



Legislation Review Committee

Correspondence received in response to the Legislation Review Committee
Digest No. 38 – 23 November 2021



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The Hon. Victor Dominello MP
Minister for Customer Service and Digital Government

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Our reference: COR-08239-2021
Your reference: D21/60949

Mr David Layzell MP
Chair
Legislation Review Committee
By email: legislation.review@parliament.nsw.gov.au

Dear Mr Layzell MP

Thank you for your correspondence about Digest No. 38/57 of the Legislation Review Committee, and the opportunity to respond to the Committee's comments on the *Licensing and Registration (Uniform Procedures) Amendment Bill 2021* and *Workers Compensation Amendment Bill 2021*.

Licensing and Registration (Uniform Procedures) Amendment Bill 2021

I note the Committee's preference for legislation to commence on a fixed date or on assent. However, in this circumstance a flexible start date is necessary to allow licensing authorities to adjust their systems and processes to align to the new uniform procedures. The digital licensing amendments will commence on assent as they can be implemented immediately.

I also note the Committee's comments on Section 23(2) regarding the right to internal review of decisions. This provision broadens the right of review, specifically for licensing schemes that do not currently contain provisions for internal review. Currently most licensing schemes, including all that have adopted the *Licensing and Registration (Uniform Procedures) Act 2002*, have their own provisions for internal review. By enabling regulations to provide for the particulars of internal reviews, this provision ensures flexibility in the regulatory framework to address any exceptional schemes. As more licensing authorities onboard the Act, the Department of Customer Service will support these agencies to adopt the Act's uniform procedures, including by determining where regulations are required to meet their needs.

Workers Compensation Amendment Bill 2021

In May 2020, the NSW Parliament passed the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* in response to the emerging public health emergency arising out of the pandemic. These changes included an amendment to the *Workers Compensation Act 1987* creating a presumption for workers in certain types of employment that the link between their work and contracting COVID-19 had been established and facilitating the making of a workers compensation claim.

This COVID-19 presumption was designed to provide additional assurance to workers at a time when little was known about the impacts of COVID-19 and vaccinations were a work in progress. With the further easing of restrictions for NSW in line with the NSW Roadmap for easing COVID-19 restrictions and with double dose vaccination rates at almost 95% it is now business as usual for NSW, living with COVID-19. The Government believes it is the right time to recognise that COVID-19 is not specific to employment, requiring extraordinary measures for workers, but a public health issue that affects the whole community.

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The Bill amends the *Workers Compensation Act 1987* to remove the COVID-19 presumption and will ensure the ongoing efficiency, effectiveness and viability of the workers compensation scheme for workers and employers in NSW.

The amendment is aimed at ensuring the sustainability of the workers compensation scheme, by minimising premium increases for employers and ensuring a more consistent customer experience for policyholders, workers with an injury and other stakeholders of the workers compensation scheme.

As noted in your correspondence, the Bill does not remove the right of a worker who contracts COVID-19 to make a claim for workers compensation, however like all other workers compensation claims they will need to show that they contracted COVID-19 in the course of their employment, and that COVID-19 was the main or substantial contributing factor to their injury.

Thank you again for your considered review of these Bills.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Victor Dominello', written in a cursive style.

The Hon. Victor Dominello MP
Minister for Customer Service and Digital Government

Date: 17/01/22