



# EXPRESSION OF INTEREST 2022 INFORMATION

## EXPRESSION OF INTEREST

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<b>EOI opens</b>	Friday, 28 January 2022
<b>EOI closes</b>	5:00pm, Friday, 18 February 2022

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## HOW TO SUBMIT

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<b>Address to</b>	IMA Selection Committee
<b>Email</b>	DTFIMA@sa.gov.au

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## CONTACT

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<b>Enquiries</b>	Fiona Macdonald
<b>Email</b>	DTFIMA@sa.gov.au
<b>Telephone</b>	(08) 8463 4443

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Thank you for considering expressing your interest for appointment as an Independent Medical Adviser (IMA) and contributing to the Return to Work scheme. The closing date for expressions of interest is **5pm, Friday 18 February 2022.**

The South Australian Employment Tribunal (SAET) is the principal dispute resolution forum for the Return to Work scheme.

During the course of SAET proceedings there may be uncertainty or disagreement about aspects of a worker's injury or condition or its consequences. In such cases SAET may refer a medical question to an IMA for expert opinion.

Medical questions may relate to any aspect of a worker's claim for compensation including, for example; diagnosis, recommendations for treatment, surgical options, whether more than one injury arises from the same trauma and whole person impairment assessments.

IMAs will be medical professionals with a high level of expertise in their area of specialisation. Their independence and professionalism is central to the integrity and overall success of the Return to Work scheme.

A selection committee consisting of respected representatives of the medical profession workers and employers has been established to recommend IMAs to the Minister for appointment. This document provides prospective IMAs with details of the role, the terms and conditions for those appointed and the expression of interest process.

Medical practitioners are invited to express interest in being a part of the Return to Work scheme and contribute to the just, timely and efficient resolution of workers compensation matters.

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## INTRODUCTION

This document provides an outline of the:

- Role of an Independent Medical Adviser (IMA);
- Terms and conditions of an appointed IMA; and
- Expression of Interest (EOI) process.

## LEGISLATION

IMAs will be appointed in accordance with the *Return to Work Act 2014* (the RTW Act) and the *South Australian Employment Tribunal Act 2014* (the SAET Act).

The RTW Act provides that:

- Medical questions that arise during proceedings before South Australian Employment Tribunal (SAET) or a court may be referred to IMAs
- The Minister (in this case the Treasurer) may appoint IMAs for the purposes of this Act.

## FUNCTION OF THE SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

SAET is the principal dispute resolution forum for the Return to Work Scheme in South Australia.

An application may be lodged in SAET in relation to various workers compensation and other employment matters.

SAET provides a single, easy to find, easy to use body for the fair and independent resolution of applications made under the RTW Act 2014.

## INDEPENDENT MEDICAL ADVISER

### ROLE

It may become apparent during the course of proceedings before SAET that there is uncertainty or disagreement about aspects of a worker's injury or condition or its consequences. In such cases SAET may refer medical questions to an IMA to assist

