
Minutes no. 55

Tuesday 21 February 2023
Standing Committee on Law and Justice
Via WebEx, Sydney, 10.05 am

1. Members present

Mr Rath, *Chair*

Mr D'Adam *Acting Deputy Chair*

Ms Boyd (substituting for Ms Higginson for the 2022 review of the workers compensation scheme)

Mr Buttigieg (substituting for Mr Donnelly)

Mr Fang

Mr Farlow (substituting for Mr Amato for the 2022 reviews of the Compulsory Third Party insurance and Lifetime Care and Support schemes and substituting for Mr Martin for the 2022 review of the workers compensation scheme)

Mrs MacDonald (substituting for Mr Martin for the 2022 reviews of the Compulsory Third Party insurance and Lifetime Care and Support schemes and substituting for Mr Amato for the 2022 review of the workers compensation scheme)

Mr Roberts

2. Election of Acting Deputy Chair

The committee noted the apology of Mr Donnelly, Deputy Chair. The Chair called for nominations for a member to act as Deputy Chair for the purpose of the meeting.

Mr D'Adam moved: That Mr D'Adam be elected Acting Deputy Chair of the committee for the purpose of the meeting.

There being no further nominations, the Chair declared Mr D'Adam elected Acting Deputy Chair for the purpose of the meeting.

3. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes no. 54 be amended to note when Mr Donnelly and Mr D'Adam left the meeting.

Resolved, on the motion of Mr D'Adam: That draft minutes nos 53 and 54, as amended, be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 23 September 2022 – Letter from Mr Joshua Dale, NSW President of the Australian Lawyers Alliance to State Insurance Regulatory Authority (SIRA), copied to the committee, providing a submission for the statutory review of the Personal Injury Commission Act 2020, *relevant to the 2022 reviews of the CTP insurance and Lifetime Care and Support schemes*
- 28 November 2022 – Letter from Judge Phillips, President of the Personal Injury Commission to the Chair, providing a response to correspondence from the committee dated 21 November 2022, *relevant to the 2022 reviews of the CTP insurance and Lifetime Care and Support schemes*

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- 6 December 2022 – Email from Mr Peter Ellis, private individual, to secretariat, providing copy of a letter to Mr Adam Dent, Chief Executive, State Insurance Regulatory Authority, *relevant to the 2022 review of the workers compensation scheme*
- 6 December 2022 – Email from Mr David Waugh, private individual, to the Standing Committee on Law and Justice, concerning the workers compensation system, *relevant to the 2022 review of the workers compensation scheme*
- 10 December 2022 – Email from Herschel Baker, International Liaison Director, Queensland Director, Drug Free Australia, to the Committee Chair, reviewing the need for changes to vaping regulations including a crackdown on imports, introducing quality and safety standards and restricting labels and flavours to make e-cigarettes less appealing to children
- 11 December 2022 – Email from Mary Xian, private individual, to the Standing Committee on Law and Justice, entitled ‘Dominello ICAC referral, Westpac rip-off scheme, and NSW Premier Mike Baird fell downstairs’ and attachments
- 13 December 2022 – Email from Phillip Armstrong, private individual, to the secretariat, regarding a potential law reform matter for consideration by the Legislative Council dealing with Criminal Law amendments to 2001 NSW CARA Part 7 - SS 84 - 85 "Application for Quashing of Conviction following Governor FREE PARDON"
- 20 February 2022 – Email from Mary Xian, private individual, to the Standing Committee on Law and Justice, entitled 'Please help to stop the violence against women'

Sent

- 21 November 2022 – Letter from the Chair to Judge Phillips, President of the Personal Injury Commission, in response to correspondence from Judge Phillips dated 10 November 2022, *relevant to the 2022 reviews of the CTP insurance and Lifetime Care and Support schemes.*

Resolved, on the motion of Mrs MacDonald: That the committee keep the correspondence from Mr Peter Ellis, private individual, providing a copy of a letter to Mr Adam Dent, Chief Executive, State Insurance Regulatory Authority, dated 6 December 2022, confidential as it contains potential adverse mention.

5. 2022 Reviews of the Compulsory Third Party insurance and Lifetime Care and Support schemes**5.1 Answers to questions on notice and supplementary questions**

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

- answers to questions on notice from Mr Andrew Stone SC, Australian Lawyers Alliance NSW, received 2 December 2022
- answers to questions on notice from Ms Sheetal Balakrishnan, Public Interest Advocacy Centre, received 6 December 2022
- answers to questions on notice from Ms Gabrielle Bashir SC, New South Wales Bar Association, received 7 December 2022
- answers to questions on notice from Dr Nick Allsop, icare, received 14 December 2022
- answers to questions on notice from Ms Joanne van der Plaats, Law Society of New South Wales, received 14 December 2022
- answers to questions on notice from Mr Simon Cohen, Independent Review Office, received 15 December 2022

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- answers to questions on notice and supplementary questions from the State Insurance Regulatory Authority (SIRA), received 16 December 2022
 - answers to questions on notice from the Insurance Council of Australia, received 19 December 2022.

5.2 Transcript correction

Resolved, on the motion of Mr D'Adam: That the committee, as previously agreed via email, authorise:

- the publication of correspondence from Mr Brian Wood, Motorcycle Council of NSW, received 29 November 2022, providing transcript corrections to the evidence given at the hearing for the 2022 Reviews of the Compulsory Third Party insurance and Lifetime Care and Support schemes held on 18 November 2022, and
- the insertion of a footnote on the transcript noting receipt of correspondence clarifying the evidence given and providing a hyperlink to the published correspondence.

5.3 Consideration of Chair's draft report: 2022 Review of the Compulsory Third Party insurance scheme

The Chair submitted his draft report entitled *2022 Review of the Compulsory Third Party insurance scheme*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Fang: That:

- The draft report be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, submissions, tabled documents, answers to pre-hearing questions, questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;
- Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;
- Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to pre-hearing questions, questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat by 9.00 am, on Thursday 23 February 2023;
- The secretariat table the report on Friday, 24 February 2023;
- The Chair is to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

5.4 Consideration of Chair's draft report: 2022 Review of the Lifetime Care and Support scheme

The Chair submitted his draft report entitled *2022 Review of the Lifetime Care and Support scheme*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Roberts: That:

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- The draft report be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, submissions, tabled documents, answers to pre-hearing questions, questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;
- Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;
- Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to pre-hearing questions, questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat by 9.00 am, on Thursday 23 February 2023;
- The secretariat table the report on Friday, 24 February 2023;
- The Chair is to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

6. 2022 Review of the Workers Compensation scheme

The Chair submitted his draft report entitled *2022 Review of the workers compensation scheme*, which, having been previously circulated, was taken as being read.

Debate ensued.

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

- report deliberative for the 2022 review of the workers compensation scheme be deferred
- legacy report for the 57th Parliament include a recommendation that the House consider referring the evidence from the 2022 review of the workers compensation scheme to the Standing Committee on Law and Justice in the 58th Parliament, to form part of the process for the next review of the workers compensation scheme.

7. Legacy report

The committee noted that the secretariat is currently preparing a legacy report for the 57th Parliament and will liaise with members shortly regarding a date for its consideration.

8. Adjournment

The committee adjourned at 10.37 am, *sine die*.

Allison Stowe and Talina Drabsch
Committee Clerks