



N.S.W. Workers' Compensation
Self Insurers Association Inc.

Employers Managing Their Own Risk
ABN 69 780 464 009

Chairperson: Stephen Keyte

Submission from Self Insurers Association to New Return to Work Assistance Regulation

The Self Insurer Association in general has no objection on regulations being formulated unless it is inconsistent with the legislation, or merely restates the legislation, however if providing guidance on the operation there is no objection.

As self insurers fund all treatment including vocational retraining they have a great interest in assisting injured workers to return to durable employment.

In response to the discussion questions.

FOCUS QUESTION 1: What are appropriate 'classes' of new employment assistance?

The Association is of the view the classes of employment assistance should be restricted or limited to activities directly related to the training, as stated in Schedule 4 of the amending Act, transport, child care, clothing, equipment or any similar service or assistance.

FOCUS QUESTION 2: What circumstances, if any, should limit the types of costs that can be claimed under this benefit?

The cost incurred and liability must be able to be determined prior to the supply of the service and must be directly related to realistic opportunities for employment given the injured workers capacity for work, skills and abilities and the availability of a prospective vocation in the labour market.

FOCUS QUESTION 3: Should there be a time limit on when a cost was incurred and, if so, what timeframes would be reasonable?

The Association would expect that the costs incurred need to be verified as reasonable and directly related to retraining, a time frame limit is not a priority.

FOCUS QUESTION 4: What type of employment arrangements (eg ongoing employment, casual, short term contract work, or self-employment) should be considered?

As indicated above the Association is of the view that any type of employment that is realistic should be considered and injured workers not be limited in their attempts to find alternative employment.

FOCUS QUESTION 5: With reference to the information provided in Table 1 of this discussion paper, should limitations be considered in the classes of education and training?

The Association is of the view that the classes of training and education as outlined in table 1 of the discussion paper are appropriate and should not limit the opportunity for training of injured workers.

FOCUS QUESTION 6: With reference to the information provided in Table 2 of this discussion paper, should limitations be considered in the classes of training provider?

The association is of the view that any training organisation must be a registered RTO/VET provider, or higher education institution that is regulated by TEQSA.

FOCUS QUESTION 7: What circumstances, if any, should be considered in which an employer should not be liable to pay the cost of education and training assistance?

The Association is of the view that any training must be directly related to a realistic employment opportunity, not a fanciful occupation or one with no prospects of eventuating.

FOCUS QUESTION 8: What considerations might be necessary in relation to the interaction between two new return to work assistance benefits and the existing vocational rehabilitation (section 53) programs?

The Association does not envisage any issue or conflict with the new return to work assistance benefits in relation to operation of Section 53.

FOCUS QUESTION 9: What operational and administrative arrangements should be considered in relation to the two new return to work assistance benefits?

As indicated above and in the discussion paper, the injured worker must gain prior approval by the insurer for return to work assistance, the recommendation must be part of an Injury management or Return to Work Plan and provide receipts of costs for an insurer to verify an injured worker's claim for reimbursement of the costs incurred.

The Association looks forward to providing any further assistance in the formulation of the Regulations

Stephen Keyte
Chairperson NSW Self Insurers Association