

On the road with...

The Workers Compensation Commission

By Kavindra Balendra

The Bar presents few better opportunities for collegiality than being on circuit. There are even fewer opportunities for barristers to spend time in a convivial environment with a judge and their staff than the circuit dinner.

In this edition, *Bar News* explores the opportunities for travel presented by the Workers Compensation Commission.

The Workers Compensation Commission has a strong focus on access to justice and regularly sits in various country towns throughout NSW. Barristers frequently travel to regional centres to run their cases before Commission Arbitrators.

This is a discussion between Arbitrator Scarcella, Mr D Adhikary and Ms K Balendra in Griffith.

Kavindra Balendra: *Mr Scarcella, how long have you been an arbitrator? And Mr Adhikary, how long have you been a barrister and practising in workers comp?*

Arbitrator Anthony Scarcella: I have been an arbitrator since 2017 and a mediator since 2013.

Mr D Adhikary: I've also been practising in workers comp for a year and a half, since I came to the Bar.

Balendra: *Why does the workers compensation commission sit in various country towns?*

Scarcella: I think the commission has always had an aim to ensure that workers in regional and country NSW are able to access hearings convenient to them, and that policy persists today.

Balendra: *And how do you feel about the travel?*

Scarcella: I really enjoy the regional work. I enjoy the feel of the country towns I go to. I will often make it a couple of days' visit. I organise cases over a period of two or three days. It might run five or six or hopefully settles more than I run, and that makes a week of it to drive down rather than fly. If I have one case, I'll fly in and fly out. But an extended period of two or three days is preferable because I think it is more relaxing. It gives you time in between to think and it is not as exhausting, believe it or not as flying in and flying out in one day.



Adhikary: Of course, sometimes it's a bit taxing (if you fly out and in). You've got to wake up very early and then you have to do the same thing on the next day, but on the whole, I don't have any complaints.

Balendra: *Ok, so we are sitting here in Griffith courtroom and have just finished running an arbitration. What do you think of the arbitration facilities that are available in Griffith?*

Scarcella: Well, the courthouse in Griffith is the preferred location, not that we sit formally, as you know we sit around the Bar table and have the hearing. We don't use the full facilities of the court but it is a good venue. I suppose it gives the people a feel that their cases are important.

Some of the other venues are not as convincing when it comes to taking the matter seriously. I always ensure, even when we are in those venues, that I explain to all parties that the venue has been allocated because everything else has been used up.

We've used the Quest Griffith before which is a good venue. There are problematic venues like the library. A beautiful library but unfortunately, on one occasion, we were there during 'kiddie time' at 10 o'clock and we had sing-alongs in the background to recording the arbitration hearing. The other venue in the [Griffith City] Council's Chambers I find too big for sound recording purposes. But more often than not, we adapt, and we make it work.

Balendra: *So what is it like coming to Griffith? How did you get here?*

Adhikary: I do the hit and run. I catch public transport mostly to the airport and then I fly. If I can't, I catch a train. I've had to catch the Rex (Regional Express Airlines) planes a fair bit. This (flight) was probably the most uneventful one. Normally they wobble a bit and you feel like you're holding on for dear life. Luckily, this flight wasn't too bad.

Scarcella: I am actually driving and if I possibly can, I'll do it when I've got some cases in Wagga then Albury and then come to Griffith, or Wagga to Griffith and then that seven hours' drive back to Sydney. But if I only have the one case on, I fly down and hit and run, which I think is more exhausting. As Mr Adhikary said, you've got to get up very early to leave and you don't get back until about 8pm by the time you get that afternoon flight.

Balendra: *And finally what's Griffith like if you're visiting?*

Scarcella: I think it's a wonderful place to visit. Certainly you get any number of choices of restaurants – quality restaurants and the accommodation is excellent. I've stayed here overnight many times in the three years since I've been an arbitrator and it's very comfortable, very accommodating, a friendly place and busy.

Adhikary: It's my first time here in Griffith, but it seems good.

Balendra: *Any recommendations for visitors?*

Scarcella: I think, top of the list is Limone Dining at the top of Banna Avenue where, actually, the owner comes around and tells you what he's done in preparing the food. Maybe that was the one and only occasion, but it was certainly a very pleasant evening. Another place for lunch, when it is open and that can be hit or miss, depending on what day of the week you are here, is Zecca which I found very good for lunch.

Balendra: One of the famous places to eat down here is La Scala as well. It's quite well known. But you need to be there at night I think.

Scarcella: I haven't been there yet.

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