



SISA July Newsletter 2023

General Manager's Report



Hi Everyone,

Breaking News: Return to Work (Employment and Progressive Injuries) Amendment Bill

The South Australian Government has provided SISA with a draft of the *Return to Work (Employment and Progressive Injuries) Amendment Bill* for consultation. A copy of the draft Bill is attached and on the SISA website.

The Bill proposes making changes to section 18 of the *Return to Work Act 2014* which, if passed, could have a significant impact on self-insured employers and registered employers of all sizes.

The Bill also proposes changes which will impact the payment of compensation for workers with dust diseases such as asbestosis and silicosis.

SISA intends to make submissions to the Government on behalf of SISA members and is therefore seeking member feedback.

With assistance from Gilchrist Connell Lawyers, SISA has considered the Bill and highlights some of the key proposed changes below:

Changes to Section 18 of the RTW Act – the Employer’s Obligation to Provide Suitable Employers

Section 18 of the RTW Act already imposes an onerous obligation on South Australian employers to provide suitable employment to an employee with a work injury. The proposed changes in the Bill will make that obligation even more onerous. Key proposed changes include:

1. Reducing the time for an employer to formally respond to a request by a worker for suitable duties from one month to 21 days.

1. Allowing workers to bring section 18 Applications in the South Australian Employment Tribunal even after they have recovered sufficiently to return to their pre-injury employment – but for those workers (and only those workers), a 6 month time limit will apply to make their Application.

1. Giving the Tribunal greater power to frame a suitable employment order – including giving the Tribunal power to determine the nature of the duties to be provided, the nature of any modifications necessary to enable the worker to perform those duties, the number of hours of work per week to be performed by the worker, and, if relevant, to provide for a graduated increase in duties or hours of work.

1. If the Tribunal makes an order requiring suitable duties to be provided, the Tribunal will have the power to order the employer to pay backpay of wages or salary equal to what the worker would have received had the employer provided suitable employment when requested by the worker. This seems to SISA to have the potential effect of extending liability for weekly payments to an injured worker well beyond the two year entitlement period.

1. In the case of an employer that is:
 - a. A member of a group of self-insured employers comprised of related bodies corporate – the Tribunal will have the power to order another member of the group provide suitable employment even though it is not the pre-injury employer;

- a. The Crown or a Crown Agency – the Tribunal will have the power to order another agency to provide suitable employment even though it is not the pre-injury employer.

The Government has explained that, this means, if suitable employment cannot be provided by the pre-injury employer, the Tribunal may order employment to be provided by another member of the self-insured group. For example, a worker injured in one government agency may seek suitable employment in a different agency, or a worker injured in a supermarket may seek suitable employment in a warehouse owned by the same self-insured corporate chain. In SISA's view, this would be a significant and potentially wide sweeping change impacting not just the employer but also their related companies.

Labour Hire and Host Employer Obligations

The Bill also proposes significant changes which will impact both labour hire and host employers. Key proposed changes include:

1. If a worker was a labour hire worker at the time of the work injury and the injury arose from employment while the worker was supplied to a host employer, the worker will now be able to request that the host employer cooperate with the pre-injury employer in the provision of suitable employment to the worker.
1. The Tribunal will be given power to order a host employer "cooperate" with the pre-injury employer to provide suitable employment. SISA has an initial concern that this proposed power extends to host employers being ordered to provide suitable employment without being a party to the Tribunal proceedings or having any avenue for review rights.
1. A host employer will be required, to the extent that it is reasonable to do so, to co-operate with a labour hire employer, in respect of action taken by the labour hire employer in order to comply with its obligation to provide suitable employment to a worker. Amongst other things, this will require a host employer to provide access to their workplace and to provide duties at the host employer's workplace consistent with the worker's capacity.

As noted above, there are also other changes proposed by the Bill including changes for workers who suffer from dust diseases and members are encouraged to read the entire Bill and to provide written feedback to SISA.

SISA is required to provide its submissions on the draft Bill by no later than 25 August 2023. KJK Lawyers, Mark Keam and Tracey Kerrigan presented a session on S 18 and the proposed changes for SISA members on 26/7/23 and the slides are on our website.

On August the 9th at 2.00p.m. in SISA offices and online, Nick Giourgas & Chris Sargent from Shopov Giourgas lawyers will present another session on S 18 as it will impact Group self-insurers. **Register here:** [Section 18](#)

In Other News and Views

The Stakeholder Representative Consultation Group (SRCG) responsible for drafting the Third Edition Impairment Assessment Guidelines is facilitating a review of the medical chapters (Chapters 2 to 16). RTWSA have contacted SISA to inform that this is occurring and asked SISA to publish it for members and ask them to provide feedback (see below)

[SRCG - Recommendations and Draft Chapter Consultation - Phase One](#)

Twelve sub-Committees have been formed to review the medical chapters, comprising 55 doctors who are impairment assessors or representatives from Medical Colleges.

The outputs of the reviews include recommendations to the SRCG, and in some cases a first draft of proposed amendments to the medical chapters.

The consultation document provided has been developed by the working groups, and is a very early version of content for the draft Guidelines for consideration. As it was put together by different working groups, some of the terms and languages are yet to undergo technical review. There is still ongoing work on Chapter 1 occurring. Please consider this very much a working draft.

Part of consulting early with stakeholders is that this is a working document. The terminology is yet to be finessed.

Further information about this stage of consultation is provided in the attached document, along with the recommendations and proposed changes to the following chapters:

- Chapter 8 – Respiratory system
- Chapter 10 – Visual system
- Chapter 11 – Haematopoietic system
- Chapter 12 – Endocrine system
- Chapter 13 – Skin
- Chapter 14 – Cardiovascular system
- Chapter 16 – Psychiatric disorders

Provide feedback by Friday 28 July

SISA Members [Please complete this online form](#) to provide feedback on any of these chapters by Friday 28 July 2023.

