

## 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

### Medical appointments

A change has been made to protect the privacy of injured workers when they are receiving treatment or undergoing an examination by a health practitioner.

Workers may have different appointments with different health practitioners throughout their work injury claim. It is important for the employer and claims managers to work with the health practitioners to support recovery and return to work.

Employers (including third party agents acting on their behalf) and ReturnToWorkSA (including its claims agents Employers Mutual and Gallagher Bassett) are not permitted to be present while an injured worker is being examined or treated by a health practitioner\* or undergoing any diagnostic examinations or tests, unless the worker has provided written consent in a designated form (available on the ReturnToWorkSA website).

However, an employer or ReturnToWorkSA can still be present during a consultation involving the worker and a health practitioner to discuss their recovery and return to work. This safeguard ensures that services aimed at facilitating a worker's reintegration into the workplace can continue uninterrupted.

\*A health practitioner refers to an individual who is registered under the Health Practitioner Regulation National Law including: a medical practitioner (being someone who practices medicine, such as a general practitioner or specialist medical doctor), a dentist, a psychologist, an optician, a physiotherapist, a chiropractor, a podiatrist, an occupational therapist, an osteopath, or a registered speech pathologist.

#### They are **not allowed** to be present while an injured worker is:

- being physically or clinically examined, or treated by a health practitioner; or
- undergoing diagnostic examinations or tests required for treatment purposes.

#### The exceptions to this provision are:

- where the worker provides express written consent (using a form to be published by ReturnToWorkSA)
- in any circumstances set out in the Regulations (there are currently no circumstances set out).

#### They are **allowed** to be present:

during a consultation involving the worker and health practitioner for the purposes of discussing the worker's recovery and return to work.