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## Minutes no. 52

Monday 10 October 2022  
Standing Committee on Law and Justice  
Macquarie Room, Parliament House, Sydney at 10.01 am

### 1. Members present

Mr Chris Rath, Chair  
Mr Greg Donnelly, Deputy Chair  
Mr Lou Amato  
Mr Anthony D'Adam  
Mr Wes Fang  
Mr Scott Farlow (until 10.33 am, then from 11.05 am until 4.31 pm)  
Ms Sue Higginson (via WebEx) (from 10.06 am until 2.40 pm)  
Mr Rod Roberts

### 2. Apologies

### 3. Previous minutes

Resolved, on the motion of Mr Roberts: That draft minutes no. 51 be confirmed.

### 4. Correspondence

The committee noted the following items of correspondence:

#### *Received:*

- 5 September 2022 – Email from Ms Vicki Holliday, private citizen to secretariat, providing information about her experience with workers compensation scheme
- 7 September 2022 – Email from Ms Kathie Melocco, WOW Chaplaincy to secretariat, providing information about injured worker
- 7 September 2022 – Email from \_\_\_\_\_, private citizen to secretariat, discussing the prevention of psychological injuries and responding to SIRA and icare submissions
- 9 September 2022 – Email from Ms Kathie Melocco, WOW Chaplaincy to secretariat, providing information about injured worker
- 9 September 2022 – Email from Mr David Atkin, Executive Officer, Foundation House to secretariat, inviting committee to Foundation House
- 11 September 2022 – Email from Mr Peter Ellis, private citizen to secretariat, forwarding open letter to icare
- 12 September 2022 – Email from Mr Glen Vance, private citizen to secretariat, questions for icare
- 15 September 2022 – Letter from Ms Kathrina Lo, Commissioner, Public Service Commission to secretariat, declining invitation to attend hearing on 10 October 2022
- 19 September 2022 – Email from Mr David Johnson, Advisor, Aware Super to secretariat, declining invitation to attend hearing on 10 October 2022.

#### *Sent:*

- 1 September 2022 – Email from secretariat, to SIRA, forwarding pre-hearing questions
- 1 September 2022 – Email from secretariat, to Insurance and Care NSW, forwarding pre-hearing questions

- 13 September 2022 – Letter from Chair, to Ms Kathrina Lo, Commissioner, Public Service Commission, inviting them to appear as a witness at the hearing on 10 October 2022 and/or make a submission.

Resolved, on the motion of Mr Farlow: That the committee keep the following correspondence confidential, as per the request of the author, and/or as per the recommendation of the secretariat, as it contains identifying and/or sensitive information or potential adverse mention:

- Email from \_\_\_\_\_, private citizen, to secretariat, discussing the prevention of psychological injuries and responding to SIRA and icare submissions, dated 7 September 2022
- Email from Ms Kathie Melocco, WOW Chaplaincy to secretariat, providing information about injured worker, dated 7 September 2022
- Email from Ms Kathie Melocco, WOW Chaplaincy to secretariat, providing information about injured worker, dated 9 September 2022
- Email from Mr Glen Vance, private citizen to secretariat, questions for icare, dated 12 September 2022.

## **5. 2022 Review of the workers compensation scheme**

### **5.1 Public submissions**

The committee noted the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos 16a and 40.

The committee noted that it agreed via email to publish an updated version of submission no. 37.

Resolved, on the motion of Mr Amato: That the committee publish submission no. 41.

### **5.2 Partially confidential submissions**

Resolved, on the motion of Mr Farlow: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submission no. 34a.

### **5.3 Confidential submissions**

Resolved, on the motion of Mr Fang: That the committee keep submissions nos. 42 and 43 confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information.

### **5.4 Answers to pre-hearing questions**

Resolved, on the motion of Mr Fang: That the committee keep the following information confidential, as per the recommendation of the secretariat: names in answers to pre-hearing questions from Insurance and Care NSW.

### **5.5 Summary report from injured workers roundtable**

Resolved, on the motion of Mr Donnelly: That the committee publish the summary report from the injured workers roundtable held on 8 September 2022

### **5.6 Public hearing**

#### ***Answers to questions on notice and supplementary questions***

Resolved, on the motion of Mr Roberts: That witnesses appearing at the hearing on 10 October 2022 have 14 days from the receipt of the transcript to return answers to questions on notice and answers to supplementary questions.

The committee proceeded to take evidence in public.

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Witnesses were admitted to the hearing room.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Amber Flohm, Senior Vice President, NSW Teachers Federation
- Ms Kelly Marks, Research/Industrial Officer, NSW Teachers Federation

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Elizabeth Welsh, Deputy Chair, Common Law Committee, NSW Bar Association
- Mr Tim Concannon, Chair, Injury Compensation Committee, Law Society of New South Wales
- Mr Shane Butcher, Australian Lawyers Alliance

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Jim Kelly, Director, Health and Safe Design, SafeWork NSW
- Mr Matthew Press, Executive Director, Compliance and Dispute Resolution, SafeWork NSW

Mr Donnelly tabled the following document:

- Safe Work NSW, Improvement Notice, dated 16 November 2020.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Adam Dent, Chief Executive, State Insurance Regulatory Authority
- Mr Darren Parker, Executive Director, Workers and Home Building Compensation Regulation, State Insurance Regulatory Authority

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Richard Harding, Chief Executive Officer and Managing Director, Insurance and Care NSW
- Ms Mary Maini, Group Executive, Workers Compensation, Insurance and Care NSW
- Ms Rashi Bansal, Group Executive, Insurance for NSW and HBCF, Insurance and Care NSW

The evidence concluded and the witness withdrew.

The hearing concluded at 4.45 pm.

### ***Tendered documents***

Resolved, on the motion of Mr Donnelly: That the committee accept and publish the following document tabled during the public hearing, with the exception of identifying information, as amended:

- SafeWork NSW, Improvement Notice, dated 26 November 2020.

Resolved, on the motion of Mr Donnelly: That the secretariat be authorised to redact the name of a junior investigating officer from the transcript from today's hearing.

### **5.7 Any other business**

Mr Donnelly circulated correspondence to committee members from Craig's Table, dated 22 August 2022, 12 September 2022, 23 September 2022, 27 September 2022, and undated.

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Resolved, on the motion of Mr Donnelly, that the secretariat, on behalf of the Chair, acknowledge and respond to the letters on behalf of the committee, including noting that the committee cannot investigate individual claims.

**6. Adjournment**

The committee adjourned at 4.49 pm until 10 am, Monday 28 November 2022, Room 1136, Parliament House (report deliberative).

Talina Drabsch  
**Committee Clerk**