
Minutes no. 54

Monday 28 November 2022

Standing Committee on Law and Justice

Via WebEx, Sydney at 10.02 am

1. Members present

Mr Rath, Chair

Mr Donnelly, Deputy Chair (until 10.45 am)

Mr Amato

Mr D'Adam (until 10.46 am)

Mr Fang

Mr Farlow

Ms Higginson

Mr Roberts

2. Correspondence

The committee noted the following items of correspondence:

Received

- 2 September 2022 – Email from Mr Peter Ellis, private citizen, to secretariat, providing background information for committee
- 6 October 2022 – Email from Independent Review Office to secretariat, requesting corrections to transcript, for the 2022 Review of the Workers Compensation scheme
- 10 October 2022 – Email from Ms Glenda Saville, private citizen, to Chair, detailing experience with the workers compensation scheme
- 24 October 2022 – Email from Ms Grisel Carreira, private citizen, to secretariat, providing comments on icare
- 3 November 2022 – Letter from Mr Adam Dent, Chief Executive, SIRA to secretariat, requesting corrections to transcript, for the 2022 Review of the Workers Compensation scheme
- 4 November 2022 – Email from Mr Peter Ellis, private citizen, to secretariat, forwarding copy of correspondence to Mr McNaughton
- 4 November 2022 – Email from SafeWork NSW to secretariat, requesting corrections to transcript, for the 2022 Review of the Workers Compensation scheme
- 8 November 2022 – Email from Law Society of NSW to secretariat, requesting corrections to transcript, for the 2022 Review of the Workers Compensation scheme.

Sent

- 17 October 2022 – Letter from Chair to Ms Rosemary McKenzie-Ferguson, Founder, Craig's Table, responding to correspondence received.

Resolved, on the motion of Mr Farlow, that the committee keep the following correspondence confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information and potential adverse mention:

- Mr Peter Ellis, regarding background information for committee, dated 2 September 2022
- Ms Glenda Saville, regarding experience with workers compensation scheme, dated 10 October 2022

- Ms Grisel Carreira, regarding comments on icare, dated 24 October 2022
- Mr Peter Ellis, regarding copy of correspondence to Mr McNaughton, dated 4 November 2022.

3. 2022 review of the workers compensation scheme

3.1 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to supplementary questions from Mr Steve Stephens, Rehab Options Injury Management, received 30 September 2022
- answers to supplementary questions from Mr Bill Parry, Rehab Options Injury Management, received 30 September 2022
- answers to supplementary questions from Australian Industry Group, received 4 October 2022
- answers to supplementary questions from Business NSW, received 6 October 2022
- answers to supplementary questions from Australian Rehabilitation Providers Association NSW, received 7 October 2022
- answers to supplementary questions from Mr Peter Remfrey, Workers Health Centre, received 7 October 2022
- answers to supplementary questions from Mr Matthew Buxton, Workers Health Centre, received 7 October 2022
- answers to supplementary questions from Black Dog Institute, received 7 October 2022
- answers to supplementary questions, Mates in Construction NSW, received 7 October 2022
- answers to questions on notice from Independent Review Office, received 7 October 2022
- answers to supplementary questions from Construction Forestry Maritime Mining and Energy Union (NSW Branch) and The Construction Industry Drug and Alcohol Foundation, received 9 October 2022
- answers to supplementary questions from Unions NSW, received 10 October 2022
- answers to supplementary questions from Public Service Association of NSW, received 10 October 2022
- answers to questions on notice from Police Association of NSW, received 11 October 2022
- answers to questions on notice from Law Society of NSW, received 1 November 2022
- answers to questions on notice from Australian Lawyers Alliance, received 3 November 2022
- answers to questions on notice from State Insurance Regulatory Authority, received 3 November 2022
- answers to questions on notice and supplementary questions from SafeWork NSW, received 4 November 2022
- answers to questions on notice from NSW Teachers Federation, received 4 November 2022
- answers to questions on notice from Insurance and Care NSW, received 4 November 2022
- answers to questions on notice from NSW Bar Association, received 9 November 2022.

Resolved, on the motion of Mr Amato, that the committee authorise the publication of answers to supplementary questions from Professor Buchanan, University of Sydney.

The committee noted that answers to supplementary questions were not returned by Mr Alan Mansfield, Workers Compensation Health and Safety Officer NSW and ACT Australian Manufacturing Workers Union, despite follow up from the secretariat.

3.2 Craig's Table

Resolved, on the motion of Mr Donnelly, that the correspondence to committee members from Craig's Table, dated 22 August 2022, 12 September 2022, 23 September 2022, 27 September 2022, and undated, remain confidential, due to sensitive/identifying information and potential adverse mention and the extent of redactions necessary.

3.3 Transcript corrections

Resolved, on the motion of Mr Fang, that:

- the committee authorise the publication of correspondence from the Independent Review Office to the committee, providing transcript corrections, received 6 October 2022, and
- the secretariat insert a footnote on the transcript from the 8 September 2022 hearing, clarifying the evidence of the Independent Review Officer, as per the correspondence received 6 October 2022.

Resolved, on the motion of Mr Donnelly, that:

- the committee authorise the publication of correspondence from Mr Adam Dent, Chief Executive, SIRA to the committee providing transcript corrections, received 3 November 2022, and
- the secretariat insert a footnote on the transcript from the 10 October 2022 hearing, clarifying the evidence of SIRA, as per the correspondence received 3 November 2022

Resolved, on the motion of Mr Amato, that:

- the committee authorise the publication of correspondence from SafeWork NSW to the committee providing transcript corrections, received 4 November 2022, and
- the secretariat insert footnotes on the transcript from the 10 October 2022 hearing, clarifying the evidence of SafeWork NSW, as per the correspondence received 4 November 2022

Resolved, on the motion of Mr D'Adam, that:

- the committee authorise the publication of correspondence from Law Society of NSW to the committee providing transcript corrections, received 8 November 2022, and
- the secretariat insert a footnote on the transcript from the 10 October 2022 hearing, clarifying the evidence of the Law Society of NSW, as per the correspondence received 8 November 2022.

3.4 Tabling date

Mr Roberts moved: That consideration of the Chair's draft report be deferred, with the committee to hold an additional half day hearing to investigate icare's underpayment of workers and the financial sustainability of the scheme, inviting SIRA and icare to give evidence, and the report to be tabled by early February 2023.

Debate ensued.

Question put.

The committee divided.

Ayes: Mr Roberts, Mr D'Adam, Mr Donnelly, Ms Higginson

Noes: Mr Rath, Mr Amato, Mr Fang, Mr Farlow.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Debate ensued.

: -

Mr Donnelly and Mr D'Adam left the meeting.

Mr Farlow moved: That the issues raised by Mr Roberts be considered in the next Parliament, and included in the legacy report for the Standing Committee on Law and Justice.

Debate ensued.

Question put.

The committee divided:

Ayes: Mr Farlow, Mr Rath, Mr Amato, Mr Fang

Noes: Ms Higginson, Mr Roberts

Question resolved in the affirmative.

4. Adjournment

The committee adjourned at 10.59 am until a time to be determined.

Talina Drabsch

Committee Clerk