



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: ICC:GUml1223325

2 December 2016

The Hon Shayne Mallard, MLC
Committee Chair
Standing Committee on Law and Justice
Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

By email: law@parliament.nsw.gov.au

Dear Mr Mallard,

First Review of the Workers Compensation Scheme

The Law Society of NSW appreciates the opportunity to provide evidence before the Standing Committee on Law and Justice ("Standing Committee") on the First Review of the Workers Compensation Scheme

Mr Tim Concannon and Mr Paul Macken, members of the Law Society's Injury Compensation Committee, appeared on behalf of the Law Society before the Standing Committee on 4 November 2016 for this review.

The Law Society wishes to clarify the evidence provided by Mr Macken with regard to dispute resolution. The transcript provides as follows:

Mr David Shoebridge: ... one other option would be getting a personal injury division in the New South Wales Civil and Administrative Tribunal and allowing legal representation.

Mr Macken: Yes.

Mr David Shoebridge: Without [*sic*] that be better than the current system?

Mr Macken: It would be better than the current system, assuming it was set up in a model that had the objectivity and fairness that we have talked about.

The Law Society reaffirms its position on dispute resolution in its previous submission to the Standing Committee dated 11 October 2016 (enclosed, without attachments). We continue to support a single forum for resolution of disputes. While the form of that single forum for dispute resolution is not of primary importance, it is imperative that such disputes should be dealt with by an independent tribunal. However, it is not our position that the appropriate forum should necessarily be the NSW Civil and Administrative Tribunal.

Should you have any questions or require further information, please contact Meagan Lee,
Policy Lawyer at the Law Society of NSW on or email

Yours sincerely,

Gary Ulman
President