

# Workers Compensation Commission Annual Review - 2002

The Workers Compensation Commission is an independent statutory tribunal within the justice system of New South Wales.

The Commission was established under the *Workplace Injury Management and Workers Compensation Act 1998* to provide a fair and cost-effective system for the resolution of disputes. Operations began in January last year.

The Commission provides a fair, flexible and transparent process which encourages people to be directly involved in resolving their own disputes. It also ensures that injured workers get early resolution of their disputes and prompt, correct payment of their entitlements.

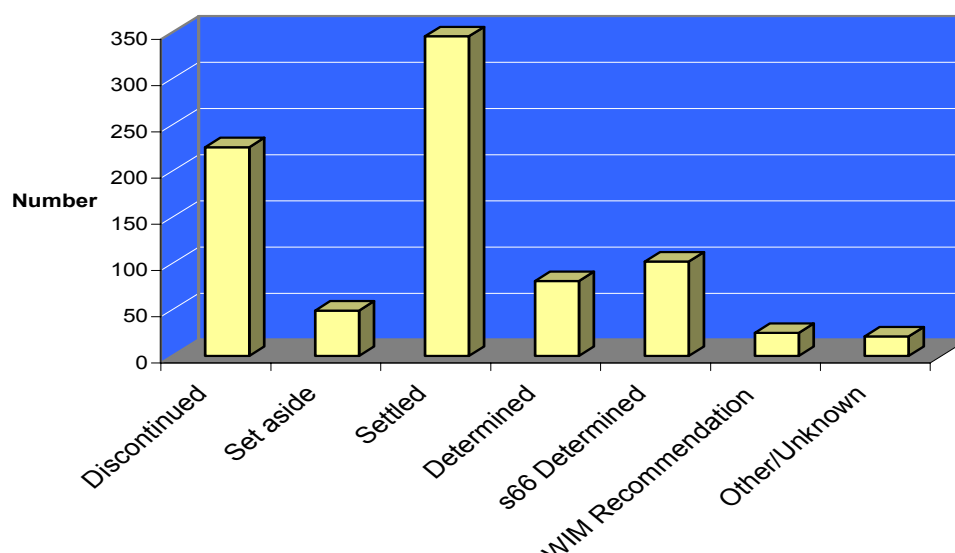
Because of the way it is set up, the Commission is expected to play a part in the reduction in costs across the state's workers compensation system, which includes a reduction of transaction costs for workers compensation claims and disputes.

## A quicker way

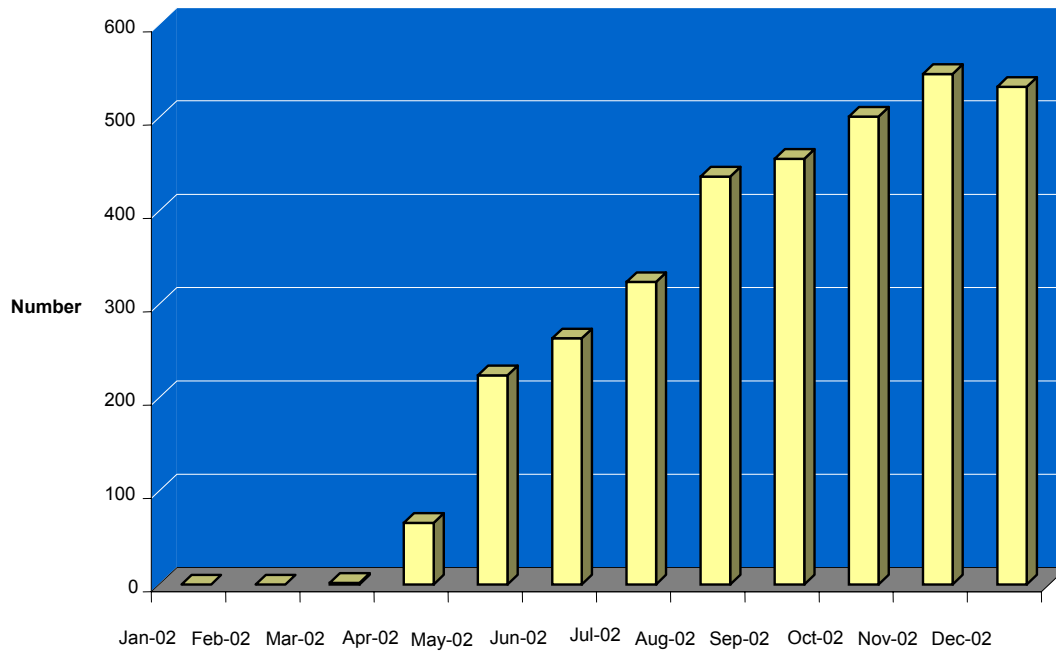
Figures just released for the first year of operation show a marked decrease, compared to the court system, in the number of cases filed, and in the time taken from the registration of a workers compensation dispute until the matter is closed and the parties notified of the outcome. On average, the arbitration process in the Commission is taking 91 days from start to finish.

