

Return to Work Minister's Advisory Committee - MAC

Hon Kyam Maher MLC
Minister for Industrial Relations and Public Sector
By email only: AttorneyGeneral@sa.gov.au

Dear Minister

Strategic review of noise induced hearing loss (NIHL)

Thank you for inviting the MAC to assist ReturnToWorkSA with their strategic review of NIHL in the Scheme.

As you may be aware the MAC has been assisting ReturnToWorkSA with the review since September 2024, including providing feedback on the review report which I understand ReturnToWorkSA has submitted to you.

Further to the report submitted by ReturnToWorkSA, the MAC would like to provide the following feedback for your consideration.

Prevention

The report correctly identifies prevention as a priority and as the best way to reduce the liability arising as a result of noise induced hearing loss in the future.

The MAC supports that prevention should be a key focus of Safe Work SA, funded by the Return to Work Scheme.

Data

As highlighted in the report, there are gaps in the data collected in relation to NIHL and the MAC's view is that data should underpin and inform any decisions regarding changes in the legislation.

The MAC recommends that although the survey responses from the consultation have highlighted anecdotal areas of concern, more accurate data is needed to understand the details of these concerns.

The MAC recommends that ReturnToWorkSA undertakes further work on identifying what data needs to be collected in relation to NIHL and implementing ways to collect this data.

Education

The MAC has noted that stakeholder feedback from the consultation reveals that some employer stakeholders don't have the correct information about the impact of NIHL claims on premiums.

The MAC recommends an education campaign for employers and workers, in particular, the impact of NIHL claims on premiums and information for workers on the claims process including rights and responsibilities.

The MAC further notes that stakeholders complained of poor decision making by Claims Agents, including in circumstances of injured workers having the benefit of the presumption in s188 of the Act.

Stakeholders suggested that the significant rise in disputation in recent years owes in some respects to poor decision making at first instance. It is notable that in the Registered Scheme, an average of 49% of rejected claims were overturned at conciliation in the 2022/2023 and 2023/2024 financial years. This data, provided at pages 25 and 26 of the report, lends some support to the complaint by workers and their representatives.

The MAC therefore recommends that ReturnToWorkSA engages in further education and professional development of all decision makers, howsoever described, to minimise the effect of poor decision making on workers, the SAET and the scheme.

Redemptions

The MAC understands that some self-insured employers use redemptions as a way of reducing their liability in relation to noise induced hearing loss claims. Employees are obviously willing to agree to redemptions otherwise they wouldn't occur.

The MAC recommends that ReturnToWorkSA should give more genuine consideration to redeeming their liability in relation to noise induced hearing loss claims as a way to reduce their liability.

Apportionment

Some members of the MAC further propose that the South Australian Scheme undertake research on the appropriateness of introducing apportionment for NIHL claims.

Control

The strategic review has highlighted ReturnToWorkSA's limited control over service providers.

The MAC recommends that this can be addressed by introducing a provider registration arrangement. This would include service providers being required to meet specific criteria in order to provide services in the Return to Work Scheme. This in turn would enable ReturnToWorkSA to monitor and regulate these providers in relation to costs, service provision and performance of aids/appliances.

The MAC would be pleased to provide you with further information on these recommendations if required.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'Ted Mah', with a stylized, flowing script.

Professor Ted Mah
Presiding Member

30 June 2025