

SISA NEWSLETTER

FEBRUARY 2024

Hello and welcome to 2024,

Our Friday Forums are underway for 2024, commencing with Shopov Giourgas on the 23rd. The presentation will be incorporating recent SAET decisions that were made in late November 2023. With Shopov Giourgas sponsoring for the first time, let's make it a great day for our new sponsors.

Audrey Bosboom is also running her session in February, this will be an interesting and informative presentation on combining injuries, this is on the 28th.

The Shopov Giourgas and Audrey Bosboom sessions are being held at SISA HQ, a great opportunity for our members to plan a day perhaps of training or meetings utilising the space and facilities available.

It would be great to hear from you on any training or specific topics of interest we can arrange for a session of experts to deliver to you.

In the next Newsletter there will be the calendar of events for this year as we have them.

Thank you for your continued support and we look forward to what 2024 has instore.

Kind Regards



Rachel Webber
General Manager
Self Insurers of South Australia Inc

Latest News

Updated Schedule of Sums & Minimum Financial Guarantee

Schedule of Sums

The necessary updates to the indexed figures and rates have been made in Cúram and the section 58 calculator will be updated from 2 January 2024.

Minimum Financial Guarantee

Per Schedule 3, clause 8 of the Regulations, self-ensured employers must ensure there is in force at all times a guarantee given by a financial institution

to, or in favour of, the Corporation which guarantees the payment of an amount to the Corporation in the event that the employer becomes insolvent or ceases to be a self-insured employer.

Per clause 8(6), the minimum financial guarantee is designated by reference to the prescribed sum indexed by reference to the September quarter Consumer Price Index from the financial year preceding the date of effect of the updated minimum financial guarantee figure.

The minimum financial guarantee figure effective 1 January 2024 is \$1,070,00.00.

New Financial Guarantees issued from 1 January 2024 onwards will need to meet the minimum level as outlined above.

Please note:

Financial Guarantees are only required for private self-insurers. They are not relevant for Crown Agencies;

For those self-insurers with a Financial Guarantee at the minimum level, the new higher minimum will only be relevant at your next financial guarantee due date, not immediately.



Lump Sum Assessments, Report Request and section 115(1) of the Return to Work Act

When a worker has requested an assessment pursuant to section 22 of the Return to Work Act 2014 (the Act), it is general practice for the respective parties to agree a report request that is to be sent to the assessor detailing the history of the claim and any other relevant matters to be considered.



The recent decision of *Sullivan v Return to Work Corporation* [2023] SAET 109 illustrates some of the issues that can arise when the parties cannot agree the content of the request.

The key facts of the case can be identified as follows:

- The worker had in fact sustained multiple injuries and there was a dispute between the parties as to whether some of the body parts were work related or not,
- The dispute between the parties led to a delay in the assessment proceeding,
- Upon an application for an expedited decision, a Commissioner of the Tribunal made orders requiring the claims agent to provide a commissioning letter requesting an assessment of the worker's permanent impairments and to arrange an examination with Dr D'Onise within certain time periods,
- On the making of the orders, the Compensating Authority filed an application for an internal review of the orders made pursuant to section 66 of the South Australian Employment Tribunal Act 2014 (the SAET Act).

The matter came on before Deputy President Judge Rossi and he noted the requirements of section 22 of the Act in relation to the assessment of multiple body parts. He also noted the requirements of the Impairment Assessment Guidelines (IAG's), and in particular Chapter 1.34 that requires the requestor to provide all relevant information to the assessor. In addition, the requestor must ensure that the worker is provided with the report request prior to it being sent to the assessor and giving the worker at least 10 days to consider the request and have an opportunity to raise any issues, errors or omissions before the report request is sent to the assessor.

Rossi DP observed that while the IAG's require the requestor to liaise with the worker to ensure all relevant and accurate information is provided to the assessor, it is the requestor who is to communicate directly with the assessor and the responsibility ultimately rests with the requestor to ensure that all relevant information is provided accurately to the assessor (refer para 10).

