

## Workers Compensation Commission of New South Wales

# Past Presidents honoured

By Rodney Parsons, Registrar, Workers Compensation Commission



The Hon Paul Keating, Simon Feildhouse (artist) and Judge Greg Keating, the past President of the Workers Compensation Commission



Judge Greg Keating and family

The Workers Compensation Commission of New South Wales first sat as a specialist tribunal to resolve workers compensation disputes on 3 August 1926. Its members have, for almost 100 years since, dispensed justice to injured workers, their families and employers in disputed compensation claims.

Workers compensation dispute resolution underwent a major overhaul in 2001. A newly formed Commission, which commenced

operation on 1 January 2002, introduced alternative dispute resolution strategies to resolve disputes. The new Commission processes were a marked departure from the strict pleadings and legalism of the system it replaced. The informal dispute resolution model continues to successfully operate today.

A main feature of the Commission's dispute resolution model is early access to conciliation conferences at which Commission-appointed



The Hon. Mark Speakman SC MP, Justice Terry Sheahan AO,  
Judge Gerard Phillips, President of the Workers Compensation Commission

arbitrators assist the parties to narrow the issues in dispute and explore settlement options. Indeed, arbitrators have a legislative mandate to use their best endeavours to bring the parties to a resolution acceptable to them. Getting the parties together early is complemented by the requirement for upfront lodgment and exchange of evidence and restrictions on the introduction of new evidence, new claims and new defences. Setting the parameters in this way enables the parties to focus attention on resolving, rather than enlarging, the dispute.

Disputes are initially listed before arbitrators for a telephone conciliation conference, which is held 28 days from the date the dispute is lodged. Disputes that are not resolved at the telephone conference are fast-tracked to a concurrent listing comprising of a face-to-face conciliation conference and, if necessary, an arbitration hearing. The conciliation conference/arbitration hearing is usually held three weeks after the telephone conference.

An expedited assessment process is also available to resolve disputes for closed periods of weekly compensation (up to 12 weeks) and medical expenses compensation (up to \$9,389). Expedited assessment conferences are held 14 days from lodgment of the dispute. The Commission may also refer a medical dispute to an independent medical specialist for assessment, which usually takes place 35 days from lodgment of the dispute.

Proceedings in the Commission are conducted with as little formality and technicality as the proper consideration of each matter permits. If a dispute cannot be resolved by agreement, an arbitrator will determine liability for the claim. Less than ten per cent of disputes are determined. An internal appeals process against decisions of arbitrators lies to a Presidential member for error of fact, law or discretion. An appeal from a Presidential member is to the Court of Appeal in point of law.

The Commission is widely acknowledged for its progressive approach to dispute resolution. The 2001 reforms were led by then Commission President, Justice Terry Sheahan AO. His vision of early intervention, document exchange and informal conferencing were significant shifts in longstanding practice and procedure. It challenged legal professionals practising in the jurisdiction at that time.

The early foundations laid by Justice Sheahan were built on by Judge Greg Keating, who was President of the Commission from 2007 to 2018. By the conclusion of Judge Keating's appointment, the Commission had established a reputation for efficiency and durability

in resolving disputes, with the majority of disputes resolved within three months of lodgment.

Under new President, Judge Gerard Phillips, the Commission is embarking on the next stage of its service delivery program, by incorporating greater use of digital technology. The centrepiece of the Commission's digital service delivery platform is an online portal, which was launched in May 2019. The new platform will provide significant benefits, including:

- 24/7 access to lodge and view applications from any device;
- Access to, and exchange of, information online;
- Electronic access to documents produced by third parties;
- Real time access to the progress of matters, including future allocations such as medical appointments and hearings;
- Opportunities to further reduce timeframes to resolve disputes;
- SMS technology for notification of listings and medical assessments;
- Ability to brief Counsel electronically.

The Commission is committed to full implementation of the online portal by year's end. Support services for practitioners transitioning to the new portal are available from the Commission.

The Commission honoured retiring judges and past Presidents, Justice Sheahan and Judge Keating, at a portrait unveiling of the former Presidents, hosted by Judge Phillips on 23 May 2019. The portraits were unveiled by the Attorney General, the Hon Mark Speakman SC MP before a well-attended gathering of family, friends and colleagues.

The portraits of the former Presidents continue the tradition of honouring past heads of the jurisdiction. Like those before them, the portraits join the historical record of judicial officers in New South Wales and are a fitting acknowledgement of their Honours' service to the State of New South Wales and their stewardship of a jurisdiction tasked with the important function of dispensing justice to injured workers, their families and employers.

The portraits are on public display at the Commission's premises at 1 Oxford Street, Darlinghurst.



HIS HONOUR JUDGE GREG KEATING  
PRESIDENT NSW WORKERS COMPENSATION COMMISSION  
5 NOV 2007 ~ 7 DEC 2018

