

The Hon. Chris Rath MLC,  
Chair, Standing Committee on Law and Justice  
c/o Parliament of New South Wales,  
6 Macquarie St,  
Sydney NSW 2000

3 November 2022

**By email: [Law@parliament.nsw.gov.au](mailto:Law@parliament.nsw.gov.au)**

To the Hon. Chris Rath,

**Post-hearing additional evidence: 2022 Review of the Workers Compensation scheme**

I am writing to you and the broader membership of the Standing Committee on Law and Justice ('the Committee') on behalf of the NSW Branch Committee of the Australian Lawyers Alliance (ALA). The ALA is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

The ALA contributed a submission to the Committee's 2022 Review of the Workers Compensation scheme on 8 August 2022, and on 10 October 2022 I appeared on behalf of the ALA before the Standing Committee on Law and Justice at Parliament House. The ALA and I are grateful for the opportunity to appear before the Committee regarding this important review.

The Hon. Scott Farlow MLC asked Elizabeth Welsh (NSW Bar Association), Tim Concannon (Law Society of New South Wales) and me a question about whether there would be any benefit to having a separate scheme to assess psychological injuries in the workplace. We all took this question on notice.

This letter seeks to provide the ALA's response to the Hon. Scott Farlow's question, as follows:

The ALA does not recommend a separate scheme to assess psychological injuries be created.

However, we do see benefits in examining the possibility of creating deeming provisions for liability for psychological injuries in certain professions, such as the emergency services sector. Emergency

services workers are on the front line of trauma for New South Wales communities, and the ALA contends they should have the benefit of starting from a base proposition that their psychological injury is work-related. The onus would be on the insurer if they want to establish a contrary position.

Thank you for your attention in this important matter. Please do let the ALA know if we can be of further assistance, in which case please direct correspondence to Elenore Levi, Australian Lawyers Alliance Legal Research and Policy Officer

Yours sincerely,

**Shane Butcher**  
**NSW Branch Committee,**  
**Australian Lawyers Alliance**