



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: ICC:JvdPsb161122

16 November 2022

Pauline Kavanagh
Policy Manager
WHBCR Scheme Design, Policy & Performance
State Insurance Regulatory Authority
Level 14-15, 231 Elizabeth St
Sydney NSW 2000

By email: pauline.kavanagh@sira.nsw.gov.au

Dear Ms Kavanagh

Amendments to the Workers Compensation Regulation 2016

The Law Society appreciates the opportunity to comment on the draft amendments to the *Workers Compensation Regulation 2016* (**Regulation**). The Law Society's Injury Compensation Committee has contributed to this submission.

The Law Society was pleased to see that the Government passed amendments to the *Workers Compensation Act 1987* (NSW) (**the Act**) earlier this year, creating a new entitlement for the children of deceased workers who receive a lump sum death benefit. We note that Schedule 3 of the Personal Injury Commission Amendment Bill 2022 (**the PIC Amendment Bill**) also proposed certain amendments to s 25(1A) of the Act to ensure the provision permits the lawful making of the regulation prescribing the method for determining the amount of additional compensation. We support the greater clarity proposed in this regard and support the passage of Schedule 3 of the PIC Amendment Bill.

We support the proposed amendment to the Regulation, which we understand has been developed by careful consultation between EY and the NSW Trustee and Guardian. We suggest that SIRA closely monitor the operation of the formula to ensure that it functions in line with the intention of the legislation, namely that children should not be disadvantaged by the NSW Trustee and Guardian's management of their benefit.

Thank you for the opportunity to comment. Questions at first instance can be directed to Sophie Bathurst, Policy Lawyer, at sophie.bathurst@lawsociety.com.au or 9926 0285.

Yours sincerely,

Joanne van der Plaats
President