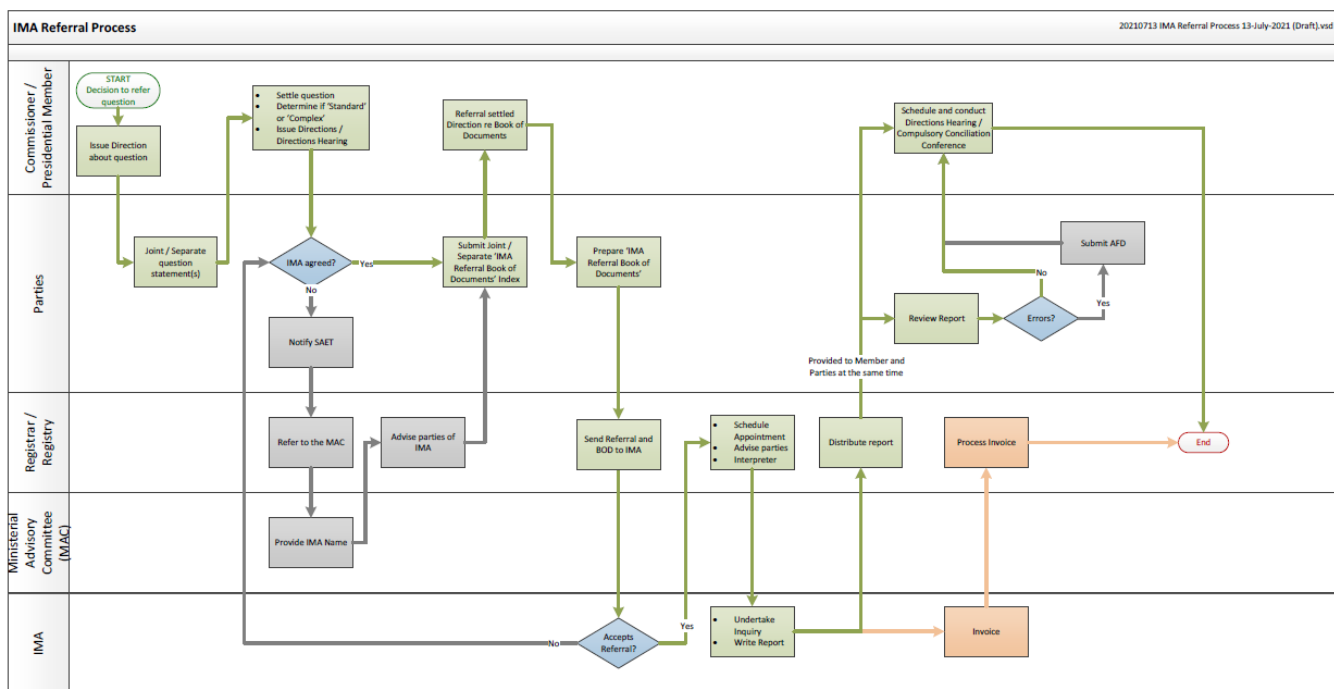
it in resolving that uncertainty or disagreement and enable the just, timely and efficient resolution of the dispute.

Medical questions may relate to any aspect of a worker's claim for compensation including, for example: diagnosis, recommendations for treatment, surgical options, whether more than one injury arises from the same trauma, whole person impairment assessments and any other matters as may be determined by SAET.

Medical professionals appointed as IMAs will have a high level of expertise in their area of specialisation.

### THE IMA AND THE SAET PROCESS

- 1) SAET identifies that a medical question should be referred to an IMA. SAET, in consultation with the parties, will clarify the medical question or questions to be referred.
- 2) If the parties do not agree on a nominated IMA, a recommendation will be sought from the Minister's Advisory Committee.
- 3) SAET will contact the selected IMA and make an appointment for the worker to attend. If an interpreter is required SAET will make the necessary arrangements.
- 4) SAET will forward the IMA the formal referral including:
  - the specific question or questions
  - a statement of facts and circumstances so that the IMA can understand the context of the referral
  - any relevant documents such as existing medical reports or investigations, or
  - evidentiary material; and
  - a timeframe by which the report should be provided (where good circumstances exist, that time limit may be extended).
- 5) The IMA will conduct the examination of the worker in accordance with the referral.
- 6) The IMA will provide SAET with a report answering the question or questions that have been referred. It may sometimes be necessary for the IMA to provide a supplementary report.
- 7) On occasion, an IMA may be required to provide evidence in person to assist SAET resolve any uncertainty or disagreement about medical issues concerning a worker.



## IMA BENEFITS

Benefits for medical experts who are appointed as an IMA include:

- Competitive remuneration for services provided
- Professional satisfaction of contributing to the integrity of the Return to Work scheme and the broader justice system
- Increased profile as an independent and unbiased medical expert
- Induction and training including an overview of workers compensation law and the rights and entitlements provided for by the Return to Work Act, the fundamentals of
- evidential report writing and the provision of high quality medical opinion

## IMA FEES, TERMS AND CONDITIONS

Full Fees for service and Terms and Conditions are provided in Appendices 1 and 2.