It is expected that the remaining chapters will be provided for your review and feedback during July.

If you have any questions for the SRCG, please direct these to the Secretariat, Mia Bell, at mia.bell@rtwsa.com, or James Large James.Large@rtwsa.com who is the SRCG lead in terms of consultation with self-insured employers and is happy to discuss with any Self Insurers.

SISA members please note you can either complete the online form yourselves regarding providing the feedback to the SRCG or send your feedback to SISA and we will complete the online feedback form on members behalf. Please note the closing date is 28/7/23.

eReports ran a fantastic June Forum with guest speakers including slides below:

Dr Alison Moffatt ["Post Traumatic Stress Disorder: Issues Within a Medicolegal Context"](#)

Alastair Wheaton ["The Role of a Surrogate Assessor during a physical IME"](#)

Jessica Pedron & Belinda Loh [eReports](#)

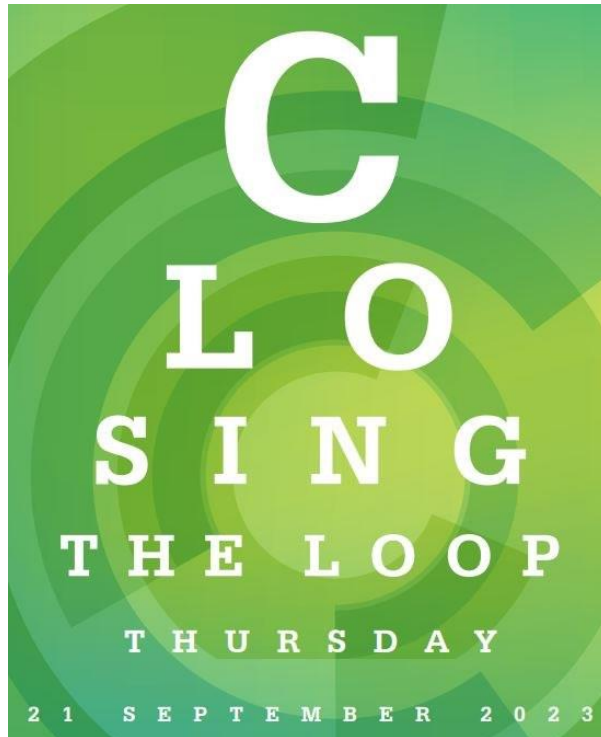


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Upcoming events



2 - Diamond Sponsor Closing The Loop 2023



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Access Events have now begun registrations for Closing the Loop 2023 in order to make use of the Early bird pricing please register now to secure a spot!

[Ticket Information](#)

[Full Program](#)

For our Interstate guests please look at what Adelaide has to offer with our accommodation at several locations:

[Hotels](#)

Early Bird discount ends 11th of August



Preventure

4 - Closing The Loop 2023 Breakfast Sponsor



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We are updating our [resource listings page](#), if you would like to appear on the page under the categories listed, please provide your logo and a blurb about your organisation and what services you offer and we will add to the SISA website.



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It's not too late to become a sponsor, please contact Darren Mickan from Access Events on 08 8352 6466 to discuss as we can tailor a sponsorship package to your needs.

[Prospectus](#)



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Save the Dates



2nd of August Melino Legal [Recovery and RTW/Requirements and Ramifications](#)

9th of August [Section 18](#) Shopov Giourgas Lawyers

11 of [August SISA Forum](#) - sponsored by nb&a Group - Natalie Bottroff

5th of September - Joe Parisi TBA

[21st of September Closing the Loop 2023](#) Morphetville Racecourse - SISA & Access Events - Darren Mickan & Wayne Potter

Sponsorship Prospectus available now!

Tickets Available

20th of [October SISA AGM and Forum](#) - sponsored by Melino Legal - Tahlia Melino

31st of October - [Healthy workplace Workshop](#)

7th of November Bradbrook Lawyers - TBA

22nd of November Audrey Bosboom - TBA

23rd of November Both Sides of the Fence (BSOTF) **Not a SISA Run Event**

1st of [December SISA Forum](#) - sponsored by Finlaysons Lawyers - Will Snow and Guy Finlayson

1st of [December SISA Xmas Function](#) - Seven Stars hotel



New Associate Member

Adaptive Workplace Solutions



Would you like to be part of our monthly spotlight?

Each month SISA can cast a spotlight on a Full or Associate member in order to provide examples of their expertise and various benefits they have available so that we can first look in-house when we are looking for assistance in their fields.

If you would like to be included in our monthly Newsletter, please let us know - sisa@sisa.net.au

Member Updates

Have you changed address? Do you want to be included on our mailing list? Is there a new contact at your worksite? Have any details changed? Or problems accessing our website? We are constantly looking for ways to improve our service, so please let us know of any changes or if anything is not working as it should and we will investigate with our Technical Support.

Please feel free to email us with feedback or queries sisa@sisa.net.au.

Position's Vacant or Person Available

We also provide a platform for positions vacant within your organisation, please email the seek advertisement link to us at SISA and we will send out the advertisement to our members. This service is free for our full and associate members. If you also know of anyone looking for work in the appropriate fields, we can advertise them as a person available, feel free to discuss with Wayne or Amanda.

Newsletter

Is there anything that we are not reporting on that you would like to see more of in our Newsletter? We have been trialing the new format and so far, it has doubled our hits and views. Please utilise the opportunity to show case your organisation as it is a great way to network and generate interest. Send any images or showcase information to sisa@sisa.net.au



9 - Closing The Loop Program Sponsor