

DEPARTMENT OF
THE ATTORNEY-GENERAL AND JUSTICE

Workers Rehabilitation and Compensation Advisory Council

Annual Report
2021-2022

NTWorkSafe



**NORTHERN
TERRITORY
GOVERNMENT**

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Function and Purpose of the Advisory Council

The *Return to Work Act 1986* (the Act) establishes the Workers Rehabilitation and Compensation Advisory Council (the Council). The functions of the Council are to:

- (a) keep the operation of the *Return to Work Act 1986* under review;
- (b) make recommendations to the Minister on possible improvements to the administration of the *Return to Work Act 1986*, or the statutory scheme for the rehabilitation and compensation of injured workers in the Northern Territory;
- (c) carry out investigations, at the request of the Minister, into questions about the rehabilitation and compensation of injured workers and to report to the Minister on the results of the investigations; and
- (d) perform any other advisory functions relating to workers' rehabilitation and compensation as the Minister directs.

The Council comprises the person constituting the Work Health Authority under section 4(3) of the *Work Health Administration Act 2011* and up to 10 other members appointed by the Minister.

The Council members must represent stakeholders of the Northern Territory Workers' Compensation Scheme, including balanced representation from a wide range of major industry sectors which includes representatives of organisations representing employers, and representatives of organisations representing employees, persons with expertise in the rehabilitation of injured workers and persons with expertise in the insurance industry.

Membership of the Advisory Council

Council Members for 2021-2022

On 8 April 2021, the previous Attorney-General and Minister for Justice, appointed the following members for a term which expires on 18 March 2023.

- Mr William Esteves – NT WorkSafe, Work Health Authority;
- Ms Catherine Louise Spurr, Halfpennys Lawyers – Chair;
- Ms Peggy Siew Meng Cheong, Hunt & Hunt – Deputy Chair;
- Mr George Michael Roussos, Roussos Legal Advisory – Member;
- Mr Colin Chilcott, Insurance Council of Australia – Member;
- Mr Brett Shane Hagan, Chamber of Commerce – Member;
- Ms Erina Catherine Early, United Voice NT – Member;
- Dr. Rebecca Emily Dingle, Territory Medical Group – Member;
- Ms Chrystalla Maria Yiannitsaros, Clinical Psychology Assessment and Consultancy – Member;
- Mr Robert William Mofatt, IPAR Rehabilitation - Member; and
- Mr Llewelyn Jones, Insurance Council of Australia – Member.

Ms Peggy Cheong, Work Health Authority, NT WorkSafe

Ms Cheong was appointed as the Work Health Authority on 18 June 2022. Ms Cheong is also the Executive Director of NT WorkSafe, the Electricity Safety Regulator, the Chief Inspector under the *Radioactive Ores and Concentrates (Packaging and Transport) Act 1980* and a delegate of the Competent Authority under the *Dangerous Goods Act 1998*. Prior to her appointment, Ms Cheong was Director of Hunt & Hunt Lawyers and has practiced in the Northern Territory for over 20 years. Ms Cheong was the Deputy Chair of this Council prior to commencing at NT WorkSafe.

Ms Cathy Spurr, Halfpennys Lawyers – Chair

Ms Spurr has been a member of the Council since 2009 and is the current Council Chair. Ms Spurr is a partner at Halfpenny’s Lawyers and works predominantly on cases related to workplace injury, personal injury and medical negligence. Ms Spurr acts on behalf of workers and unions and plays a key role in representing the interests of injured workers. Ms Spurr has extensive experience dealing with complex workers compensation matters.

Mr George Roussos, Roussos Legal Advisory – Member

Mr Roussos is a partner of Roussos Legal Advisory and a strong advocate of the Northern Territory workers’ rehabilitation and compensation system. He is a current member of the Scheme Monitoring Committee; a past president of the NT Chamber of Commerce and Industry; former Chair of the Council, and was one of the consultants engaged to undertake a review of the now repealed Workers Rehabilitation and Compensation Act.

Mr Colin Chilcott, Insurance Council of Australia – Member

Mr Chilcott is the Regional Underwriting Manager, Workers Compensation for QBE Insurance and the nominee of the Insurance Council of Australia. Mr Chilcott has been a member of the Council since 2010 and was Deputy Chair from 2015 to 2017. Mr Chilcott has extensive experience with the Northern Territory workers compensation scheme.

Mr Brett Hagan, Chamber of Commerce - Member

Mr Hagan was nominated by the Chamber of Commerce NT to represent employer interests on the Council. Mr Hagan has been involved with the Chamber of Commerce NT since the mid 1980’s and has held a position on their board since 2012. Mr Hagan has worked in the insurance industry since 1980 and has experience with claims, underwriting and account management.

