



WIRO WIRE – Personal Injury Commission Act 2020 | Expansion of the role of the Independent Review Officer

The **Personal Injury Commission Act 2020** [NSW] (Act) has passed both houses of the NSW Parliament and will commence on 1 March 2021 following the granting of Royal Assent on 11 August 2020.

The overriding purpose of the Act is to create a single Tribunal for the resolution of personal injury disputes involving claims for under the workers compensation and motor accidents compensation legislation.

The Act creates a new entity, the Personal Injury Commission (PIC), which assumes the jurisdiction of the current Workers Compensation Commission (WCC) under the Workers Compensation Division, with an expanded jurisdiction to accommodate motor accident compensation claims dealt with in a separate Motor Accidents Division.

While there are to be two divisions, there will be one common Registry and a Rule Committee constituted by members of the PIC and representatives from the Bar Association, the Law Society of NSW, Unions NSW, Employer organisations, the medical colleges, and SIRA. The President of the WCC will become the President of the new PIC.

A new Independent Review Officer

The Act introduces changes to the role, functions and operations of the Workers Compensation Independent Review Office (WIRO).

Schedule 5 of the Act provides for a new **Independent Review Officer** (IRO), and includes the following:

- extending the existing WIRO function to deal with complaints from injured workers about insurers to include complaints from claimants arising under motor accidents legislation.
- legislative establishment of the Independent Legal Assistance & Review Service (ILARS) as a function of the IRO in relation to workers compensation legislation. The IRO will have the power to issue ILARS Guidelines covering the approval of lawyers to be granted funding and the allocation and amount of funding for legal and associated costs. The Guidelines must be tabled before Parliament and are subject to disallowance in the same way as statutory rules.
- the establishment of the Office of the IRO as a separate public service agency.

The IRO's functions are set out in Part 3 of Schedule 5:

- (a) to deal with complaints made to the IRO about any act or omission of an insurer that affects the entitlements, rights or obligations of the claimant under the workers compensation and motor accidents legislation,
- (b) to inquire into and report to the Minister on any matters arising in connection with the operation of PIC Act or the workers compensation and motor accidents legislation as the IRO considers appropriate or as may be referred to the IRO for inquiry and report by the Minister,
- (c) to encourage the establishment by insurers and employers of complaint resolution processes for complaints arising under the workers compensation and motor accidents legislation,
- (d) to manage and administer ILARS (including by issuing ILARS guidelines),
- (e) any other functions as may be conferred on the IRO.

The Act also provides for the Legislative Council's Standing Committee on Law and Justice to enquire into and report on the whether ILARS should be extended to claimants for statutory benefits under the *Motor Accident Injuries Act 2017* (MAIA) as part of its next review into the operation of the MAIA.

WIRO is currently commencing steps to implement the reforms. We are committed to engaging meaningfully with system participants, stakeholders and interested parties to ensure the changes benefit all those impacted by our work.

The Act can be found on the NSW Parliament's website [here](#).

Regards,

Simon Cohen

Workers Compensation Independent Review Officer

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