

Are you transitioning from WorkCover to Return to Work?

How will the new scheme apply to your claim after 1 July 2015?



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The Return to Work scheme is the new South Australian workers compensation scheme commencing from July 2015. It replaces the WorkCover scheme.

This guide covers information to assist workers who are transitioning from WorkCover to Return to Work.

For workers with new injuries on or after 1 July 2015, please refer specifically to our guide "Return to Work - the South Australian workers compensation scheme".

Weekly Payments of Income Maintenance

A worker with an existing claim (prior to 1 July 2015), who is receiving weekly payments as at 30 June 2015 **and who is not a seriously injured worker** will continue to receive weekly payments as follows:

- ◆ If receiving payments at 80% of notional weekly earnings (NWE) at 30 June 2015, weekly payments will continue at 80% of NWE until 30 June 2017 at the latest (unless discontinued lawfully prior to that date).

- ◆ If receiving payments at 90% of NWE at 30 June 2015, weekly payments will continue at 90% of NWE until 30 June 2016, and will then be reduced to 80% of NWE until 30 June 2017 at the latest (unless discontinued lawfully prior to that date).

- ◆ If receiving payments at 100% of NWE at 30 June 2015, weekly payments will continue at 100% of NWE until 30 June 2016 for one year and will then be reduced to 80% of NWE until 30 June 2017 at the latest (unless discontinued lawfully prior to that date).

A worker with an existing claim who is receiving weekly payments as at 30 June 2015, and who is determined by Return to Work SA to be a seriously injured worker (see below), will continue to receive weekly payments at the same rate until 30 June 2016, and then at 80% of NWE until retirement age.

Medical Expenses

For workers with an existing claim (prior to 1 July 2015) and who are not seriously injured, medical expenses entitlements are:

- ◆ If receiving weekly payments as at 30 June 2015, you will continue to receive compensation for medical and associated expenses until 12 months after weekly payments cease (up to a maximum period of 30 June 2018);
- ◆ If not receiving weekly payments as at 30 June 2015, you will be entitled to continue to receive compensation for medical expenses for one year until 30 June 2016.

A worker with an existing claim who is **determined by Return to Work SA to be a seriously injured worker** will be entitled to continue to receive compensation for medical and associated expenses for life.

The provisions relating to "pre-approval" for surgery and certain medical expenses do not apply to a worker with an existing claim.

Seriously Injured Workers

A worker with an existing claim who has already been assessed as having a whole person impairment of 30% or greater will be taken to be a seriously injured worker under the new Act.

In addition, Return to Work SA can issue a decision stating that a worker with an existing claim is taken to be a seriously injured worker for the purposes of the new Act. Return to Work SA can make such a decision on any basis they see fit.

The process for determining "seriously injured" can be complex and we recommend you seek legal advice and assistance from Andersons if you think you may meet the criteria for seriously injured.

Lump Sum Payment for Economic Loss / Loss of Future Earning Capacity

The new lump sum payment for economic loss/loss of future earning capacity is not payable in relation to existing claims. Similarly, a worker whose claim relates to an injury sustained prior to 1 July 2015 will not be entitled to bring a common law claim against their employer for negligence causing injury.



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