

**Legislative Council—No 30A**

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 3 June 2020

South Australia

**Return to Work (COVID-19 Injury) Amendment  
Bill 2020**

A BILL FOR

An Act to amend the *Return to Work Act 2014*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Return to Work Act 2014*

- 4 Amendment of section 9—Evidentiary provision
  - 5 Insertion of Schedule 3A
- Schedule 3A—COVID-19 injuries
- 1 COVID-19 injuries
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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

5 This Act may be cited as the *Return to Work (COVID-19 Injury) Amendment Act 2020*.

#### 2—Commencement

This Act will be taken to have come into operation on 15 March 2020.

#### 3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Return to Work Act 2014*

#### 4—Amendment of section 9—Evidentiary provision

Section 9(2)(b)—delete "Schedule 3" and substitute:

Schedules 3 and 3A

#### 15 5—Insertion of Schedule 3A

After Schedule 3 insert:

### Schedule 3A—COVID-19 injuries

#### 1—COVID-19 injuries

(1) If—

20 (a) a person is employed—

(i) at a prescribed workplace; or

(ii) in a prescribed occupation; and

(b) the person is diagnosed with COVID-19,

the disease is presumed, in the absence of proof to the contrary, to be a work injury and to have arisen from that employment.

- 5 (2) If an employer (not being a self-insured employer) pays compensation under section 64(5) of this Act in respect of a work injury referred to subclause (1), the employer may recover the amount of the payment from the Corporation.
- 10 (3) Section 64(8), (10) to (15) (inclusive), (18) and (20) of this Act do not apply in relation to a work injury referred to in subclause (1) or a payment referred to in subclause (2).
- (4) To avoid doubt, nothing in this Schedule is to be construed as giving rise to liability beyond that which is already provided for in this or any other Act.
- 15 (5) In this section—

*air passenger service work* means the work carried out by or on behalf of a passenger service (within the meaning of the *Air Transport (Route Licensing—Passenger Services) Act 2002*);

20 *disability* has the same meaning as in the *Disability Inclusion Act 2018*;

*emergency services provider* means—

- (a) SACFS; or
- (b) SAMFS; or
- (c) South Australian State Emergency Service; or
- 25 (d) SA Ambulance Service Inc; or
- (e) St John Ambulance Australia South Australia Incorporated;

*emergency services work* means work carried out (whether or not in response to an emergency) by or on behalf of an emergency services provider;

30 *passenger transport service* has the same meaning as in the *Passenger Transport Act 1994*;

*passenger transport work* means—

- (a) work consisting of driving a public passenger vehicle for the purposes of a passenger transport service; or
- 35 (b) work undertaken as an authorised officer appointed under section 53 of the *Passenger Transport Act 1994*; or
- (c) work undertaken as an authorised person under Part 4 Division 2 Subdivision 2 of the *Passenger Transport Regulations 2009*;

***prescribed occupation*** means—

- (a) work as a police officer; or
- (b) emergency services work; or
- (c) passenger transport work; or
- (d) air passenger service work; or
- (e) any other occupation prescribed by the regulations for the purposes of this paragraph,

but does not include an occupation, or an occupation of a class, declared by the regulations to be excluded from the ambit of this definition;

***prescribed workplace*** means—

- (a) a hospital or private day procedure centre, both within the meaning of the *Health Care Act 2008*; or
- (b) a residential aged care facility; or
- (c) a facility (not being a private residence) at which residential accommodation, respite care or other supports and services are provided to people with disability; or
- (d) a pharmacy within the meaning of the *Health Practitioner Regulation National Law (South Australia) Act 2010*; or
- (e) a child care centre or kindergarten, both within the meaning of the *Children's Services Act 1985*; or
- (f) a school within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*; or
- (g) a supermarket, grocer, delicatessen or convenience store; or
- (h) a petrol station, including any parts of a petrol station that consist of a shop, or shops, selling goods by retail; or
- (i) any other workplace prescribed by the regulations for the purposes of this paragraph,

but does not include a workplace, or a workplace of a class, declared by the regulations to be excluded from the ambit of this definition;

***public passenger vehicle*** has the same meaning as in the *Passenger Transport Act 1994*.