

House of Assembly—No 175

As received from the Legislative Council and read a first time, 9 September 2021

South Australia

**Return to Work (Impairment Assessment
Guidelines) Amendment Bill 2021**

A BILL FOR

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

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

- 3 Amendment of section 4—Interpretation
- 4 Insertion of section 21A
 - 21A Impairment Assessment Guidelines
- 5 Amendment of section 22—Assessment of permanent impairment

Schedule 1—Transitional provisions

- 1 Revocation of Impairment Assessment Guidelines
-

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 (Impairment Assessment Guidelines) Amendment Act 2021*.

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 4—Interpretation

Section 4(1), definition of *Impairment Assessment Guidelines*—delete "means the guidelines published under section 22" and substitute:

—see section 21A

4—Insertion of section 21A

- 15 Before section 22 insert:

21A—Impairment Assessment Guidelines

- 20 (1) The Governor may, by regulation made on the recommendation of the Minister, establish guidelines (the *Impairment Assessment Guidelines*) for the purposes of the assessment of permanent impairment (being whole person impairment).

(2) Without limiting the generality of subsection (1), the Impairment Assessment Guidelines must incorporate a methodology that arrives at an assessment of the degree of impairment of the whole person (whole person impairment).

5 (3) The Minister must, before making a recommendation for the purposes of subsection (1), consult with professional associations representing the class or classes of medical practitioners who hold accreditations under section 22.

5—Amendment of section 22—Assessment of permanent impairment

10 (1) Section 22(3)—delete subsection (3)

(2) Section 22(4)—delete subsection (4)

(3) Section 22(5)—delete subsection (5)

(4) Section 22(6)—delete subsection (6)

Schedule 1—Transitional provisions

1—Revocation of Impairment Assessment Guidelines

15 (1) The Impairment Assessment Guidelines published under section 22 of the Act and in force immediately before the commencement of this clause will, by force of this clause, be taken to be revoked on the day on which the Impairment Assessment
20 Guidelines established under section 21A of the *Return to Work Act 2014* (as enacted by this Act) come into operation.

(2) To avoid doubt, a reference in the Act or any other Act to the Impairment Assessment
25 Guidelines will, in relation to a work injury occurring on or after the commencement of this clause, be taken to be a reference to the Impairment Assessment Guidelines established under section 21A of the *Return to Work Act 2014* (as enacted by this Act).