

Legislative Council—No 20

As introduced and read a first time, 8 April 2020

South Australia

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

A BILL FOR

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

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- 1 Workers diagnosed with COVID-19
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

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

5 2—Commencement

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

3—Amendment provisions

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

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

4—Amendment of section 9—Evidentiary provision

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

Schedules 3 and 3A

5—Insertion of Schedule 3A

15 After Schedule 3 insert:

Schedule 3A—COVID-19

1—Workers diagnosed with COVID-19

- 20 (1) If a designated worker is diagnosed with COVID-19 as a result of approved testing, the disease will be taken to be an injury that has arisen from the worker's employment.

- (2) If a designated worker undergoes approved testing for COVID-19, the following provisions apply:
- (a) the worker will be taken, for the purposes of this Act, to have been diagnosed with COVID-19 at the time of the test and to be suffering from a notional work injury;
 - (b) the worker's notional work injury will give rise to the same rights and benefits to which the worker would be entitled under this Act if the worker had been diagnosed with COVID-19;
 - (c) any period during which the worker is unable to work as a consequence of a requirement for self-isolation after undergoing the test will be taken, for the purposes of this Act, to be a period during which the worker was incapacitated for work by the notional work injury;
 - (d) the worker will be taken to have ceased to be suffering from the notional work injury if and when the worker is advised that the worker does not have COVID-19.

- (3) Despite any other provision of this Act, if a designated worker has an entitlement to weekly payments because the worker has been diagnosed with COVID-19, the entitlement is to continue for 3 weeks after the worker returns to work or ceases to be incapacitated by the injury.

- (4) In this clause—

approved testing means testing for COVID-19 of a kind approved by the Minister;

designated worker means a worker—

- (a) who is a member of the police force and, in the course of that employment, has face to face contact with members of the public; or
- (b) who is employed by a court or tribunal and, in the course of that employment, has face to face contact with members of the public; or
- (c) who is employed in a correctional institution (within the meaning of the *Correctional Services Act 1982*) or a training centre (within the meaning of the *Young Offenders Act 1993*); or
- (d) who, in the course of employment in 1 or more of the following industries or services, has face to face contact with members of the public:
 - (i) the hospitality industry;
 - (ii) health care;
 - (iii) disability care;
 - (iv) aged care;

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- (v) childcare (including family day care);
 - (vi) education (including pre-school, school and tertiary education);
 - (vii) provision of refuges, halfway houses or homeless shelters;
 - (viii) the retail industry;
 - (ix) passenger transport services;
 - (x) library services;
 - (xi) the freight transport industry;

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 - (xii) emergency services (including SAMFS, SACFS and the South Australian State Emergency Service);
 - (xiii) an industry or service of a kind prescribed by the regulations for the purposes of this definition.