

S180 Application for access

Return to Work Act 2014

Details of Application

Surname	Title (Mr/Mrs/Ms)	
Given names		
Postal address		Postcode
Phone (Home)	(Work)	
Email	Mobile	

Access required

I request access to document(s) as follows:

- a) I require a copy of the information/documentation Yes No
- b) I wish to only inspect the information/documentation Yes No
- c) I require access in another form Yes No

If yes, please specify

These documents contain information about:

- a) my personal affairs Yes No
- b) another person's personal affairs Yes No

If yes to b), please complete the consent form below.

Consent form

(only to be completed where personal information is being requested by a third party)

I (Name)	
of (Address)	
Postcode	
Contact phone	
Authorise (Applicant's name)	
of (Address)	
Postcode	
to access (Please provide details of information/documentation)	
Signature	Date

Access required (continued)

(This information must be completed to identify the worker.)

Claims files (Claim number/s)	Date of birth
Please indicate the records/documentation that you require:	

Please note that information can only be provided if held by ReturnToWorkSA or its agents.

Section 180 states:

Workers right of access to claims file

(1) Subject to this section, the Corporation or a delegate of the Corporation must, at the request of a worker—

- (a) provide the worker, within 45 days after the date of the request, with copies of all documentary material in the possession of the Corporation or the delegate relevant to a claim made by the worker; and
- (b) make available for inspection by the worker (or a representative of the worker) all non-documentary material in the possession of the Corporation or the delegate relevant to a claim made by the worker.

(2) Non-documentary material is to be made available for inspection—

- (a) at a reasonable time and place agreed between the Corporation or delegate and the worker; or
- (b) in the absence of agreement—at a public office of the Corporation or delegate nominated by the worker at a time (which must be at least 45 days, but not more than 60 days, after the request is made and during ordinary business hours) nominated by the worker.

(3) However, the Corporation or delegate is not obliged to provide copies of material, or to make material available for inspection by the worker if—

- (a) the material is relevant to the investigation of suspected dishonesty in relation to the claim; or
- (b) the material is protected by legal professional privilege; or
- (c) the disclosure of the material could reasonably be expected to endanger the life or physical safety of any person.

(4) A worker who is aggrieved by a decision under subsection (3) is entitled to a review of the decision by the Corporation or the delegate (as the case may be).

(5) An application for review under subsection (4)—

- (a) must be made in accordance with the regulations; and
- (b) must be made within 30 days after the day on which notice of the decision was given to the worker or within such longer period as the Corporation or delegate may allow.

(6) On an application for review, the Corporation or delegate may confirm, vary or reverse the decision under review.

(7) If the Corporation or delegate fails to make a decision on a review

under subsection (6) within 14 days after the application for review is received under subsection (5), the Corporation or delegate will be taken to have confirmed the decision under review.

(8) A worker who is aggrieved by a decision under subsection (6) may apply to the Ombudsman for a review of the decision.

(9) An application for a review under subsection (8)—

- (a) must be made in a manner and form determined by the Ombudsman; and
- (b) must be made within 30 days after the day on which notice of the decision was given to the worker or within such longer period as the Ombudsman may allow.

(10) The Ombudsman may, in relation to a review under subsection (8)—

- (a) exercise the powers of the Ombudsman under the Ombudsman Act 1972 as if carrying out an investigation under that Act, subject to such modifications as may be necessary, or as may be prescribed; and
- (b) at the conclusion of the review confirm, vary or reverse the decision under review.

(11) For the purposes of a review of a decision of a self-insured employer under subsection (8), the self-insured employer will be taken to be an agency to which the Ombudsman Act 1972 applies.

(12) Section 17(1) of the Ombudsman Act 1972 does not apply in relation to a review under subsection (8).

(13) It will be taken to be a condition of registration as a self-insured employer that the employer will comply with any decision of the Ombudsman that relates to the employer under subsection (10).

(14) If the Ombudsman becomes aware that a self-insured employer has failed to comply with a decision of the Ombudsman that relates to the employer under subsection (10), the Ombudsman must advise the Corporation of the failure.

(15) If the Corporation or a delegate of the Corporation mistakenly provides material to a worker to which the worker is not entitled, the worker must return the material within a reasonable time after requested to do so by the Corporation or the delegate. Maximum penalty: \$2 500.

(16) In this section, a delegate of the Corporation includes a self-insured employer.

Signature	Date
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Please complete this form and send to:

ReturnToWorkSA

GPO Box 2668

South Australia 5000

Phone: 13 18 55

Fax: 08 8233 2466

Email: foi@rtwsa.com

Website: www.rtwsa.com

To contact ReturnToWorkSA in a language other than English, please ring the Interpreting and Translating Centre on 1800 280 203 and ask them to contact us on 13 18 55.

This interpreting service is available at no cost to you.

If you need any information in braille, audio, e-text or large print, please call us on 13 18 55 and we will do our best to help you.

If you are deaf or have a hearing or speech impairment you can call ReturnToWorkSA through the National Relay Service (NRS):

- TTY users can phone 13 36 77 then ask for 13 18 55.
- Speak & Listen (speech-to-speech) users can phone 1300 555 727 then ask for 13 18 55.
- Internet relay users can connect to NRS on www.relayservice.com.au then ask for 13 18 55.