SARTA Conference

18 October 2025

‘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

- Register with ReturnToWorkSA within 14 days if SA remuneration exceeds $16,312 in FY25-26
- Keep an accurate record of remuneration paid to workers
- Pay premiums when due
- Providing suitable duties or employment to injured workers
- Maintain registration
- Complete annual Employer Remuneration Return
- Report work injury & participate in recovery and return to work plans

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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

- Historic & current period premium adjustment
- Potential imposition of fines & penalty interest
- Potential referral for investigation if fraud / dishonesty is suspected
- Consideration of referral to other regulators
- Flag for future compliance activities

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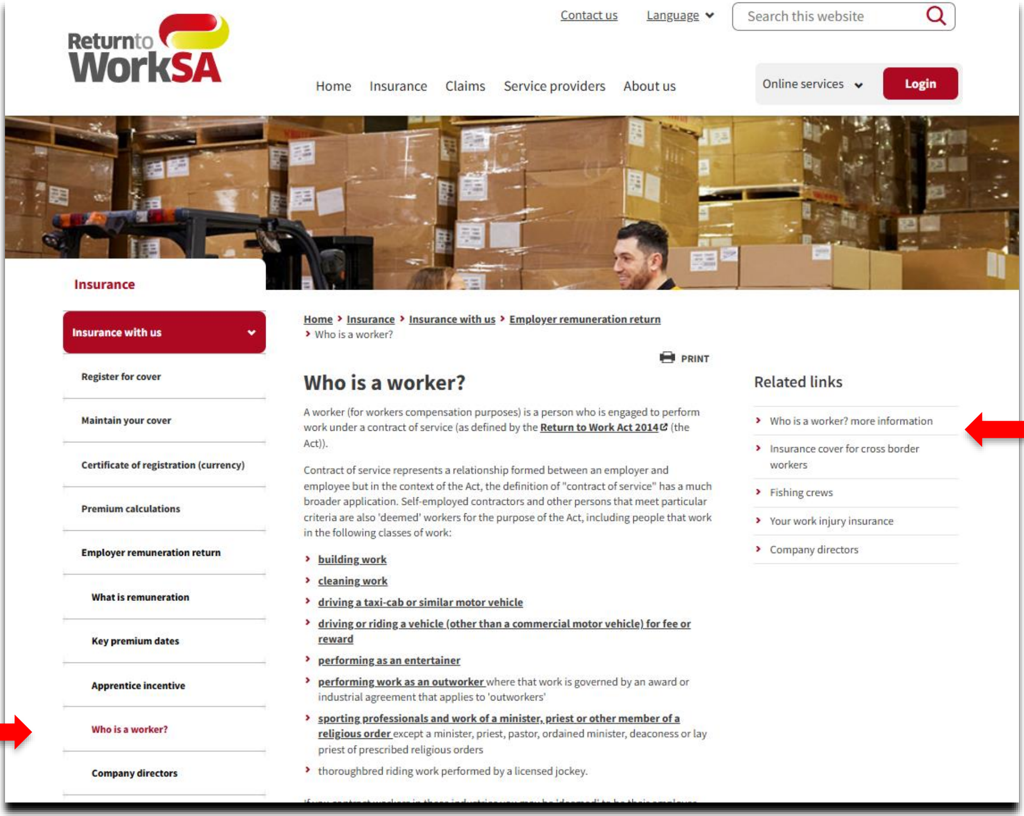
Transport Industry Engagement

- 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?



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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?

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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

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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


ReturntoWorkSA

www.rtwsa.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 ReturnToWorkSA (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 the 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 SASES 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

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

Government of South Australia

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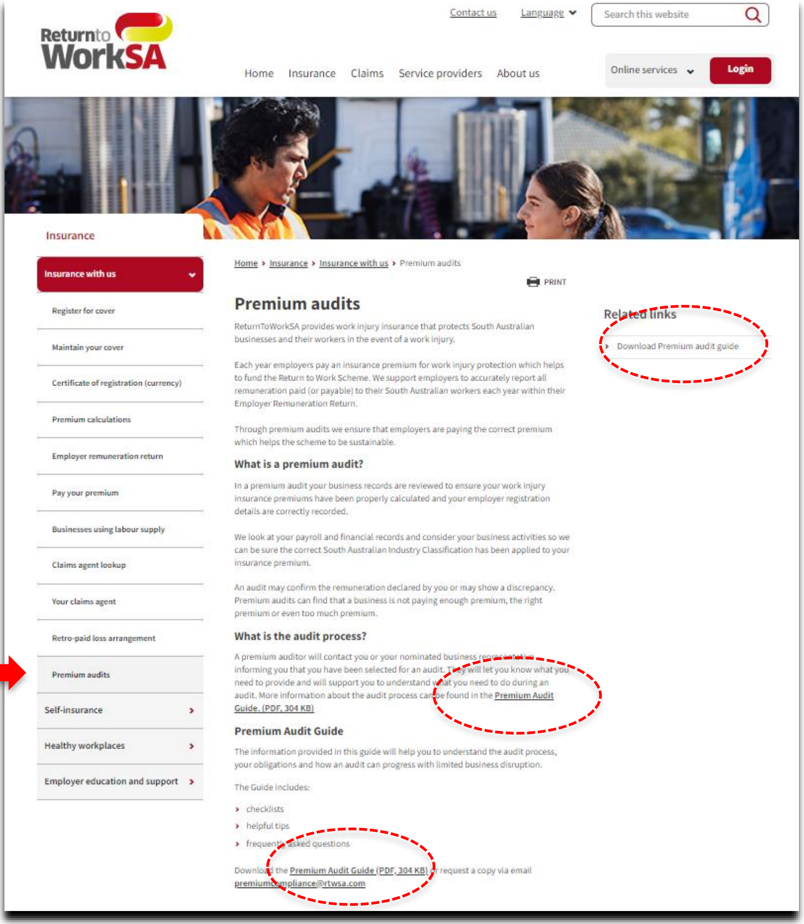
Premium Audit Webpage



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Reporting Fraud and Non-Compliance

Call Enforcement directly on: 08 8233 2229

By email at: enforcement@rtwsa.com

Or complete a report online