

John Walsh

DIRECTOR

A no-nonsense approach to the complexities of workers compensation.



Phone +61 8124 1951

Mobile 0411 223 891

Email john.walsh@dwfoxtucker.com.au

Areas of Expertise

Workers Compensation & Self Insurance

Employment Law

Health & Aged Care

Every Australian company has workers compensation commitments and obligations, and must comply with state, territory or Commonwealth legislation. However, the confusing legal aspects can often leave you feeling out of your depth. Fortunately, few understand the workers compensation industry better than John Walsh. His no-nonsense approach enables him to work closely with you in the successful management of workers compensation issues and claims. If appropriate he will guide and facilitate a smooth transition to becoming self-insured across the state scheme or Comcare.

Expertise

John is one of those rare individuals who believe in being prepared for any issues before they arise. His philosophy of proactivity enables him to deal with your matters fast, before they turn into difficulties further down the track. John is acutely aware of the challenge when a HR issue becomes a workers compensation claim. The intersection between employment law, work health and safety, and workers compensation is an area where John's knowledge and experience will help you to achieve better outcomes for your business.

John is also a highly skilled litigator and negotiator and can provide you with advice and representation before the South Australian Employment Tribunal, the Premium Review Panel, Supreme Court, Fair Work Commission, SA and Federal Industrial Courts, Federal Magistrates Court, and the Equal Opportunity and Human Rights Commission.

John is a regularly sought-after presenter at industry-related workshops, seminars and conferences, and is noted for his fresh thinking in his frequently-published 'thought leadership' articles and opinion pieces.

How John can help you.

- Strategic advice for companies **transitioning to become self insurers** under the state scheme and Comcare.
- Professional, pragmatic, strategic guidance on **claims management** and the defence of claims.
- Sought-after expertise on **fraudulent claims and recoveries**.
- Sharp advocacy for registered employers on their **rights and obligations** under the *Return to Work Act 2014*.
- Smart thinking for registered employers with **premium-related issues**.
- Sage knowledge in work, health and safety (WH&S) **investigations and prosecutions**.

Highlights

With more than 30 years industry expertise under his belt, John's knowledge and advice is keenly sought by companies and associations across the country in need of help with WH&S rights and obligations. He has also represented a diverse range of clients as Counsel in WH&S investigations and prosecutions.

Noteworthy examples of John's recent experience include:

- Successfully defended a claim involving a woman who **alleged sexual harassment** by her supervisor and suffered severe psychological injury as a result. The allegation of coercion was denied and the complex and sensitive claim eventually withdrawn.
- Acted for an agribusiness employer in a death claim arising after a worker was smothered by grain in a silo. The widow and dependents' claim was **resolved sensitively, expeditiously and without conflict** to the satisfaction of all concerned.

- Assisted a self-insurer with the **management of a claim** relating to a serious incapacitating injury accepted as compensable. The investigation led to the worker admitting he had fabricated the claim, which was subsequently withdrawn and the worker prosecuted.
- Provided recommendations for a self-insured company in a **psychological injury claim** made by an employee who was present the day of a fatal shooting. The company adopted a cost-effective strategy of intensive rehabilitation, supported by extensive research, independent psychological assessment and Tribunal negotiations, which enabled the claimant to make a successful return to work.
- Regularly provides ongoing advice to key stakeholders on the **reform of the Workers Compensation Legislation** in South Australia, including the extensive amendments to the *Workers Rehabilitation & Compensation Act*, which passed through Parliament in mid 2008, and the new *Return to Work Act 2014*.
- Advised and guided a rail freight company's **internal investigations and response** to an incident arising from an accident involving a worker, who fell onto the tracks and lost both legs and one arm. After negotiations with WorkSafe SA the company avoided prosecution.
- Represented a registered employer before the Premium Review Panel and **negotiated a reduction** in their premiums of more than \$150,000 for each of two years.
- **Negotiated a reimbursement** on behalf of a registered employer before the Premium Review Panel for overpaid premiums of nearly \$40,000 over five years; and another registered employer who was reimbursed \$37,000.

Memberships & Affiliations

- American Chamber of Commerce (SA) – Governor
- Association of Legal Administrators
- Australian Lawyers' Alliance
- International Association of Managing Partners
- Law Council of Australia (General Practice and Legal Practice) – Australian Law Management Group Committee
- Law Society of South Australia – Ethics & Practice Committee
- Port Adelaide Football Club – Chairman's Club Member
- Registered Employers Group SA (REG)
- Self Insurers of South Australia (SISA).

Awards & Accolades

Best Lawyers in Australia Listing:

- Occupational Health & Safety Law - Adelaide, 2017.

Doyle's Guide to the Australian Legal Profession Listing:

- Leading Return to Work & Workers Compensation Lawyer (Defendant) – Adelaide, 2015.

Presentations

- "Dispute Resolution"; ASC Training & Development / Public Sector Conference – May 2015
- "Dispute Resolution" and "Conflict Management in the Workplace"; ASC Training & Development / SISA Training Workshops – April/May 2015 & Oct/Nov 2014
- "Dispute Resolution and the new Employment Tribunal"; DW Fox Tucker's Workers Compensation Conference: "Uncharted Territory" – May 2015
- "Proposed Legislative Changes"; Xchanging Workers Compensation Industry Forum – June 2014
- "Transforming Workers Compensation – Looking for Future Trends"; The Australian Rehabilitation Providers Association (ARPA) National Conference – May 2014
- "Getting to the Bottom of Psychological Claims"; MSVS Consultancy "He Said – She Said" Q&A Panel Session – Nov 2013
- "Workers Compensation – Manoeuvring through the Legal Maze" and "Assessing the Pros and Cons of Self Insurance"; The Annual National Workers Compensation Summit – Feb 2012.

Publications

- "Walsh urges WorkCover 'gatekeepers' rethink" – *inbusiness*, 19 Nov 2013
- "WorkCover – Where to from here?" – InDaily News, 14 Nov 2013
- "How to fix 'buggered' WorkCover?" – InDaily News, 23 Oct 2013
- "WorkCover board approach good idea – if delivered" – *inbusiness*, 27 Sept 2013
- "WorkCover leadership need 'desperate'" – *inbusiness*, 7 Dec 2012
- "WorkCover SA in 'desperate need' of effective leadership" – *inbusiness*, 2 Nov 2012
- "Grim outlook for WorkCover SA" – InDaily News, 1 Aug 2012
- "Expert warning on WorkCover liability" – The Advertiser Newspaper, 5 June 2011.