

House of Assembly—No 32

As laid on the table and read a first time, 8 April 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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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—Amendment provisions

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*

10 3—Amendment of section 9—Evidentiary provision

Section 9(1)(b)—delete "Schedule 3" and substitute:
Schedules 3 and 3A

4—Insertion of Schedule 3A

After Schedule 3 insert:

15 **Schedule 3A—COVID-19 injuries**

1—COVID-19 injuries

(1) If—

(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 have arisen from that employment.

(2) To avoid doubt, nothing in this Schedule (or in another Schedule of this Act) is to be construed as giving rise to liability beyond that which is already provided for in this or any other Act.

(3) In this section—

5 ***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*);

emergency services provider means—

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

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

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

passenger transport work means—

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

prescribed occupation means—

- 30 (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,

35 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

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- (b) a residential aged care facility; or
 - (c) a pharmacy within the meaning of the *Health Practitioner Regulation National Law (South Australia) Act 2010*; or
 - (d) a child care centre or kindergarten, both within the meaning of the *Children's Services Act 1985*; or
 - (e) a school within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*; or
 - (f) a supermarket, grocer, delicatessen or convenience store; or
 - 10 (g) a petrol station, including any parts of a petrol station that consist of a shop, or shops, selling goods by retail; or
 - (h) any other workplace prescribed by the regulations for the purposes of this paragraph,

15 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*.