



Greg Pearce MLC

Minister for Finance and Services

Minister for the Illawarra

MEDIA RELEASE

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FREE LEGAL SUPPORT FOR WORKERS COMPENSATION DISPUTES

Minister for Finance and Services Greg Pearce today announced the establishment of a new legal assistance and review service offering a free, independent and quick process to resolve disputes between injured workers and insurers.

“This Government has acted to ensure that there will be no unnecessary financial burden on injured workers who have legitimate claims and to provide a workers compensation system that is efficient, fair and equitable,” Mr Pearce said.

“The new Independent Legal Assistance and Review Service (ILARS) is designed to provide a free, independent and quick process to address matters otherwise dealt with in the Workers Compensation Commission,” he said.

“This will mean workers can have their matters reviewed without going through the stress of a full hearing before the Workers Compensation Commission or the associated legal expenses.

“The costs of establishing the service will be met from the WorkCover Authority Fund, which meets the costs of WorkCover and the Workers Compensation Commission and is funded by insurers and employers.

“Legal stakeholders and their associations have played a particularly constructive role through WorkCover’s legal stakeholder reference group in addressing the difficult questions of costs,” Mr Pearce said.

Features of the new system include:

- A free legal review service within the WorkCover Independent Review Office (WIRO) – no legal expenses need be covered by the worker;
- Reviews will be conducted by independent legal experts in the area of workers compensation;
- Where the insurer does not agree with the opinion of that independent legal advice, workers may be provided with independent legal representation to pursue matters in the Workers Compensation Commission following a merit review.

“The new service will be conducted by solicitors or barristers who are independent of both WorkCover and WIRO and who have strong experience in workers compensation. This may include current practitioners and those who have previously worked as arbitrators within the Workers Compensation Commission,” Mr Pearce said.

“Injured workers will still be able to take their claim to the Workers Compensation Commission at their own expense, but this new service offers a much more direct and affordable avenue for injured workers to pursue their grievances.

“I would like to acknowledge the role of the Hon. Robert Borsak MLC and the Hon. Fred Nile MLC in assisting the Government on the legal costs issue. They played a constructive role in the setting up this new service.

“The new arrangements for costs and access to the ILARS will immediately take effect for new claims made on or after 1 October 2012. The old costs arrangements will apply for claims made prior to 1 October, if proceedings are filed in the Workers Compensation Commission before 1 January. The new costs arrangements and access to ILARS for these older claims will commence on 1 January,” Mr Pearce said.

Mr Pearce also confirmed that as indicated in the reform debate in June, the role and provision of legal services will be referred to the Law and Justice Committee of the Legislative Council for oversight and review.

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