

Changes to Return to Work Act 2014 from 1 December 2024

The Parliament of South Australia recently passed the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024* which amends the *Return to Work Act 2014* (the Act).

Most changes come into effect on 1 December 2024

Dust/fibre diseases

Workers with dust/fibre disease may be in a significantly different employment position at the time they are diagnosed with the injury and make a claim for weekly payments. Sometimes this can be decades after the exposure to the hazardous dust/fibres which caused the injury.

To achieve fairer outcomes for these workers, a worker injured with a prescribed dust/fibre disease will be able to elect whether their average weekly earnings are calculated with reference to:

- either the date they were exposed to the hazardous dust that caused their injury, or
- the date they were diagnosed with the dust disease.

In other words, to achieve fairer outcomes with respect to income support entitlements, workers with prescribed dust diseases can choose whichever option provides them the higher amount.

The list of dust/fibre diseases for which there is an ability to elect, will be prescribed by regulation, anticipated in early 2025. Before the list can be made, the Minister must consult, at a minimum, with the AMA, ReturnToWorkSA, and the Minister's Advisory Committee – which includes worker, employer and medical representation.