### Fees for service

An IMA will be appointed on a sessional basis. No minimum volume of work is guaranteed or retainer paid. A summary of the fees, allowances and expenses that IMAs will be entitled to charge is provided in the table below.

When services are provided, an IMA will submit invoices and supporting information such as:

- Date, time and description of work performed; and
- Length of time required to complete the work performed; and
- Distances travelled to any premises.

<b>Fee / Allowance / Expense</b>	<b>Amount (incl. GST)</b>
Fee per referral	Standard non-WPI \$1,300 / Complex non-WPI \$1,600 Standard WPI \$1,600 / *Complex \$1,900
Fee per Non-attendance or Cancellation	\$633 per non attendance or cancellation
Fee per 2nd Referral or Supplementary Question	\$282 per second referral or supplementary question
Fee per Worksite Assessment	\$844 per worksite assessment
Fee for work performed at the request of the Tribunal	\$422 per hour (rounded to the nearest hour)
Travelling expenses	\$0.79 per kilometre or part of a kilometre
Reading allowance	\$5.00 per page
Fee indexation	*Adelaide CPI (rounding to apply)

\* "Complex referrals" as approved by Registrar on recommendation of a Deputy President

### Term of appointment

An IMA will be appointed for a term not exceeding three years with the possibility of re-appointment on the expiry of their term.

### Facilities and booking appointments

Examinations are to take place at the IMA's own facilities. All facilities will be expected to meet all relevant workplace health and safety requirements.

Once an IMA has been selected, SAET will contact the IMA and the worker and make all necessary arrangements to facilitate the examination. If an IMA is unable to perform the assessment in the required timeframe, they must notify SAET as soon as possible so an alternative arrangement can be made.

### Conflict of interest

IMAs are required to abide by all applicable professional standards and codes of conduct; and declare all actual, perceived or potential conflicts of interest that arise.

### IMA advice to SAET

IMA reports will include:

- The details of the medical question(s) referred
- The opinion of the IMA
- The reason or reasons for the opinion
- The documents and reports considered by the IMA and,
- Any other matters the IMA considers should be considered or investigated.

## EXPRESSIONS OF INTEREST

### What do I need to provide?

<b>EOI form</b>	The form to express your interest is available at <a href="http://treasury.sa.gov.au/independent-medical-advisers">http://treasury.sa.gov.au/independent-medical-advisers</a> .
<b>National Police Check</b>	Refer to the National Police Check (NPC) application form at <a href="http://treasury.sa.gov.au/independent-medical-advisers">http://treasury.sa.gov.au/independent-medical-advisers</a> . You can provide either: <ul style="list-style-type: none"><li>• A completed NPC form - Available at <a href="http://treasury.sa.gov.au/independent-medical-advisers">http://treasury.sa.gov.au/independent-medical-advisers</a> or <a href="http://www.police.sa.gov.au">www.police.sa.gov.au</a>. Ensure the 100 point identification check has been completed by a Police Officer or Justice of the Peace; or</li><li>• Evidence of a police check less than 12 months old</li></ul>
<b>Curriculum Vitae</b>	Your CV outlining your qualifications and experience

### When do I need to provide it?

<b>EOI opens</b>	Friday, 28 January 2022
<b>EOI closes</b>	5:00pm, Friday, 18 February 2022

### How and where do I provide it?

<b>Address to</b>	<b>IMA Selection Committee</b>
<b>Email</b>	DTFIMA@sa.gov.au

### Where can I get more information?

<b>Enquiries</b>	Fiona Macdonald
<b>Email</b>	DTFIMA@sa.gov.au
<b>Telephone</b>	(08) 8463 4443

### Selection criteria

Expressions of interest will be assessed in terms of the following criteria.