Ms Erina Early, United Workers Union NT – Member

Ms Early is employed as the Secretary for United Workers Union NT. United Workers Union is the largest union in the Northern Territory (NT) representing workers in areas of security, disability, hospitality, health and aged care, corrections, paramedics, fire fighters, early

childcare, Aboriginal health, NT Public Sector health services, regional councils, mining and Aboriginal organisations. Ms Early is also the Secretary of Unions NT the peak body of the Union movement in the NT.

Mr Llewellyn Jones – Insurance Council of Australia – Member

Mr Jones has over 30 years' experience in the insurance industry including over 15 years working directly within statutory workers compensation schemes. Mr Jones is currently Executive Manager, Western Region Workers Compensation at GIO Insurance.

Mr Robert Moffatt – IPAR Rehabilitation – Member

Mr Moffatt has over 30 years' experience in workers compensation across risk states. He was previously on the WRCAC as an Insurer representative but was required to resign from the Council in August 2020 to move across to his current role with IPAR. Mr Moffatt is the Regional Manager for Western Australia, Northern Territory, ACT and Tasmania at IPAR Rehabilitation.

Dr Rebecca Dingle – Territory Medical Group – Member

Dr Rebecca Dingle is an Occupational and Environmental Physician. She has been practicing in Occupational and Environmental Medicine since 2012. She has worked in a range of industries including mining, construction, transport and logistics, maritime, healthcare, retail, hospitality and local government.

Ms Chrystalla Yiannitsaros – Clinical Psychology Assessment and Consultancy – Member

Ms Yiannitsaros is currently working as a clinical Psychologist. Ms Yiannitsaros has over 13 years' experience working as a Psychologist in the Northern Territory. Ms Yiannitsaros is regularly engaged by employers to provide consultancy in relation to employee/organisational wellbeing, managing conflict in the workplace, and independent assessment of employee return to work capacity/recommendations.

Activities of the Advisory Council 2021-2022

The Council met on two occasions during 2021-2022:

- 4 November 2021; and
- 21 April 2022.

Due to the ongoing Covid-19 Pandemic, a number of Council meetings were postponed due to not enough members to constitute a quorum *Return to Work Act 1986*.

Key issues and items the Council addressed or considered included the:

- Regulations and Recovery for Medical Fees for Workers Compensation;
- Premium Percentage Increases – Review of Premium Increases for Small Business;
- Lyons Review action – Injured Workers and Family Forum;
- COVID-19 implications for the rehabilitation and compensation system;
- Permanent Impairment;
- Portability of Benefits; and
- Review of the 2015 deemed diseases in Australia.

Committees

Section 14 of the *Return to Work Act 1986*, the Council established subcommittees to assist or advise the WRCAC in carrying out any aspect of its functions.

A subcommittee may consist entirely of the Council members, partly of council members and partly of members drawn from outside of the Council, or entirely of members drawn from outside the Council. The terms and conditions of appointment of a member of a subcommittee are to be determined by the Minister.

The procedures of a subcommittee are, subject to any direction by the Council or the Minister, to be as determined by the subcommittee.

On request from the Minister, the Council and the Work Health and Safety Advisory Council established an Injured Workers and Families subcommittee to develop a more effective system to ensure that family members of workers who suffer a catastrophic injury or work-related death are supported.

Injured Workers and Family Forum

The Committee considered the following recommendations from the 'Best Practice Review of Workplace Health and Safety in the Northern Territory':

Recommendation 4: That an Injured Workers and Family Forum be established, actively supported, and consulted by both NT WorkSafe and the Work Health and Safety Advisory Council.

Recommendation 5: That NT WorkSafe develop a more effective system to ensure that the families and victims of fatalities are supported, modelled on best practice used by police services.

Findings and recommendations were sent to the Minister by the Chairs of both councils for the Ministers consideration.

Planned Activities of the Advisory Council for 2022-2023

After reviewing NT WorkSafe's Strategic Plan 2021-2025, and the National Return to Work Strategy 2022-2030, the Council members were able to identify a number of planned activities for the Council:

- Review of the current Permanent Impairment guides approved and published by the Work Health Authority;
- Review of the 26 weeks drop down and earning capacity;
- Workers residing outside of Australia/ portability of benefits;
- Variation of fees charged by Doctors and Allied Health Professionals for injured workers in comparison to patients not within the workers compensation system;
- Review of the number of days required for the completion of a mediation; and
- Review of interpretation of medical, surgical and rehabilitation treatment in relation to a worker, specifically section 49(f) of the *Return to Work Act 1986* and the interpretation relating to medical cannabis.