

DEPARTMENT OF
THE ATTORNEY-GENERAL AND JUSTICE

Workers Rehabilitation and Compensation Advisory Council

Annual Report
2022-2023

NTWork**Safe**



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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 2022-2023

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

- 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
- Mr Llewellyn Jones, Insurance Council of Australia – Member

Ms Cheong was appointed as the Executive Director, NT WorkSafe on 18 June 2022. Given the Executive Director, NT WorkSafe is the Work Health Authority (the Authority), Ms Cheong became the ex-officio on the Council as the Authority and was therefore unable to continue in her appointment as the Deputy Chair.

The Council was able to continue its activities without the requirement to advertise for a new member, given the Chair would be available for further meetings prior to the expiration of the members' term.

In January 2023, a notice for expressions of interest was advertised for Council members and following consideration of applications received, the Minister appointed the following members to the Workers Rehabilitation and Compensation Advisory Council for a term of 2 years expiring 18 March 2025:

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| • Ms Peggy Siew Meng Cheong | ex-officio Work Health Authority | Member |
| • Ms Catherine Louise Spurr | Halfpennys Lawyers | Chair |
| • Mr Robert William Mofatt | IPAR Rehabilitation | Deputy Chair |
| • Mr Colin Chilcott | Insurance Council of Australia | Member |
| • Mr Llewellyn Jones | Insurance Council of Australia | Member |
| • Mr Brett Shane Hagan | Chamber of Commerce | Member |
| • Ms Chrystalla Maria Yiannitsaros | Clinical Psychology Assessment & Consultancy | Member |
| • Ms Erina Catherine Early | United Voice NT | Member |
| • Dr Bernard John Westley | AMA representative | Member |

NT WorkSafe provides the following persons to assist the Council:

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|----------------------------|--|-------------|
| • Kerry Barnaart (Support) | A/Director Rehabilitation and Compensation | Support |
| • Candice Sanchez | NT WorkSafe | Secretariat |

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 Robert Moffatt – IPAR Rehabilitation– Deputy Chair

Mr Moffat is the current Deputy Chair of the Council and has over 30 years’ experience in workers compensation. Mr Moffat is the regional manager for Western Australia, Northern Territory and Tasmania at IPAR Rehabilitation and with his exposure to the national operations of workplace rehabilitation providers has an in depth understanding of various other Return to Work schemes nationally. With Mr Moffatt’s previous experience covering portfolio management, risk state underwriting, claims management and people management he has a thorough understanding of scheme dynamics and key stakeholders.

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 in claims management as well as underwriting and marketing knowledge of the Northern Territory workers’ Compensation Scheme.

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 and has extensive experience leading teams in Customer facing and support functions including underwriting, business development, relationship management, portfolio management, strategy and business planning, credit management, e-commerce and claims management.

Mr Brett Hagan, Chamber of Commerce - Member

Mr Hagan was nominated by the Northern Territory Chamber of Commerce to represent employer interests on the Council. Mr Hagan has been involved with the Chamber of Commerce NT since the

mid 1980's and held a position on their board from 2012-2019. Mr Hagan has worked in the insurance industry since 1980 and has experience in underwriting and account management.

Ms Chrystalla Yiannitsaros – Clinical Psychology Assessment and Consultancy – Member

Ms Yiannitsaros is currently working as a clinical Psychologist in private practice and has over 15 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. She has extensive knowledge and experience in the field of workers compensation and possesses a good understanding of the Return to Work legislation.

Ms Erina Early, United Workers Union NT – Member

Ms Early is employed with United Workers Union (UWU) as the Branch Secretary. United Workers Union has the largest and diverse membership in the Northern Territory covering workers in 45 industries, including Aged Care, Home Care and Disability Support, Tourism, Veterinary, zoos and animal care, Laundries, Cleaners, security and property services, Sports and entertainment, Education, Food, beverage and farms, Hospitality, casino, pubs and clubs, Ambulance and health, Logistics and supermarkets supply chain, Manufacturing, Market research, call centres and sales. Ms Early is also the Secretary and Public Officer of Unions NT, the peak body of the Union movement in the NT.

Dr Bernard Westley – AMA representative - Member

Dr Bernard Westley was nominated by the Australian Medical Association Northern Territory (AMA NT) and provided his experience and dedication to the people of Darwin is exemplary. Dr Westley is an experienced general practitioner (GP) and is the current GP representative on AMA NT committee. He has extensive training and clinical expertise in the workers rehabilitation field since 2004 and has held various positions in the Northern Territory, including, but not limited to, various GP roles in urban Darwin and in remote NT and as a member of the Senior Executive Leadership Team NT Primary Health Network.

Activities of the Advisory Council 2022-2023

The Council met on four occasions during 2022-2023:

- 21 July 2022;
- 4 November 2022;
- 9 February 2023; and
- 4 May 2023.

Key issues and items the Council addressed or considered included:

- Review of current Permanent Impairment guides approved and published by the Authority – section 70 of the *Return to Work Act 1986*;
- Review of 26 weeks drop down and earning capacity – section 64 of the *Return to Work Act 1986*;
- Lyons Review action – Injured Workers and Family Forum;
- Workers residing outside of Australia/ portability of benefits - section 65B of the *Return to Work Act 1986*;
- Variation of fees charged by Doctors and Allied Health Professionals for injured workers' in comparison to those patients not within the workers' compensation system;
- Review of the number of days required for the completion of a mediation – section 103D of the *Return to Work Act 1986*;
- 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;
- Review of the 2015 Deemed diseases in Australia from Dr Tim Driscoll's report and the addition of the identified diseases from the report to be included in the deemed disease list in the Return to Work Regulations 1986 and , the removal of Parkinson Disease as recommended by the Report;
- Issue of the level of the NT premium pool and potential options on increasing the premium pool; and
- The implications of the ICT System used by NT WorkSafe to receive and store critical data for workers compensation being at end of life and not being able to have any updates due to its age, therefore not able to keep up with the requirements for both jurisdictional and national reporting requirements.

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.

There were no subcommittees requested for this period of reporting.

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 the Workers Rehabilitation and Compensation Advisory Council and the Work Health and Safety Advisory Council for the Ministers consideration.

Planned Activities of the Workers Rehabilitation and Compensation Advisory Council for 2023-2024

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:

- Monitor the national review of Permanent Impairment guides and if required propose amendments to the NT WorkSafe Guidelines for the evaluation of permanent impairment approved and published by the Work Health Authority.
- Further investigate the variation of fees charged by Doctors and Allied Health Professionals for injured workers in comparison to patients not within the workers compensation system.
- Recommend an extension of the number of days required for the completion of a mediation.
- 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. Conduct further research into the use of medical cannabis as an alternative to opioids.

- Review potential options available on increasing the Northern Territory premium pool, particularly pertaining to identifying those employers who should hold a policy but do not.
- Review options to mitigate the risk and implications of the ICT System used by NT WorkSafe (WIMS) being at end of life.
- Make recommendation to the Minister regarding the review of the 2015 deemed diseases in Australia from Dr Tim Driscoll's report and the addition of the identified diseases from the report to be included in the deemed disease list in the Return to Work Regulations 1986 and the removal of Parkinson Disease as recommended by the Report.