<b>Medical Registration</b>	Registered as a medical professional with Medical Board of Australia and AHPRA Membership as a specialist with AHPRA
<b>Medical qualifications</b>	At least five years post-fellowship experience or 12 years post-graduation experience if no fellowship is held Return to Work Accredited Permanent Impairment Assessor (desirable)
<b>Insurance</b>	Current medical indemnity and public liability insurance cover

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<b>Continuing Professional Development (CPD)</b>	Up-to-date certification of maintenance of professional standards or continuing professional development relevant to your specialty
<b>Clinical practice</b>	Minimum 40 hours medical practice per month including minimum 8 hours of active clinical practice per month
<b>Professional referees</b>	Appropriate professional referees provided Appropriate referee report provided if sought (desirable)
<b>Confidential professional information</b>	Signed and provide appropriate responses to confidential professional information questions
<b>Declaration of pecuniary interests</b>	Appropriate response to declaration of pecuniary interests
<b>Declaration by applicant</b>	Declaration completed and signed
<b>Curriculum Vitae</b>	CV provided and appropriate
<b>Police check</b>	Satisfactory police check

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## Selection process

The selection process for the appointment of IMAs will involve:

- 1) Administrative review of applications
- 2) Detailed review by the Selection Committee
- 3) Selection Committee recommendation to the Minister
- 4) Appointment

## Selection Committee

The selection committee established to review applications and recommend the appointment of IMAs consists of:

- **Professor Edward Mah** - Presiding Member
- **Dr Peter Jezukaitis** - medical practitioner representative
- **Mr Donald Blairs** - Wearing & Blairs Pty Ltd (workers' representative)
- **Ms Kendall Crowe** - Business SA (employers' representative)

Selection committee members must adhere to the conflict of interest guidelines in accordance with the Public Sector (Honesty and Accountability)

## APPENDIX 1 - IMA FEES, ALLOWANCES & EXPENSES

### Fees per referral

For all work, including examination of a worker and preparation of a report, associated with any one referral of a medical question or questions, (inclusive of preparation time, incidentals and the costs of travel by motor vehicle within 50 kilometres of the IMA's usual practice address).

Standard non-WPI \$1,300  
Complex non-WPI \$1,500  
Standard WPI \$1,600

\*The fee payable per referral for a standard or complex report, either including or excluding of the assessment of Whole Person Impairment (WPI), must be first approved by the Registrar on the recommendation of a Deputy President.

Complex WPI \$1,900  
\*per referral

### Fees per Non-attendance or Cancellation

01. For non-attendance by a worker at a scheduled examination; or
02. For cancellation by the Tribunal of an appointment for an examination.

\$633 per non- attendance or  
cancellation

NB: No fee is payable if at least 2 clear business days' prior notice is given to the IMA of the non-attendance or cancellation.

### Fees per 2nd Referral or Supplementary Question

For all work, including preparation of a further report, arising from a further referral to an IMA of a medical question or questions arising out of or connected with a previous referral to the same IMA in respect of the same worker and which does not require a fresh examination of the worker, (inclusive of preparation time, incidentals and the costs of travel by motor vehicle within 50 kilometres of the IMA's usual practice address).

\$282 per 2nd referral or  
supplementary question

### Fees per Worksite Assessment

For the carrying out of a worksite assessment, including preparation of a report, (inclusive of preparation time, incidentals and the costs of travel by motor vehicle within 50 kilometres of the IMA's usual practice address).

\$844 per worksite assessment

### Work performed at the request of the Tribunal

For all other work performed at the request of the Tribunal or a court (but not including the preparation of a further report under item 3) and which is not otherwise remunerated under this Schedule (inclusive of preparation time, any necessary examinations or reports, incidentals and the costs of travel by motor vehicle within 50 kilometres of the IMA's usual practice address).

\$422 per hour (rounded up to  
the nearest hour)

### Approved travelling expenses

01. Allowance for the costs of travel by motor vehicle (to and from the destination) in excess of what is included under items 1, 3, 4 and 5 or where those items do not apply.
02. Allowance for the costs of travel other than by motor vehicle is to be such reasonable reimbursement as may be approved by the Registrar.

\$0.79 per kilometre or part of  
a kilometre.

### Reading allowance

For the reading of specific material in excess of 25 pages provided to the IMA from the Tribunal under items 1, 3, 4 and 5.