His Honour turned his attention to the operation of sections 97 and 113 of the Act and section 66 of the SAET Act that relate to reviewable decisions and the special jurisdiction of the Tribunal. He also noted the application of section 115(1)(aa) of the Act that only became operative on 1 August 2022. This required him to review the case of *Life Care Inc v Keuning* [2022] SAET 80, a case in which he was the presiding judge. As

His Honour noted in that matter, the special jurisdiction of the Tribunal does not empower the Tribunal to conduct a broad review of various and potentially interrelated administrative steps to be undertaken under the s 22 process. It also does not permit a sweeping order as to when an assessment is to take place where matters ancillary and necessary for that assessment have not been undertaken.

In essence, the Deputy President was satisfied that section 115(1)(aa) was limited to those directions that the Tribunal considers necessary to expedite the assessment, but otherwise it is for the requestor to finalise the report as part of its statutory obligations. The role of the Tribunal was not to hear competing submissions and to determine the date of the injury to be communicated to the assessor. Where the discharge of that function results in a reviewable decision, then it is open to the Tribunal to deal with that issue by way of a hearing de novo.

Free ReturnToWorkSA Workshops

ReturnToWorkSA will be running an online workshop “Managing Psychosocial hazards and risks, with SafeWorkSA” once again.

The next workshop will be on Thursday 22nd February from 10.00am to 11.30am. Now that the new psychosocial regulations have come into effect, many workplaces are keen to upskill in this area.



You can register to this via the Eventbrite link on our website.

Return To Work SA will also be holding a special event workshop called “Train the Trainer: Delivering an Introduction to Mentally Healthy Workplaces” on the 29th of February. This face to face workshop is specifically tailored for large and self-insured organisations to equip participants with the tools and skills required to deliver their own in house training on mentally healthy workplaces.

Participants will leave the workshop with:

- Familiarity and understanding of the 'Introduction to Mentally Healthy Workplaces' package, including the 'what, why and how' of developing a mentally healthy workplace in your organisation.
- Increased knowledge and confidence in their role as a trainer in delivering the package.
- The tools to consider the next steps for delivering the workshop package to their organisation.

For this workshop, they do ask for an expression of interest first. The Mentally Healthy Workplaces Team will then contact the person to discuss the training in more detail and ensure suitability.

Any self-insured employer can register their interest via the link on our website.

Elevate Consulting SISA Member Offer

You may remember Prabha from our Closing the Loop event. She and her team of legal, behavioural change and multi-disciplinary positive duty experts at Elevate Consulting Partners are offering a free 15 minute consult for all SISA members.

In the wake of new 'positive duty' requirements in the Sex Discrimination Act, the mandate is clear: businesses must take proactive steps to eliminate sexual harassment. It's not just about responding to incidents but preventing them. **Employers can now be liable for failing to prevent sexual harassment without the need for a complaint to be lodged with the Australian Human Rights Commission.**

A policy, one-off staff training and responding to reports of sexual harassment will not satisfy the new positive duty obligations.

Let the team at Elevate Consulting Partners guide you on this. You can chat through your questions and needs with the team who developed the positive duty standards, guidance material, compliance and enforcement teams with the Human Rights Commission.

Email sarah@elevateconsultingpartners.com.au with 'SISA Member' in the subject and your key questions and she'll facilitate this for you.



New SISA Mobile Numbers

SISA has 2 new mobile numbers. You can also now contact Rachel Webber on 0481 859 189 and Kellie Norton on 0467 269 117. The 8232 0100 number is still active and will still be answered by either Rachel or Kellie.

Upcoming events

SISA February Forum

Friday 23rd February 2024

Sponsored By: Shopov Giourgas Lawyers.



Bilateral Injury Claims Seminar - Audrey Bosboom

Wednesday 28th February 2024

See our website for more details.



Closing the Loop 2024

Date to be announced.

Planning has already commenced to make a bigger and better Closing the Loop in 2024.



2024 Calendar of Professional Development Activities

We are currently finalising this year's calendar and will be available by our next newsletter.



2024 SISA Forum Dates

23 rd February	SISA February Forum : Shopov Giourgias Lawyers
19 th April	SISA April Forum : WorkGain
21 st June	SISA June Forum : Sparke Helmore
16 th August	SISA August Forum : NB&A Group
18 th October	SISA October AGM/Forum : Melino Legal
6 th December	SISA December Forum : Finlaysons Lawyers

Would you like to be part of our monthly spotlight?

