

1982 No.117

Explanatory Statement

Subject: Compensation (Commonwealth Government Employees) Regulations (Amendment).

The purpose of the Statutory Rules is to ensure that persons who are engaged, or persons whose services have been made available, for the purposes of the High Court of Australia have workers' compensation coverage under the Compensation (Commonwealth Government Employees) Act 1971.

Regulation 1 of the Statutory Rules adds a further class to the classes of persons prescribed in the table to Regulation 11 of the Compensation (Commonwealth Government Employees) Regulations. That class will encompass persons engaged as employees of the High Court by the Clerk under sub-section 26(3) of the High Court of Australia Act 1979 and officers and employees of the Australian Public Service, or an authority of the Commonwealth, whose services have been made available for the purposes of the Court under sub-section 26(6) of that Act.

Regulation 2 of the Statutory Rules expresses the date of effect of the proposed amendment as 21 April 1980. This is the date of commencement of the High Court of Australia Act 1979 under which those persons to whom the amendment applies have been engaged or their services made available. This retrospective application will ensure that such persons who have suffered injury or disease in the service of the Court prior to the making of these Statutory Rules will have a statutory right to compensation under the Compensation (Commonwealth Government Employees) Act 1971 and have access to the avenues of administrative review provided under that Act. To date, compensation claims by employees of the High Court have been handled by ex-gratia arrangements.