



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: ICC:JWsb161221

16 December 2021

Portfolio Committee No 1 – Premier and Finance
Parliament of New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Cc: law@parliament.nsw.gov.au

Dear Director,

Workers Compensation Amendment Bill 2021

Thank you for the opportunity to make a submission to the NSW Legislative Council's Portfolio Committee No 1 – Premier and Finance inquiry into the Workers Compensation Amendment Bill 2021.

The Law Society appreciates the need for affordable workers' compensation insurance premiums, particularly in light of the setbacks suffered by business as a result of COVID-19. However, we are concerned to ensure that any amendment to the *Workers Compensation Act 1987* (NSW) to abolish the presumption in favour of certain workers who contract COVID-19 is made at the appropriate time and in line with the best available evidence.

We suggest that, in undertaking the inquiry, the Committee has regard to the following factors:

- the actual financial impact of the presumption on the scheme to date as compared to the projected financial impact;
- whether the presumption should be abolished for some categories of workers and maintained for others (eg healthcare workers);
- the impact of the Omicron variant of COVID-19 and its transmission;
- the impact of changes in policy around QR check-ins, in particularly with respect to the impact this will have on the evidence available to prove where COVID-19 was contracted; and
- the significant difficulties likely to be faced by workers in establishing that employment has been the main contributing factor to the disease in the absence of scientific evidence such as genome sequencing and decreased use of QR check-ins.

Thank you for your consideration of the above. Questions at first instance may be directed to Sophie Bathurst, Policy Lawyer, at sophie.bathurst@lawsociety.com.au or (02) 9926 0285.

Yours faithfully,

Juliana Warner
President

THE LAW SOCIETY OF NEW SOUTH WALES
170 Phillip Street, Sydney NSW 2000, DX 362 Sydney
ACN 000 000 699 ABN 98 696 304 966
lawsociety.com.au

T +61 2 9926 0333 F +61 2 9231 5809
E lawsociety@lawsociety.com.au