Each month SISA can cast a spotlight on a Full or Associate member 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 at 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 organisation? 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.

Positions Vacant

We provide a platform for positions vacant within your organisation, please email the Seek advertisement link to us at sisa@sisa.net.au and we will send out the advertisement to our members. This service is free for our full and associate members.

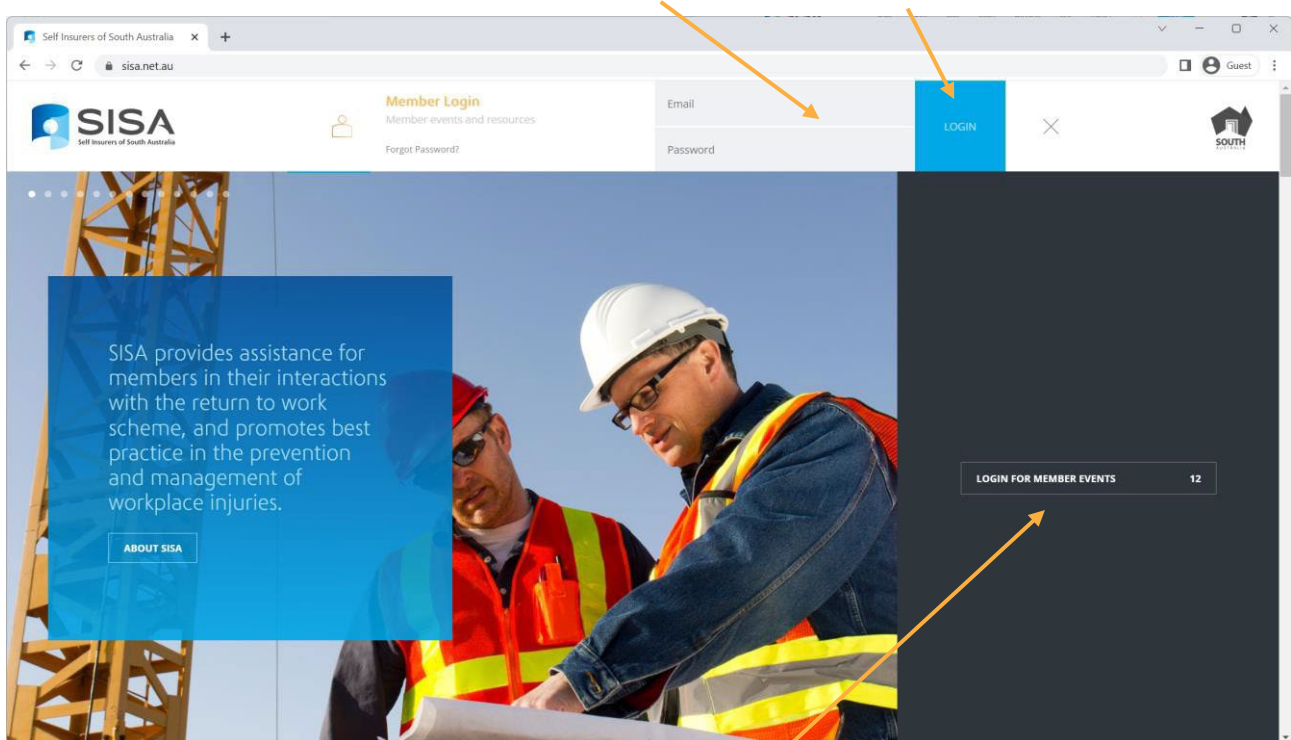
Newsletter

Is there anything that we are not reporting on that you would like to see more of in our Newsletter?

Please utilise the opportunity to showcase your organisation as it is a great way to network and generate interest. Send any images or showcase information to sisa@sisa.net.au.

Instructions for logging into the SISA website on computer

1. SISA Home Page – click ‘Login’ in the header
2. Login Email & Password (issued from SISA) to be keyed in, then click ‘Login’ button.



3. If the Home page is showing ‘Login’ button and ‘Login for member events’, you are not logged in.

4. Successful login when the person icon turns gold.

5. Member events are now visible and in gold.