The majority of disputed matters in the Commission are resolved by settlement or discontinuance. In the first full year, 41% of cases were settled and 27% were discontinued by the applicant or by agreement of the parties. 10% of cases were determined by Arbitrators, either 'On the Papers' or at a Hearing, 12% closed by 'Registration of an S66A Agreement', and 3% finalised as a result of a 'Workplace Injury Management' recommendation by the Registrar.

## Applications to Resolve a Dispute - Closures by Type



### Applications to Resolve a Dispute - 2002 - by Month



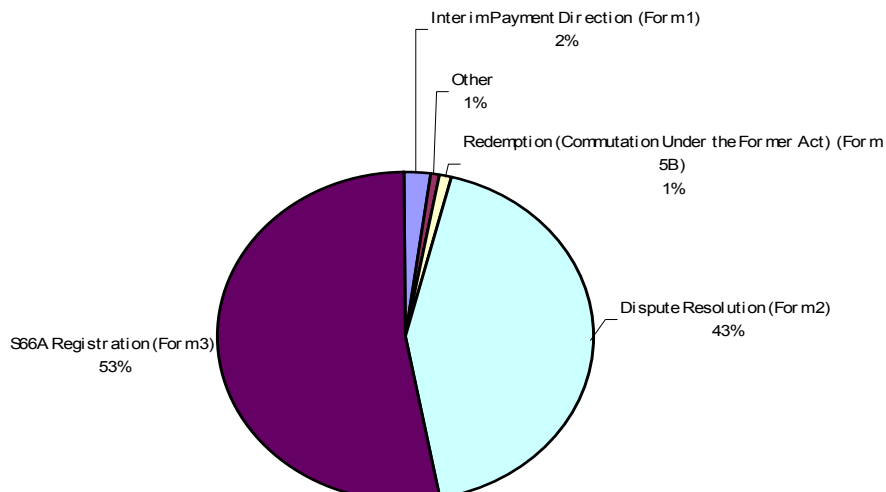
### Rapid increase in number of matters

Over 8,000 applications were made to the Commission in 2002, rising steadily from about 340 for the month in January to slightly more than 900 for the month in December.

### Types of Disputes

Looking at annual figures, over 50% of applications received by the Commission in 2002 were to Register an S66A Agreement, which is an agreement between an insurer and a worker for the payment of lump sum compensation for permanent impairment. Some 43% of applications were to Resolve a Dispute, and 2% were for Interim Payment Directions.

### Applications Received By Major Type



The Commission has also received 17 Appeals against decisions by Arbitrators, 29 Appeals against decisions by Approved Medical Specialists, and 17 Questions of Law.

In the last quarter of the year, about 340 S66A Agreements and about 530 Applications for Dispute Resolution were lodged in the Commission per month.

### **The make up of the Commission**

The Commission is headed by a President. The President determines points of law and, along with the two Deputy Presidents, hears any appeals against decisions made by Arbitrators.

The Registrar oversees the running of the Commission and decides how the Commission responds best to each dispute.

The President also appoints the Arbitrators, who are legally qualified and/or highly experienced in workplace injury management, and the Approved Medical Specialists, who assess medical disputes for the Commission. There are currently 84 Arbitrators and 94 Approved Medical Specialists appointed by the Commission.

### **Access & Equity for all**

A comprehensive Access & Equity Service Charter, which was released by the Commission in December 2002, outlines a commitment that all members of the community have equal access to its services.

Cost is not a barrier to having a dispute resolved – the Commission provides its services free to all parties and there are no filing fees required to lodge an application.

Distance is not a barrier either, because the Commission has appointed Arbitrators throughout New South Wales, and expects them to travel to the most convenient venue for conferences.

Injured workers who do not have English as a first language can have the help of qualified interpreters free of charge for Commission proceedings, and assistance is also provided to people with disabilities so that they can access the Commission.

The Commission actively encourages workers to have the help of a lawyer or agent, but also provides particular support for those who want to lodge a dispute without having the help of either a lawyer or agent. A brochure on the Self-Represented Worker covers the information an injured worker needs to have to negotiate the Commission.

### **Information about the Commission**

The Commission has recently published many easy-to-understand brochures and step-by-step guides, which explain exactly how its procedures work, and what a person needs to know in order to have a dispute resolved.

Key information is translated into ten community languages: Arabic, Chinese, Croatian, Greek, Italian, Macedonian, Serbian, Spanish, Turkish and Vietnamese. By the end of March 2003 the Commission will have published thirteen brochures in English and eight of these have been translated into ten different languages.

All of this information is also available on the Commission's comprehensive website at [www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au), including translations of key information.