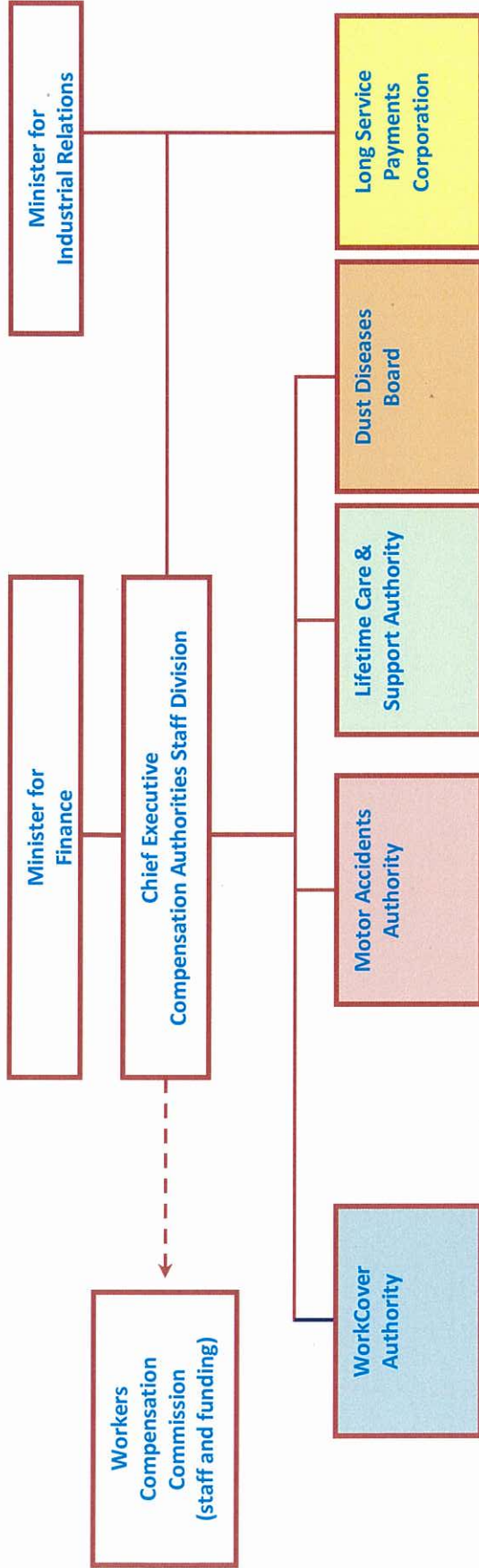
The chart illustrates allocation of Division staff to the various statutory bodies for which the Division has the responsibility to support to enable such bodies to exercise their respective statutory functions.

Operation

The Compensation Authorities Staff Division provides staff, as the relevant Division of the NSW Government Service, to the WorkCover Authority, the Motor Accidents Authority, the Lifetime Care and Support Authority, the Workers Compensation (Dust Diseases) Board, the Workers Compensation Commission, and the Building and Construction Long Service Payments Corporation. Each of the statutory bodies have specific statutory functions as provided for in the relevant Acts:

- The *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*;
- The *Motor Accidents Compensation Act 1999*;
- The *Motor Accidents (Lifetime Care and Support) Act 2006*;
- The *Workers Compensation (Dust Diseases) Act 1942*;
- The *Building and Construction Long Service Payments Act 1986*.

The fact that the Chief Executive of the Division is the Chief Executive Officer of the statutory bodies (with the exception of the Workers Compensation Commission which is a quasi judicial tribunal), and in the case of the Workers Compensation (Dust Diseases) Board the Independent Chairperson appointed by the Minister, does not interfere with the appropriate and necessary performance of any statutory functions.



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Reports to Minister for Industrial Relations