\$5.00 per page

### Fee indexation

Fees provided under items 1, 2, 3, 4, 5 and 7 are to be indexed annually in reference to the Adelaide Consumer Price Index (CPI), as published by the Australian Bureau of Statistics for the 12-month period ending 31<sup>st</sup> March each year, for commencement on 1<sup>st</sup> July at the beginning of the next financial year.

\*Adelaide CPI (rounding to  
apply)

\*Rounding of the revised calculated fee is to the nearest dollar for items 1, 2, 3, 4 and 5 and to the nearest 5 cent for item 7. The Registrar maintains sole discretion to determine whether to not apply indexation to individual items (e.g. in periods which would result in a negligible increase or a decrease in fees through the application of indexation).

NB: All fees, allowances and expenses in this schedule are GST inclusive.

## APPENDIX 2 - TERMS & CONDITIONS

### INDEPENDENT MEDICAL ADVISERS TERMS AND CONDITIONS OF APPOINTMENT

1. An Independent Medical Adviser (IMA) will not become an employee of the State and will not accrue leave or other employee entitlements.
2. An IMA is appointed on a sessional basis. An IMA is not entitled to any other payment or benefit relating to his or her appointment other than the fees, allowances and expenses approved by the Governor from time to time. No minimum level of work is guaranteed to an IMA and no retainer or any similar or other gratuitous payment will be made.
3. Work will be referred to an IMA by the South Australian Employment Tribunal (“the Tribunal”).
4. In the performance of his or her duties under the *Return to Work Act 2014* (“the Act”) an IMA must:
  - a. comply with the provisions of the Act and these terms and conditions; and
  - b. perform his or her duties:
    - i. personally and not by any subcontractor, employee, agent or any other person (other than the performance of the administrative work required for the production of a report); and
    - ii. professionally, carefully, skilfully and competently; and
    - iii. in a timely and efficient manner; and
    - iv. respectfully and with discretion; and
  - c. adhere to the principles of natural justice and procedural fairness, including explain to a worker the purpose of any medical examination; and
  - d. declare to the Tribunal all interests which may create an apprehension of bias and disqualify himself or herself or follow the directions of the Tribunal if an actual, perceived or potential conflict of interest arises; and
  - e. abide by all applicable professional standards and codes of conduct; and
  - f. not place at risk his or her health, safety or welfare or the health, safety or welfare of the worker or any other person; and
  - g. not accept any gifts or hospitality while performing duties as an IMA.
5. An IMA must:
  - a. not make any public comment relating to any specific examination and refer all media comment to the Tribunal; and
  - b. inform the Tribunal immediately if circumstances exist to make the office of the IMA liable to becoming vacant under section 120(2) of the Act (see Note); and
  - c. if required by the Tribunal, give his or her consent to the conduct of a police check or any other background history enquiry in respect of him or her from time-to-time; and
  - d. keep the Tribunal informed of all matters which may impede or prevent the IMA from carrying out his or her duties as an IMA.

If an IMA is unable to attend a scheduled examination of a worker due to sudden illness or emergency, the IMA must inform the Tribunal immediately to arrange for the cancellation of the examination. There will be no payment for that session in these circumstances.

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**Note:**

Under section 120(2) of the *Return to Work Act 2014*, the office of a person appointed as an IMA becomes vacant if the person:

- (a) resigns by written notice addressed to the Minister; or
- (b) is removed from office by the Governor for—
  - (i) breach of, or non-compliance with, a term or condition of appointment; or
  - (ii) mental or physical incapacity to carry out duties of office satisfactorily; or
  - (iii) misconduct; or
  - (iv) neglect of duty; or
  - (v) incompetence; or
- (c) completes a term of office and is not re-appointed; or
- (d) ceases to be registered as a medical practitioner under the Health Practitioner Regulation National Law; or
- (e) is convicted of an indictable offence or of an offence which, if committed in South Australia, would be an indictable offence; or
- (f) is sentenced to imprisonment for an offence.