



SISA Update August 2015

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Return to Work Act 2014

- First s.18(3) applications received
- No evidence of mass applications
- No info on nature of claims/applicants
- Likely to be Sept or later for matters to reach SAET
- SAET form tells something of their expectations
- Seems workers will be expected to have a sound case

Return to Work Act 2014

- Things to consider re s.18(3) applications:
 - Worker fitness for work – what is your WHS duty?
 - How to discern s.18 applications from ‘normal’ job applications?
 - To what extent will *Longyear Australia Pty Ltd v. the Corporation (SCGRG 94/1494 SASC 4951 (7 February 1995))* hold sway as precedent?
 - *Longyear* addresses ‘reasonably practicable’ based on employer size
 - Suitability is a different question

Return to Work Act 2014

- Other things generating questions & discussion:
 - New & other employment options
 - Permanent impairment – choice of assessor
 - Impairment Assessment Guidelines part 17 – how robust is it?
 - When does the 2 year ‘clock’ start on weekly payments? Section 4(11) – is reasonably clear
 - What happened to the former section 35(5)? – now section 49(2)

Dispute resolution

- Tribunal reported to be moving briskly through old Act matters
- Good reports re two new DPs
- President Judge Jennings due to retire after leave later this year
- Who will be the new President?
- No news on addition of other workplace jurisdictions to SAET – but expect it to happen

WHS

- SafeWork SA – recruiting for new ED, Directors & inspectors
- Announced aim is to return to inspectors with specific industry experience – groundhog day...
- It's all about the people, not the structure
- Still lots of COP work going on at SWA level but little to show for it in SA

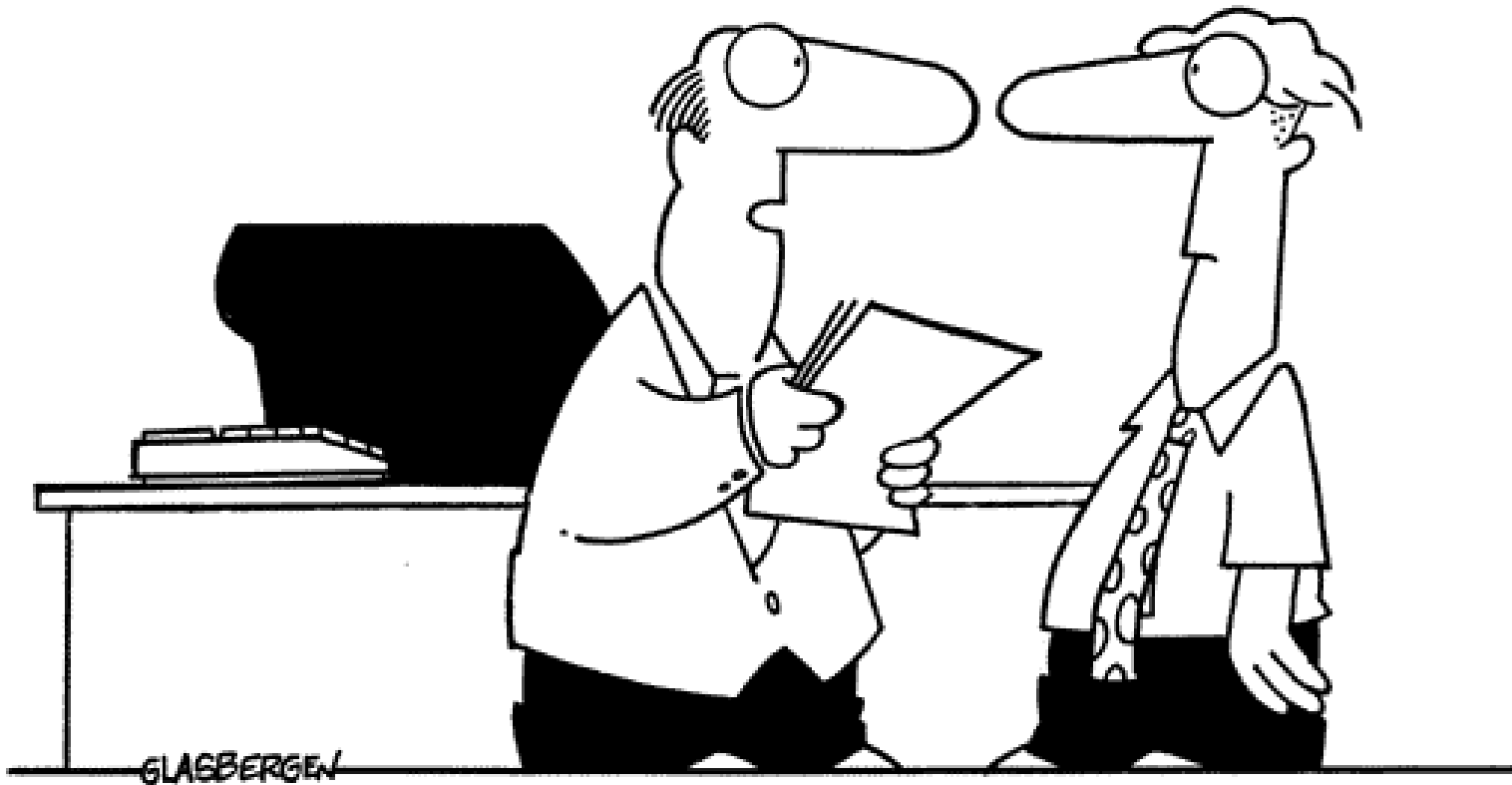
RTWSA

- Has been talking to some small SIs & employers considering SI re remaining as premium-payers or returning to scheme
- Trying to ensure employers have necessary info to make sound decisions
- Emphasising new service model (mobile CMs etc)
- Premium discounts might be considered
- None have been persuaded that we are aware of

Events

- SISA Awards Dinner 25/9/2015 – bookings open
- Seats/tables allocated in order of payment!
- *Closing the Loop 2015* broke attendance record, feedback good
- *Both Sides of the Fence* 16/10/15 – SISA major sponsor
- SISA Xmas drinks 4/12/15, after December GM
- NCSI Conference, Twin Waters 11-13 November

Questions?



“To conform to government safety regulations, no one may climb the ladder of success without wearing a harness and special non-slip shoes.”