



*Our ref: 22/74*

17 November 2022

[REDACTED]  
[REDACTED]  
State Insurance Regulatory Authority  
Level 14-15, 231 Elizabeth Street  
SYDNEY NSW 2000

*By email:* [REDACTED]

*Cc:* [REDACTED]

Dear [REDACTED],

*Feedback on the draft Workers Compensation Amendment Regulation 2022*

1. The New South Wales Bar Association (**the Association**) thanks the State Insurance Regulatory Authority (**SIRA**) for the invitation to comment on the *Workers Compensation Amendment Regulation 2022* (**the Regulation**) and the opportunity to attend the briefing session on 4 November 2022.
2. The Association notes that upon the commencement of recently enacted section 25(1A) of the *Workers Compensation Act 1987* (NSW) (**WCA**) and its associated regulations, the establishment and management fees of the NSW Trustee and Guardian will be payable as a benefit under the WCA with respect to the lump sum compensation apportioned to minors and held in trust for them until they reach adulthood. It is understood that this will presently only apply to matters dealt with by the Personal Injury Commission (**PIC**) after the date of commencement.
3. The Association supports these reforms because they will preserve the corpus of lump sum compensation paid to the children of deceased workers, and managed until they attain their majority.

4. The Association would suggest, however, that further provisions or managerial steps be considered to facilitate the management fees of existing trust arrangements to be paid with respect to matters which have previously been dealt with by the PIC.
5. The Association suggests that one option could be to simply permit such recurrent annual fees to be paid out of the Workers Compensation Operational Fund.
6. The Association thanks you in advance for considering this submission. Should you wish to discuss or may we be of further assistance, please do not hesitate to contact [REDACTED],  
[REDACTED]

Yours sincerely,

[REDACTED]

Gabrielle Bashir SC

President