

21 October 2016

NAT 021/16

### Your input and feedback is essential

#### New South Wales Reviews:

- workers' compensation premiums: and
- guidelines for return to work programs

#### Safe Work Australia Review:

- Workplace exposure standards for 644 chemicals

**NSW Premium:** We know that a number of businesses have been impacted, both negatively and positively, by recent changes to the way in which the workers' compensation premium is being calculated in New South Wales. A review is underway to determine how premiums will be set from 2017/18 onwards; comment closes on **18 November 2016**.

**NSW RTW Programs:** The Guidelines for Return to Work Programs establish what an employer needs to do to comply with their legislative obligations. An updated draft is currently being considered for implementation in December 2016, with a two year transition; comment closes on **15 November 2016**.

**Safe Work Australia:** Workplace exposure standards establish the maximum level of airborne contaminants that can be in a workplace. Safe Work Australia has commenced a process that will update the current standards. If this is an area of interest to your business, information is provided about how to keep up to date with progress.

You can share your views about these topics in a range of ways:

- Contact [Tracey Browne](#) (0438 207 799) or [Mark Goodsell](#) (0418 408 871)
- Talk to your regular Ai Group contact who will make sure your experiences and views are considered.

### New South Wales Workers' Compensation Premium

Up to, and including, the 2015/16 premium year, the formula to calculate the workers' compensation premium was established by an annual Insurance Premiums Order (IPO) that was made by the Governor, with the advice of the Executive Council.

In 2016/17, in line with new governance arrangements, this approach was ceased. The State Insurance Regulatory Agency (SIRA) now issues two sets of guidelines that determine how insurers (iCare and specialised insurers) set premiums and how these insurers and self-insurers are required to operate.

The 2016/17 *Market Practice and Premium Guidelines (MPPGs)* and *Licensed Insurer Business Plan Guidelines (LIBPGs)* were designed to largely establish a status quo, after significant change occurred in 2015/16.

SIRA has now commenced a major consultation process to finalise the guidelines that will apply from 2017/18 onwards.

Key areas being considered in the discussion paper are:

- Availability of premium information for employers
- Cross subsidies for classes of employers

- Complaints, reviews and appeals
- Wage audits
- Cross border insurance arrangements
- Apprentices/internships - incentives
- Definition of small business for different premium treatment
- Definition of a worker
- Definition of wages
- Definition of industry
- Financial and prudential arrangements for insurers and self-insurers

The discussion paper asks a number of specific questions in relation to each of these topics.

Employers responding to the discussion paper can address these questions, or provide feedback, on one or more key issues of concern or interest.

Ai Group will be making a detailed submission on behalf of members.

The [discussion paper](#) can be accessed via this link.

### **New South Wales Guidelines for return to work programs**

All NSW employers must have a Return to Work (RTW) program in place and it must be consistent with the insurer's injury management plan.

The Workers' Compensation Regulations require that return to work programs must comply with the relevant guidelines. SIRA is currently running a public comment period to receive feedback on draft amended guidelines.

Once finalised, the 2016 guidelines will replace the current 2010 guidelines. Proposed changes include:

- Structural changes and the adoption of plain English
- There will no longer be a requirement that the program be *agreed*. Instead the focus will be on consultation and the employer will need to retain evidence of the consultation

- RTW coordinators will no longer be required to attend an approved course; instead the guidelines state that the coordinator must be a person who can undertake the roles and responsibilities outlined in the guidelines
- Employers will no longer need to seek approval from the regulator before entering into a shared arrangement to engage a coordinator
- There will no longer be a requirement to nominate a preferred workplace rehabilitation provider within the program
- The *return to work hierarchy* will be removed, to reflect the cultural shift towards recovery at work through the most direct path back to employment

It is Ai Group's current view that these proposed changes provide a better approach to return to work programs, allowing for flexibility and the recognition that each workplace has different needs when it comes to return to work processes.

The [draft guidelines](#) can be accessed here.

### **Safe Work Australia Review of Workplace Exposure Standards**

Workplace exposure standards for hazardous substances are specified in health and safety legislation as mandatory legal limits. The standards specify the maximum amount of airborne contaminant that can be present at a workplace.

Safe Work Australia has appointed Golder Associates Pty Ltd to review the current available scientific data for each chemical and, where necessary, recommend a new level of the exposure standard.

This work follows on from a separate consultation process undertaken in late 2015.

If you would like to be kept up to date on progress of the review and the scheduling of public consultation arrangements, you can [subscribe](#) to Safe Work Australia's mailing list.

## Asbestos Conference

The Asbestos Safety and Eradication Agency will host their third International Conference in Adelaide from 13 to 15 November 2016.



For more information:

[www.asbestossafety.gov.au](http://www.asbestossafety.gov.au)

## Do you require assistance to manage Work Health and Safety or Workers' Compensation issues in your business?

For information or assistance, please contact Ai Group's Workplace Advice Line on 1300 55 66 77.

For information about our safety and workers' compensation consulting and training services, contact:

Consulting Services  
Trinette Jaeschke  
0400 282 477

Training and Events  
Seema Khatri  
0428 907 838

A handwritten signature in black ink, appearing to read 'Tracey Browne'.

**Tracey Browne**

**Manager – National Safety & Workers'  
Compensation Policy and Membership  
Services**