



SARTA Conference

18 October 2025

Return to *work*.
Return to *life*.

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*‘To empower and support South
Australians impacted by work injury’*



ReturnToWorkSA

Provides **work injury insurance**:

- Employer registration
- Collection of premium
- Financial support to cover injured worker wages
- Reasonable medical treatment
- Return to work services

Regulates the South Australian Return To Work Scheme:

- Ensure scheme participants are aware of and comply with their obligations
- Maintain the integrity of the scheme



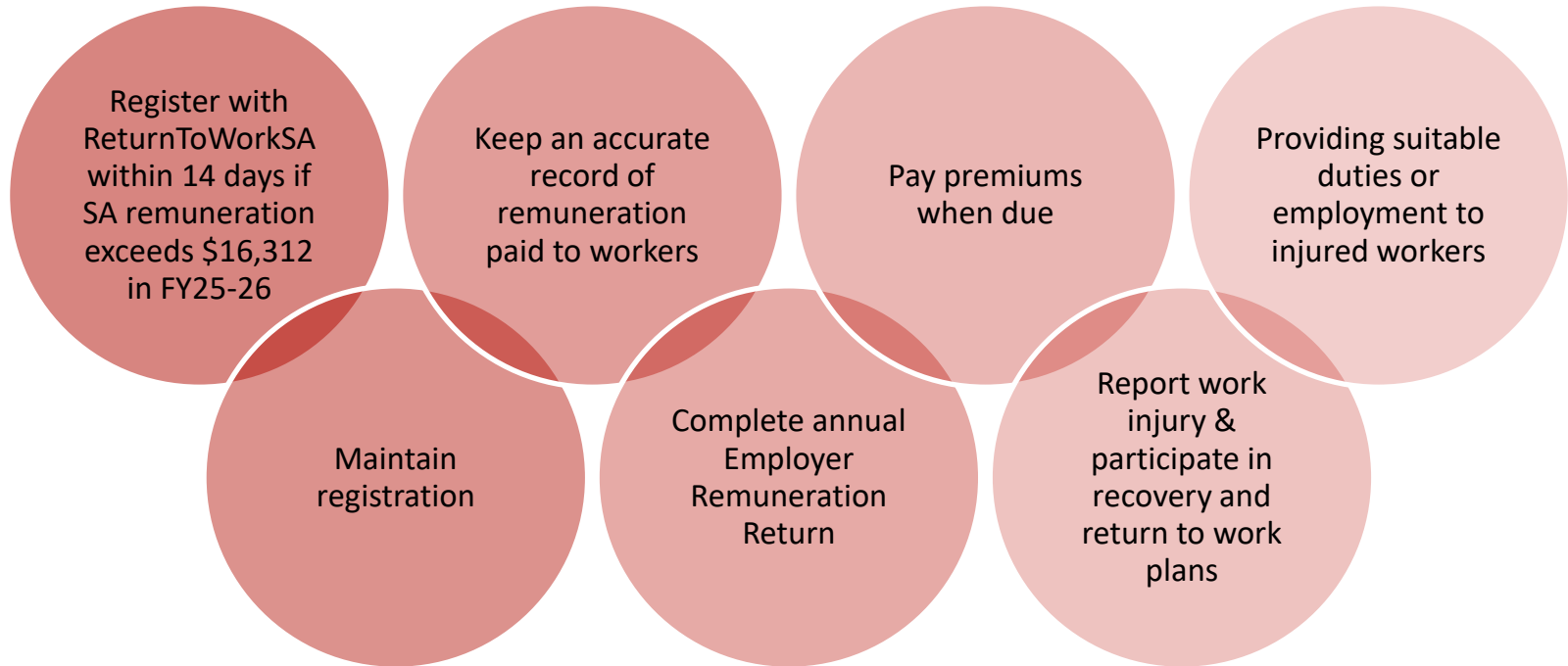
Road Freight Transport Industry

– ‘The Playing Field’

- 1,557 active employer registrations
 - 90% private companies, 5% sole proprietors and 4% partnerships
- Industry specific challenges include:
 - Trauma & critical incidents
 - Long hours worked
 - Demographic of injured workers
- Industry levy rate of 7.444% in FY26 (scheme average 1.85%)



Employer Obligations



Regulation

Multiple teams established to respond to education & non-compliance

Enforcement

Employer Regulation Premium – Premium Audit & Investigation

Compliance & Investigation – Fraud & Other Offences, Suitable Employment

Scheme Support

Employer Education – Skill building & RTW Coordinator training



Employer Regulation Premium

Premium Audit and Investigation

- Employers are registered (if required)
- Registration information is accurately recorded
- Premium is properly calculated

