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WHBCR Scheme Design, Policy & Performance
State Insurance Regulatory Authority
Level 14-15, 231 Elizabeth Street
Sydney NSW 2000

18 November 2022

By email: [REDACTED]

Dear [REDACTED]

AMENDMENTS TO THE WORKERS COMPENSATION REGULATION 2016

I am writing to you as the Chair of the NSW Workers Compensation sub-committee within the Australian Lawyers Alliance (ALA). The ALA is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

The ALA thanks you for the opportunity to comment on the draft amendments to the Workers Compensation Regulation 2016. As you are aware the ALA has long called for the introduction of the entitlement to receive payment of funds management for children in the NSW workers compensation system and we are pleased to see that this is soon to become a reality. For too long, the children of deceased workers have been short changed by the fees taken, usually by NSW Trustee and Guardian, in management of the lump sums received in such a tragic circumstance such as the loss of a parent.

The ALA is pleased to say that we support the proposed amendments to the regulations.

The ALA does, however, have two concerns that should not delay the passing of the regulation but should be noted for future review. Firstly, the current wording of the legislation limits the payment of funds management to those matters where funds are to be managed by NSW Trustee and Guardian, thereby effectively removing private trustees from the market. This issue should be looked at as soon as reasonably practicable in the future. Secondly, that the operation of the

formula adopted should be regularly monitored to ensure that it is meeting its objectives and that children are receiving enough to ensure that their entitlement is not eroded over time.

Thank you for your attention in this important matter. Please do let me know if I can be of further assistance, in which case please direct correspondence to [REDACTED], Australian Lawyers Alliance, on [REDACTED] or at [REDACTED]

Yours sincerely,

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Shane Butcher
Australian Lawyers Alliance