

# Landmark win for sacked man

**KEN MCGREGOR**

A COMPANY has been ordered to re-employ an injured man it had sacked, in a landmark ruling under new South Australian workplace laws.

Lawyers have heralded the ruling, saying it represents a power shift from employers to employees. Industrial Relations Minister John Rau said it showed the new South Australian Employment Tribunal would support injured workers.

Business SA, however, said it had some concerns over the ruling because it could force employers to create a role to the detriment of other employers and its implementation would be difficult.

Robert Walmsley, a qualified welder and engineer, began working with forklift and material handling equipment company Crown in August 2010 as a technician, until he was sacked in April 2015 following repeated injuries.

His job, which involved frequent lifting and moving equipment, was deemed to have caused multiple injuries, resulting in significant time off or performing modified duties.

When Mr Walmsley re-injured his back after bending to pick up a pen, resulting in another 315 days on modified duties, Crown sacked him.

In a state first ruling, the tribunal's deputy president, Judge Peter Hannon, early this month ordered Crown to pro-

vide Mr Walmsley with the same role, or equivalent, to what he was performing prior to his injury in April last year.

If Crown fails to comply with the tribunal order it may be forced to pay Walmsley the salary he would have earned in the equivalent job and a penalty of \$50,000.

The tribunal sat for the first time on July 1 last year, replacing the Workers Compensation Tribunal as the dispute resolution tribunal for work-

ers' compensation matters. Mr Rau said one of the key aims of reforming the legislation was to support workers to return to work.

"It is very satisfying therefore that in this case the tribunal analysed the evidence before them and decided that the best outcome was for the worker to return to their previous employment," he said.

Partner at law firm Duncan Basheer Hannon, Patrick Boylen, said the tribunal's ruling

represented a power shift from the employer to the employee.

"Tribunals can become toothless tigers but within a year of being established we have a very clear indication that this tribunal means business," he said.

Business SA's senior policy adviser of workplace relations, Estha van der Linden, said she had some concerns, but Business SA remained supportive of the principles behind the 2015 Return To Work reforms.

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## REGISTER OF POLITICAL PARTIES

The Australian Electoral Commission (AEC) has received the following applications to enter the logo of a registered political party under the provisions of the *Commonwealth Electoral Act 1918* (the Electoral Act).

Four separate applications to register a logo against a party are displayed below in the order that they were received for registration.

### Application 1: VOTEFLUX.ORG | Upgrade Democracy!

The image displayed here is the proposed registered party logo for VOTEFLUX.ORG | Upgrade Democracy!



### Application 2: The Arts Party

The image displayed here is the proposed registered party logo for The Arts Party



### Application 3: Bullet Train For Australia

The image displayed here is the proposed registered party logo for Bullet Train For Australia



### Application 4: Pirate Party Australia

The image displayed here is the proposed registered party logo for Pirate Party Australia



You may lodge an objection if you believe that the applications should not succeed because, under the Electoral Act:

- the applications do not relate to an eligible political party; or
- the applications are not in accordance with section 126 (including because subsection 126(2B) would be contravened); or
- the applications should be refused under section 129; or
- the Electoral Commission should refuse to enter a logo of the party in the Register under section 129A.

Objections must be received by the AEC by **11 May 2016**, must be in writing and include your name, street address, signature and the grounds for your objection. Objections can be sent to:

<b>Email</b>	<b>Post</b>
<a href="mailto:fad@aec.gov.au">fad@aec.gov.au</a>	Funding and Disclosure Australian Electoral Commission Locked Bag 4007 Canberra ACT 2601

For more detailed information on objecting to an application from a registered political party, please consult the AEC website at the link provided below, or contact the AEC by email at [fad@aec.gov.au](mailto:fad@aec.gov.au) or by phone on (02) 6271 4552.

[www.aec.gov.au/party-registration](http://www.aec.gov.au/party-registration)

Any objections to these applications are public documents and will be published on the AEC website.

**Tim Courtney**  
A/g First Assistant Commissioner  
Delegate of the Electoral Commission



GT20005



POTENT: Artists Suzie Riley, back, Clancy Warner, front, and Cat Leonard with their works. Picture: TRICIA WATKINSON

ARTISTS and their easels took over the east parklands yesterday in a show of support and to raise awareness for the "treasured resource".

About 20 finalists in the 2016 Adelaide Parklands Art Prize displayed their works on the edge of the O-Bahn tunnel construction zone in Rymill Park where 70 trees were felled last week.

Adelaide Parklands Preservation Association spokesman Ian Gillfillan said the biennial competition - with a \$20,000 first prize - is a call to action to look again, see and appreciate

the parklands. He said parts of the parklands, including Rymill Park, were slowly slipping away.

"The display of the artists' work in the park has been planned for some time, but the recent felling of the trees has added potency to the event and demonstrates the very real and continuing threat to what should be regarded as a treasured resource," he said.

Winners of the art prize will be announced on Friday. Finalists will be exhibited in the Festival Centre Art Space Gallery from Saturday.

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