Program Activities

- Target industry specific risks and non-compliant behaviours
- Include proactive and reactive components
- Leverage scheme and external data to identify and prioritise non-compliance
- Collaborate with Insurance – Premiums & Risk Management teams
- Incorporate cross jurisdiction and interagency engagement



Premium Audit & Investigation Outcomes



Transport Industry Engagement

- Recently completed premium audits highlight the following compliance challenges:
 - Failure to identify certain contractors as workers
 - Incorrect remuneration calculation (excluding super & working director rem)
 - Incorrect application of cross border rules
- As a result of these findings, an eNewsletter was sent to 1,450 registered transport employers on 19 June 2025 (75% open rate)
 - Providing an opportunity to highlight resources available to support employer understanding of scheme rules, including assessment of who is a worker
- Newsletter content was also published in SARTA's Friday Bulletin on 20 June 2025
- We will continue to engage with industry employers including through premium audit activities and welcome referrals and information on suspected non-compliance



Who is a Worker?

The screenshot shows the Return to WorkSA website. The header includes the logo, navigation links (Home, Insurance, Claims, Service providers, About us), a search bar, and a 'Login' button. The main content area is titled 'Who is a worker?' and includes a definition of a worker, a list of contract of service criteria, and a list of related links. A red arrow points to the 'Who is a worker?' link in the left sidebar, and another red arrow points to the 'Who is a worker? more information' link in the 'Related links' section.

Return to WorkSA

Home Insurance Claims Service providers About us

Online services Login

Insurance

Insurance with us

Register for cover

Maintain your cover

Certificate of registration (currency)

Premium calculations

Employer remuneration return

What is remuneration

Key premium dates

Apprentice incentive

Who is a worker?

Company directors

Home > Insurance > Insurance with us > Employer remuneration return > Who is a worker?

Who is a worker?

A worker (for workers compensation purposes) is a person who is engaged to perform work under a contract of service (as defined by the [Return to Work Act 2014](#) (the Act)).

Contract of service represents a relationship formed between an employer and employee but in the context of the Act, the definition of "contract of service" has a much broader application. Self-employed contractors and other persons that meet particular criteria are also 'deemed' workers for the purpose of the Act, including people that work in the following classes of work:

- > [building work](#)
- > [cleaning work](#)
- > [driving a taxi-cab or similar motor vehicle](#)
- > [driving or riding a vehicle \(other than a commercial motor vehicle\) for fee or reward](#)
- > [performing as an entertainer](#)
- > [performing work as an outworker](#) where that work is governed by an award or industrial agreement that applies to 'outworkers'
- > [sporting professionals and work of a minister, priest or other member of a religious order](#) except a minister, priest, pastor, ordained minister, deaconess or lay priest of prescribed religious orders
- > thoroughbred riding work performed by a licensed jockey.

Related links

- > [Who is a worker? more information](#)
- > [Insurance cover for cross border workers](#)
- > [Fishing crews](#)
- > [Your work injury insurance](#)
- > [Company directors](#)

Who is a Worker Guide

- Definition of a worker for work injury insurance purposes
- How to distinguish a 'contract of service' from a 'contract for service'
- Indicators to consider when assessing who is a worker including useful examples



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www.rtwesa.com
13 18 55

Who is a worker?

This guide has been produced to help employers and/or workers who may be uncertain about coverage under the *Return to Work Act 2014* (the Act). For further information please call Return to Work SA (RTWSA) on 13 18 55.

Who is a worker?

The Act provides for the recovery and financial support of workers who suffer an injury arising from their employment.

The Act requires that an employer register with RTWSA and pay an insurance premium based on remuneration paid to workers in their employ (unless they are exempted – see the RTWSA website for information on the small employer registration exemption). Under the Act, 'worker' has a broader definition than 'employee'.

Important information you should be aware of before reading this guide

Because you engage a person(s) who describes themselves as a 'contractor', 'consultant' or 'self-employed' does not necessarily mean you are exempt from registering with RTWSA or do not need to include remuneration paid to such persons from your remuneration return or reconciliation statement.

Just because a contractor uses a company or business name or an Australian Business Number (ABN), it does not necessarily exempt you from registering with RTWSA or including remuneration paid to such persons from your remuneration return or reconciliation statement. The exception to this would be if the contract was with a company to provide specified service, but in that event you need to ensure that the company with which you have contracted is registered with RTWSA – refer to point 5 on this second page.

Rulings/decisions from other regulatory bodies (e.g. Australian Taxation Office) do not necessarily apply to the Act or RTWSA.

You should be aware that the Act provides an extended definition of contract of service, in certain circumstance(s), that establishes a person otherwise holding the status of independent contractors is taken to be a worker for the purposes of the Act.

