

Return to Work Corporation of South Australia (Crown Claims Management) Amendment Bill 2017

REPORT

Today I am introducing a Bill to make amendments to the *Return to Work Corporation of South Australia Act 1994* to allow for the management of return to work claims of employees of the state government to be administered by ReturnToWorkSA.

Employing over 100,000 South Australians, our public sector is a significant employer in the state. The changes proposed in this Bill will bring the Public Service in line with the rest of the state with regard to return-to-work outcomes and services, resulting in greater consistency and transparency.

In the unfortunate event of a workplace injury, all South Australian employees should expect to receive the same level of support in order to facilitate their return to work no matter where they work. Our aim is to ensure a consistent approach across the state.

The current arrangements do not support this consistency, and unless we change the status of the government's injury management service to align with our private sector employers, this inconsistency will remain.

Currently, there are twelve separate injury management units across government that provide claims administration services to injured employees. This can lead to differing approaches with varying practices and systems. The arrangement provided for in this Bill will lead to improvements over time, given workplace injury insurance is ReturnToWorkSA's core business.

In addition, ReturnToWorkSA has a sophisticated data analytics capability, which they use as a risk management tool. This level of data capability and analysis will allow for return to work policy development, which also encompasses the public sector. It will also make it easier to gather evidence on public sector wide trends, enabling greater benchmarking.

There are also obvious economies of scale arguments in favour of ReturnToWorkSA becoming the state government's work injury insurance provider. These gains are consistent with the government's economic priorities for South Australia, as outlined in the state's Strategic Plan, promoting our state as the best place to do business, and enabling innovation through improved data collection and analysis.

The Government's intention is that the transfer of the injury management of all new Crown employee claims to ReturnToWorkSA take place on 1 July 2017. However, the Bill provides flexibility with regard to certain agencies and instrumentalities of the Crown. Minda, the Royal District Nursing Society and the Royal Society for the Blind require particular attention and are likely to have need of a later date of transfer in order to ease their transition.

The government's aim is to provide a streamlined service which will ensure all South Australian employees achieve their return-to-work outcomes in a consistent and timely manner. This is not only good for workers, but also benefits the economic and social stability of our state. This approach will help to achieve the goal of a more consistent and transparent return-to-work system throughout South Australia.

In summary, this Bill makes changes to the *Return to Work Corporation of South Australia Act 1994* to facilitate the administration of all new work injury claims to ReturnToWorkSA promoting consistency, efficiency and equity in the scheme.

I commend the Bill to members.

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EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Return to Work Corporation of South Australia Act 1994*

4—Insertion of Part 5A

This clause inserts proposed sections 24A and 24B.

Part 5A—Crown employment

24A—Cessation of registration of Crown as self-insured employer

The proposed section operates to cease the operation of the deemed registration of a Crown entity as a self-insured employer under section 130 of the *Return to Work Act 2014* either on the commencement day (in the case of a Crown entity that is not a designated Crown entity) or on a day specified by the Minister in the case of a designated Crown entity.

A delegation of powers and discretions of the Corporation under section 134 of the *Return to Work Act 2014* may continue in relation to injuries occurring before the day on which the relevant deemed registration ceases until a specified day.

Proposed subsection (3) sets out the power of the Minister to specify different days in relation to different entities for the purposes of subsection (1)(b) and subsection (2).

Proposed subsection (4) defines certain terms for the purposes of the measure.

24B—Transitional Regulations

The proposed section inserts a power to make regulations of a saving or transitional nature. Regulations may be made to make provision in relation to when injuries are to be taken to have occurred for the purposes of section 24A(2).