



SISA Update April 2017

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Code

- Further review still under way:
 - Simplify, 'plain English'
 - A draft has been produced – much smaller and simpler
 - Draft was discussed with group of SIs (including SISA Exec members) and initial feedback provided
 - Broader consultation with SISA members is the next step

Evaluation process

- Project to improve the clarity of scoping
- Further review of the IM standards
- IM evaluation is essentially a test of legal compliance of policy, procedure & claims mgt conformance with policy & procedure
- Guidelines simplified into flowcharts
- WHS standards – to review or not?
- SISA argues for recognition of certification/accreditation

Bills

- *Work Health and Safety (Notification of Next of Kin) Amendment Bill 2017*
 - Did not receive support in Opposition Party Room, was not tabled
- *Work Health and Safety (Representative Assistance) Amendment Bill 2017*
 - Tabled by Greens, seeks to align SA Act with model, would give HSRs broader powers to bring in 'assistance'
 - SISA is opposed due to risk to entry permit arrangements

Bills

- *Return to Work Corporation of SA (Crown Claims Management) Amendment Bill 2017*
 - Probably a hasty response to legal problems with issuing a s.130(2) proclamation
 - Govt clearly reluctant to open RTW Act up so has opted for RTWC Act
 - Still no credible explanation, just fuzzy talk about everything needing to be 'consistent'
 - No mystery why Review Report has remained secret – it doesn't tell the Govt what it wanted to hear

RTWC Bill (cont)

- Totally ignores the established fact of Crown performance vs RTWSA over decades
- RTWSA now claiming credit for scheme funding turnaround – rewriting history!
- Ironic that mobile case management was introduced to mimic the inherent advantage of self-insurance but is now being held up as the preferred model over SI. Zero credibility.
- So-called transition teams established by OPS have so far been ineffective due to lack of industry knowledge – most questions unresolved

RTWC Bill (cont)

- Who wants consistency anyway? It is a bureaucratic objective – approaches among agencies are different due to specialised needs
- A one-size-fits-all model will see a visible deterioration of service levels and outcomes early in the piece
- SISA is lobbying the Upper House members in an effort to defeat the Bill when it gets there
- We expect an attempt to guillotine this through – Rau seems fixated on a 1 July start for phase 1
- But nothing is ready!

RTWC Bill (cont)

- Why does SISA think this is happening?
 - Govt wants it done far enough out from the 2018 election to let it be forgotten by then. A forlorn hope if we have anything to do with it
 - Throw the agents a financial lifeline
 - More premiums to RTWSA
 - Unearned kudos for the RTWSA model
 - Reduction of level of SI in SA
- PSA now on the record as opposed to the move

ATO ruling on redemption

- No recent issues raised by members
- But still some unanticipated (by the ATO) questions emerging, making the matter much more complicated in atypical cases
- Is making redemption negotiation difficult
- There are options involving non-taxable lump sums under other provisions (or *ex gratia*)
- ATO contact – Tony Rose
Tony.Rose@ato.gov.au ph 7422 2949

RTWA - state of play

- SAET:
 - Key cases re WPI still on appeal
 - Direct tensions between *Ledo* and *Tinti* (future surgery applications) – awaiting appeal on *Ledo*
 - Split decision in *Robinson* [SAET 27, March 2017] – majority held that weekly payments can't be less than Federal minimum wage even after redemption. Gilchrist J dissenting
 - *Lewis* [SAET 20, March 2017] – dealt with reasonableness of management action

SAET

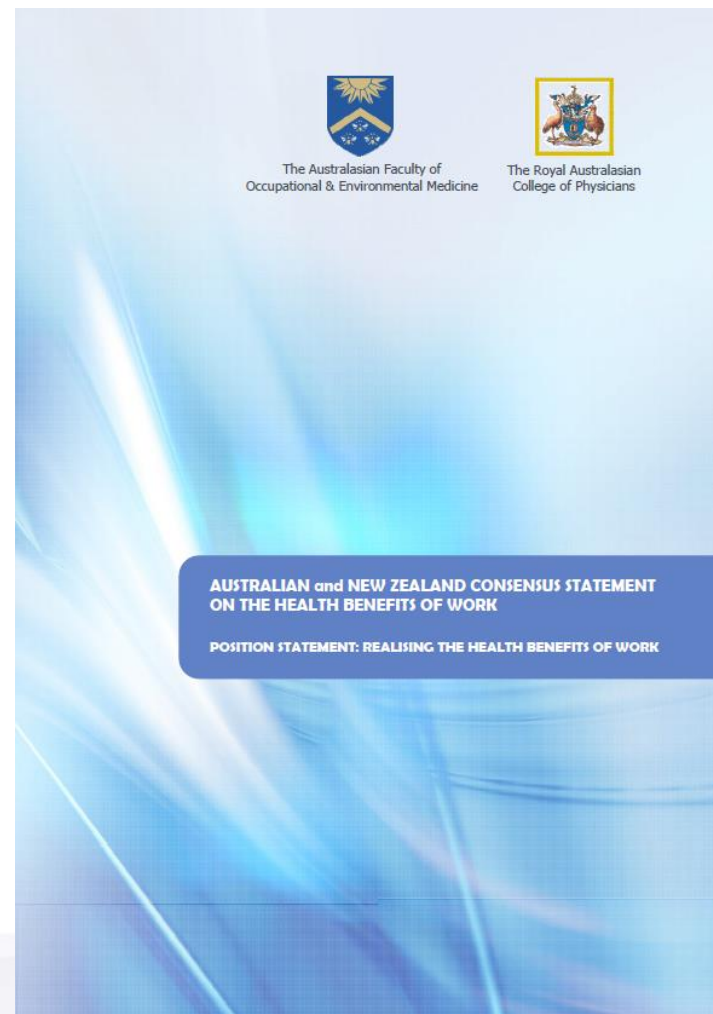
- Govt still claims big reduction in disputes
- Hard to reconcile with crowds at SAET!
- A lot of matters going on appeal
- Probably a lot of cases on hold awaiting appeal decisions
- AustLII seems slower to publish decisions – no April ones published as yet
- DPs Dolphin & Calligeros now District Court Judges

Reflections on RTWA state of play

- Cessation of weekly payments on 28/6/17 will probably stimulate media coverage
 - Will be happening when Parlt Standing Committee is deliberating – impeccable timing!
 - Uptick in s.18(3) activity?
 - Claims of fresh traumas to revive transitional injuries?
 - Upward pressure on serious injury claim numbers?

Health Benefits of Good Work

- Forum in Sydney 31/5/17 aimed at union buy-in – try to dispel fear that HBGW is a front to reduce benefits or force premature RTW
- Hard to break the old myths
- Other activities include communication strategies, advocacy, workplace engagement



Other news

- Thomas Foods International self-insured effective 1/4/17
- Lifecare due to Board this month – should commence SI 1/5/17
- LHI Retirement Services - new applicant & member
- 4 other potential applications pending
- Internal structural review at RTWSA ongoing

Other news

- Save the dates:
 - Closing the Loop 20/7/17
 - SISA Awards 22/9/17
 - Both Sides of the Fence 13/10/17
- RTWSA December 2016 actuarial results not published yet – significance unknown
- Saxon Energy case (SA IRC, April 2017) – IM Lieschke called for criminal compensation for workers injured as a result of ‘industrial crime’

Questions?