Definition of worker

Worker is defined under the Act to mean:

- a person by whom work is done under a contract of service (whether or not as an employee)
- a person who is a worker by virtue of Schedule 1*
- a self-employed worker.**

This includes a former worker and the legal personal representative of a deceased worker.

* A special provision for prescribed classes of volunteers, in combination with regulation 69 of the *Return to Work Regulations 2015* (the Regulations) (currently volunteer SACFS members, volunteer SASERS members and volunteer marine rescue members).

** RTWSA has not to date extended the protection of the Act to a self-employed worker. Such protection may be extended under section 175 of the Act.

Definition of 'contract of service'

Under common law, the term 'contract of service' normally represents a relationship formed between an employer and employee.

In South Australia, the Act defines 'contract of service' to mean:

- a contract under which one person (the worker) is employed by another (the employer); or
- a contract, arrangement or understanding under which one person (the worker) works for another (the employer) in prescribed work or work of a prescribed class; or
- a contract of apprenticeship; or
- a contract, arrangement or understanding under which a person (the worker):
 - receives on-the-job training in a trade or vocation from another (the employer) and

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Premium Audit Webpage

Return to WorkSA

Contact us Language Search this website

Home Insurance Claims Service providers About us Online services Login

Insurance

Insurance with us

- Register for cover
- Maintain your cover
- Certificate of registration (currency)
- Premium calculations
- Employer remuneration return
- Pay your premium
- Businesses using labour supply
- Claims agent lookup
- Your claims agent
- Retro-paid loss arrangement
- Premium audits**
- Self-insurance
- Healthy workplaces
- Employer education and support

Home > Insurance > Insurance with us > Premium audits

Premium audits

Return to WorkSA provides work injury insurance that protects South Australian businesses and their workers in the event of a work injury.

Each year employers pay an insurance premium for work injury protection which helps to fund the Return to Work Scheme. We support employers to accurately report all remuneration paid (or payable) to their South Australian workers each year within their Employer Remuneration Return.

Through premium audits we ensure that employers are paying the correct premium which helps the scheme to be sustainable.

What is a premium audit?

In a premium audit your business records are reviewed to ensure your work injury insurance premiums have been properly calculated and your employer registration details are correctly recorded.

We look at your payroll and financial records and consider your business activities so we can be sure the correct South Australian Industry Classification has been applied to your insurance premium.

An audit may confirm the remuneration declared by you or may show a discrepancy. Premium audits can find that a business is not paying enough premium, the right premium or even too much premium.

What is the audit process?

A premium auditor will contact you or your nominated business representative to inform you that you have been selected for an audit. They will let you know what you need to provide and will support you to understand what you need to do during an audit. More information about the audit process can be found in the [Premium Audit Guide](#) (PDF, 304 KB).

Premium Audit Guide

The information provided in this guide will help you to understand the audit process, your obligations and how an audit can progress with limited business disruption.

The Guide includes:

- checklists
- helpful tips
- frequently asked questions

Download the [Premium Audit Guide \(PDF, 304 KB\)](#) or request a copy via email premiumaudit@rtw.sa.gov.au

Related links

- Download Premium audit guide

Reporting Fraud and Non-Compliance

Call Enforcement directly on:
08 8233 2229

By email at:
enforcement@rtwsa.com

Or complete a report online

The screenshot shows the ReturnToWorkSA website. At the top, there is a navigation bar with the logo, links for 'Contact us', 'Language', a search bar, and a 'Login' button. Below the navigation bar, there is a banner image featuring a woman. A red arrow points to the 'About us' link in the navigation bar. On the left side, there is a sidebar menu with the heading 'About us' and several links: 'ReturnToWorkSA', 'Return to Work scheme', 'Our regulatory role', 'News room', 'How can we help you?' (highlighted with a red arrow), 'Contact us', and 'Request a call back'. The main content area displays the 'Report fraud and non-compliance' page. It includes a breadcrumb trail: 'Home > About us > How can we help you? > Contact us > Online forms > Fraud referral forms'. A 'PRINT' button is visible. The page title is 'Report fraud and non-compliance'. The text states: 'At ReturnToWorkSA we take fraud and non-compliance seriously and investigate allegations to protect the integrity of the Return to Work scheme. If you have information about possible fraud or non-compliance, you can report it by calling us on 13 18 55, emailing enforcement@rtwsa.com or completing the online form by selecting the appropriate option below.' Below this, there is a section titled 'Who are you reporting?' with a list of options: 'Employer', 'Labour supply business', 'Service provider', 'Worker', and 'Other'. A red arrow points to the 'Labour supply business' option.



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