



Our ref: 22/74

25 October 2022

Mr David Grant
Director of Health Policy, Prevention and Supervision
State Insurance Regulatory Authority
Level 14 & 15, 231 Elizabeth Street
SYDNEY NSW 2000

By email: [REDACTED] healthpolicyandsupervision@sira.nsw.gov.au

Dear Mr Grant,

State Insurance and Care Governance Amendment Regulation 2022

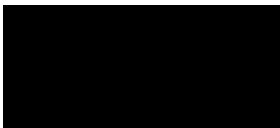
1. The New South Wales Bar Association (**the Association**) thanks the State Insurance Regulatory Authority (**SIRA**) for the invitation to comment on the draft State Insurance and Care Governance Amendment Regulation 2022 (**the Regulation**).
2. The Association has carefully reviewed the Regulation and does not consider any proposed clauses to give rise to particular drafting concerns.
3. However, the Association is concerned about the underlying nature and purpose of the Regulation, being to support recent legislation that empowers SIRA to issue directions to health service providers in the NSW workers compensation and compulsory third party schemes to supply claim-related information, and to take specified action, including not to provide services.¹
4. The Association considers that the independent associations and organisations of each profession, including the medical profession, are best placed to regulate individual practitioners in their respective professions.
5. In the Association's view, the proposed Regulation unnecessarily and inappropriately regulates health service providers where alternative and preferable options are available. The proposed Regulation inappropriately inserts SIRA into the therapeutic relationship between practitioner

¹ See *State Insurance and Care Governance Act 2015* (NSW) Part 3, Division 3, in particular sections 26C, 26D and 26E.

and patient; a relationship that is, in fact, regulated by professional bodies to whom referrals may be made in circumstances of concern.

6. In many cases, a referral process to the relevant regulatory board in the case of alleged misconduct or non-compliance with applicable laws, regulations and/or guidelines may be more appropriate, noting that almost all providers of the services listed in proposed Clause 4A are required to be registered with industry regulators.
7. The Association thanks you in advance for considering this feedback. Should you wish to discuss or if the Association may be of further assistance, please do not hesitate to contact Policy Lawyer, Lucy Kelley at [REDACTED].

Yours sincerely,

A black rectangular redaction box covering the signature of Gabrielle Bashir SC.

Gabrielle Bashir SC

President