



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: ICC:JvdPsb011122

1 November 2022

The Hon. Chris Rath, 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 Rath

2022 Review of the Workers Compensation Scheme – Question on Notice

Thank you for the opportunity to provide answers to questions taken on notice by the Law Society of New South Wales during the hearing on 10 October 2022 as part of the Standing Committee on Law and Justice's (**Standing Committee**) 2022 Review of the Workers Compensation Scheme.

The Chair of the Law Society's Injury Compensation Committee, Mr Tim Concannon, appeared on behalf of the Law Society before the Standing Committee.

The Law Society's responses to the question taken on notice during that appearance is provided below.

Question

The Hon. SCOTT FARLOW: In our last hearing, we had some submissions that the workers compensation scheme wasn't necessarily fit for purpose when it came to psychological injuries. I think it's also been touched upon by Mr D'Adam in terms of where you get to 15 per cent whole person impairment and how that works. You've outlined how it works when it comes to psychological injuries, but do you see any benefit in having a separate scheme to assess psychological injuries in the workplace?

ELIZABETH WELSH: No.

TIM CONCANNON: I think the Law Society would have to take that question on notice, I must say. It's not something that I've ever considered, and nor has the society. I'd be pleased to have that opportunity.

Answer

The Law Society does not consider that there should be a separate workers compensation scheme for psychological injuries. While we appreciate that there are some unique factors in

dealing with psychological injuries (for example, the method by which Whole Person Impairment (WPI) is assessed), we do not consider that a separate scheme would be more beneficial in terms of claimant experience or rates of return to work. Rather, we emphasise the need for experienced case management of psychological claims with access to specialist support.

Thank you again for the opportunity to contribute to this inquiry. Should you require any further information, please contact Sophie Bathurst, policy lawyer on _____ or email _____

Yours sincerely,

pp. Joanne van der Plaats
President