



SISA Update December 2020

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FINLAYSONS
LAWYERS



COVID-19 measures



- Please ensure that you:
 - Have fully completed the COVID-19 register
 - Maintain social distancing
 - Are seated while consuming food and beverages
 - Comply with the advice of the COVID-19 marshals
 - Use the hand sanitiser and wipes provided
 - Seek testing if you develop symptoms

COVID-19 claims Australia-wide

- As at 31/7/20 (prior to Victorian 2nd wave):
 - 533 claims
 - 202 (38%) for COVID-19 itself
 - 179 (34%) for mental harm
 - 152 (29%) relating to testing and isolation
- 3 industry groups most affected:
 - Health care & social assistance (183 – 34% of total)
 - Public administration & safety (88 – 16% of total)
 - Transport, postal & warehousing (74 – 14% of total)

COVID-19 claims Australia-wide

Jurisdiction	Claims	% all claims	% of Aust pop
NSW	299	56%	31.4%
Victoria	75	14%	25.5%
Queensland	68	13%	20%
Tasmania	59	11%	2%
WA	12	2.2%	11%
Commonwealth	7	1.3%	n/a
ACT	5	0.9%	1.6%
SA	4	0.9%	6.7%
NT	4	0.9%	1%

Source – Safe Work Australia & SISA

COVID-19 claims Australia-wide

- ACT & NT claims were all for mental health
- SA claims were all for C-19 itself – no mental health
- The rest were varying proportions of C-19, testing & isolation and mental health
- Of the 533 claims:
 - 253 (47%) were accepted
 - 95 (18%) were rejected
 - 185 (38%) were undetermined
- In SA, the original total was 6 – 2 were withdrawn, remaining 4 accepted (none known for self-insurers)

COVID-19 update

- Claims for C-19 in SA remain in single figures
- No rejections (so why do we need the RTWA amendment Bills?)
- Members continue to cope well
- Mental health remains a major factor
- Dilemma where workers in quarantine facilities have other employment – eg the Woodville outbreak
- Dedicated facility for positive cases should further reduce risks

Healthy Workplaces Charter and Website

- Launched 27/10/20 by Treasurer & Ministers for Health and Skills & Innovation
- Website is an extensive access point for resources to support and promote healthy workplaces
- See <https://www.healthyworkplaces.sa.gov.au/>



SISA is a signatory to the Charter

AGREED TO BY THE COLLABORATIVE
PARTNERSHIP FOR WORKPLACE HEALTH
AND WELLBEING IN SOUTH AUSTRALIA



 TREASURER	 MINISTER FOR INNOVATION AND SKILLS	 MINISTER FOR HEALTH AND WELLBEING
 BUSINESS SA	 BUSINESS SA	
 Government of South Australia Department for Innovation and Skills	 DEPARTMENT FOR INNOVATION AND SKILLS	
 Government of South Australia Office of the Commissioner for Public Sector Employment	 OFFICE OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT	
 RETURN TO WORK SA	 RETURN TO WORK SA	
 SA UNIONS	 SA UNIONS	
 Government of South Australia SafeWork SA	 SAFEWORK SA	
 SISA Self Insurers of South Australia	 SELF INSURERS OF SOUTH AUSTRALIA	
 University of South Australia Centre for Workplace Excellence	 UNIVERSITY OF SOUTH AUSTRALIA, CENTRE FOR WORKPLACE EXCELLENCE	
 Government of South Australia Wellbeing SA	 WELLBEING SA	

27th October, 2020

Definition of a healthy workplace

- A successful healthy workplace program has the following characteristics:
 - committed leadership that supports and invests in a healthy workplace
 - involvement and engagement of workers in the program
 - is tailored to the workplace to address specific needs and priority areas
 - focuses on both physical and mental health, safety and wellbeing
 - has a culture of care – a strong people focus where people feel cared for beyond just getting the job done
 - becomes the way business is done – is integrated and sustainable
 - work is a positive contributor to health.

Legislation

- *Work Health & Safety (Industrial Manslaughter) Amendment Bill 2020* - still in 2nd reading in Upper House – will probably be defeated in Lower House
- *Automated External Defibrillators (Public Access) Bill 2020* – passed Upper House, will be defeated in Lower House
- *Return to Work (Post Traumatic Stress Disorder) Amendment Bill 2020* - still in 2nd reading in Upper House

Legislation & Parliament

- *Return to Work (Post Traumatic Stress Disorder) Amendment Bill 2020* - still in 2nd reading in Upper House – won't be supported by Govt
- *Return to Work (COVID-19) Amendment Bill 2020* – Greens Bill, still in 2nd reading in Upper House
- *Return to Work (COVID-19 Injury) Amendment Bill 2020* – Labor Bill – passed Upper House, still in 2nd reading in Lower House, will be defeated in Lower House
- RTW scheme did not arise during Estimates Committee sittings

Recent SAET cases

- *Drage v RTWSA* [2020] SAET 198 – application for interim SI status granted
- *McCormack v ASC Shipbuilding Pty Ltd; ASC Pty Ltd; Australian Naval Infrastructure Pty Ltd* [2020] SAET 200 – group SI registration – held that ASC P/L, as the nominated employer of the group, is the pre-injury employer for the purposes of s.18 of the Act
- *Zaidi v RTWSA (No. 2)* [2020] SAET 207 – part of decision addresses hours worked factor under ss.55 & 56 – casual v full time work

Recent SAET SASCFC cases

- *Hudson v Return to Work SA* [2020] SAET 206 - decision to reject supplementary income support payment after surgery set aside
- *Mayne v Northern Adelaide Local Health Network* [2020] SAET 223 rejection of claim for carpal tunnel overturned
- *RTWSA v Heinjus* [2020] SASCFC 97 – appeal to the Full Court over legal costs under regulation 44 dismissed

RTWSA annual report 2019-20

- Scheme funding has reduced to 102% due to low interest rates and increased claim liabilities
- Liabilities up by \$261.3m
- Full year result shows an operating loss of \$303m
- Self-insurance represents 40% of SA remuneration, or 29% of the SA workforce
- 92% (65 of 72) of SIs achieved a renewal for 3 years or more
- 9 (55%) self-insured employers granted a 5-year renewal in 2019-20
- Up to 30 June 2020: 19 private renewals completed, 1 new application for self-insurance approved & no employers ceased self-insurance.

RTWSA annual report 2019-20 – claim costs

Payment type	Change on 2018-19
Weekly payments	+23%
Lump sums	+60%
Hospital	+13%
Medical	+18%
Rehabilitation	+35%
Physiotherapy	+13%
Legal	+19%

SISA news

- BBQ 4/12/20 at the Pavilion
- Website upgrade completed and launched
- SISA office security upgraded
- Invoicing for 2nd half of FY 20/21 to begin shortly
- New quarterly fee payment option
- Currently considering options for training, eg webinar, streaming etc
- Early candidate for training in 2021 – recoveries under s.66

Questions?

