TERMS OF REFERENCE

Background

The Return to Work Scheme is a critical safety net for South Australian workers.

People who are injured at work deserve to be treated with dignity and respect and to have access to high-quality support, recovery and return to work services, and compensation to help restore them to work and to the community.

It is also essential that the Scheme is financially sustainable and continues to keep costs to South Australian employers within reasonable limits.

At a time when workers compensation in many jurisdictions across Australia is facing significant challenges, the Scheme is in a strong position. It is fully funded and consistently maintains some of the best return to work rates in the nation.

However, this is no excuse for complacency.

At the 2026 State Election, the Malinauskas Government committed to an independent review of the Scheme with the aim of ensuring it provides the best support to injured workers while continuing to keep costs to employers within reasonable financial limits.

This review is an essential opportunity to investigate improvements to South Australia's workers compensation system, so it is fair, efficient, and sustainable – continuing to support South Australian workers and employers long into the future.

The Independent Panel

1. The review will be undertaken by an independent panel appointed by the Minister for Industrial Relations.

2. The members of the review panel are:

    a. Peter Hannon (Chair)

    b. Simon Blewett SC

    c. Andrew Smith

3. The panel may seek specialist advice and support as needed, including in areas such as occupational medicine and financial and actuarial modelling.

Objectives

4. The purpose of the review is to consider improvements to strengthen the operation of the Return to Work Scheme (**the Scheme**). It is not intended for the review to design a new workers compensation scheme from the ground up.

5. The review will inquire into, report and make recommendations on the effectiveness of the Scheme in achieving the objects of the *Return to Work Act 2014* (**the Act**).

> *(1) The object of this Act is to establish a scheme that supports workers who suffer injuries at work and that has as its primary objective to provide early intervention in respect of claims so as to ensure that action is taken to support workers –*
>
> *(a) in realising the health benefits of work; and*
>
> *(b) in recovering from injury; and*
>
> *(c) in returning to work (including, if required, after retraining); and*
>
> *(d) in being restored to the community when return to work is not possible.*
>
> *(2) In connection with subsection (1), the other objectives that apply with respect to this Act are –*
>
> *(a) to ensure that workers who suffer injuries at work receive high-quality service, are treated with dignity, and are supported financially; and*
>
> *(b) to ensure that employers' costs are contained within reasonable limits so that the impact of work injuries on South Australian businesses is minimised; and*
>
> *(c) to provide a reasonable balance between the interests of workers and the interests of employers; and*
>
> *(d) to reduce the overall social and economic cost of work injuries to the State and to the community; and*
>
> *(e) to support activities that are aimed at reducing the incidence of work injuries; and*
>
> *(f) to reduce disputation when workers are injured at work by improving the quality of decision-making and by reducing adversarial contests to the greatest extent possible.*

6. The review may have regard to, and make recommendations on, any matter directly affecting the operation of the Scheme. This includes, but is not limited to:

    a. legislation and regulations;

    b. policies, procedures and practices of Scheme participants;

    c. best practice approaches to injury prevention, early intervention, recovery and rehabilitation for work injuries; and

    d. issues affecting workers compensation schemes in other jurisdictions.

7. The review will not consider or make recommendations on:

    a. any individual claim or entitlement of a specific worker; or

b. the content of the Impairment Assessment Guidelines, which has been the subject of a separate co-design process leading to the publication of the 3rd Edition (though the review may consider the statutory framework in which the Impairment Assessment Guidelines are made); or

c. the extension of workers compensation to gig economy workers in the food delivery and passenger transport sectors, which is the subject of a separate Government commitment and will be consulted on following this review.

8. The review must be conducted on the basis that the Scheme will operate sustainably with an average premium rate that does not exceed 2.0%, consistent with its existing financial parameters.

9. Any recommendations made by the review panel to the Minister that may have a financial impact on the Scheme must be supported by appropriate actuarial advice identifying the probable cost impacts and effects on the sustainability of the Scheme.

Procedure

10. The panel may inform itself as it sees fit, including by conducting interviews or public forums.

11. The panel must invite submissions from and consult with stakeholders involved in the Scheme including representatives of workers, employers, self-insured employers, medical practitioners, and ReturnToWorkSA.

12. The panel must fix a timeframe for the filing of written submissions to the review. The due date for the filing of submissions must be no earlier than 30 April 2027 to enable sufficient time for considered feedback from stakeholders.

13. The panel may seek that ReturnToWorkSA and relevant self-insured employers provide it with statistical and other information which it may make publicly available prior to this date to assist stakeholders in preparing informed submissions to the review.

14. Written submissions to the review should generally be published online. The panel may redact or anonymise submissions, in whole or part, including to maintain appropriate personal privacy or commercial confidence.

Reporting

15. The panel will provide a final report and recommendations to the Minister by no later than 30 November 2027.