

## House of Assembly

As passed all stages and awaiting assent.

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South Australia

# WorkCover Corporation (Governance Review) Amendment Bill 2008

A BILL FOR

An Act to amend the *WorkCover Corporation Act 1994*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *WorkCover Corporation (Governance Review) Amendment Act 2008*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### **3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *WorkCover Corporation Act 1994***

### **4—Amendment of section 4—Continuation of Corporation**

Section 4(4)—delete subsection (4)

### **5—Amendment of section 13—Functions**

Section 13(1)(c)—after "employment" insert:

and to facilitate their early return to work

### **6—Insertion of section 14A**

After section 14 insert:

#### **14A—Direction of Minister**

- (1) The Corporation is subject to control and direction by the Minister.
- (2) However, the Minister may not direct the Corporation in relation to the manner in which action should be taken in connection with a particular claim or entitlement of a worker under the *Workers Rehabilitation and Compensation Act 1986*.
- (3) A Ministerial direction under this section must be communicated to the Corporation in writing.
- (4) Subject to subsection (5), a written direction must be—
  - (a) included in the next annual report of the Corporation; and
  - (b) published in the Gazette within 7 days after the direction is given.
- (5) If the Corporation is of the opinion that a direction should not be published for the reason that its publication—
  - (a) might detrimentally affect the Corporation's commercial interests; or
  - (b) might constitute breach of a duty of confidence; or
  - (c) might prejudice an investigation of misconduct or possible misconduct,

the Corporation may advise the Minister of that opinion giving the reason for the opinion.

- (6) If the Minister is satisfied that a direction should not be published for a reason referred to in subsection (5), the direction need not be published by the Minister or the Corporation as required by subsection (4) but—
  - (a) the Minister must cause a copy of the direction to be presented to the Economic and Finance Committee of the Parliament within 14 days after the direction was given; and
  - (b) the Corporation must cause a statement of the fact that the direction was given to be published in its next annual report.

### **7—Amendment of section 17—Delegations**

- (1) Section 17—after subsection (2) insert:
  - (2a) If the terms of an instrument of delegation allow for subdelegation, the delegate may subdelegate the function or power in accordance with the instrument.
- (2) Section 17(3)—after "a delegation" insert:  
or subdelegation

### **8—Insertion of Part 3A**

After Part 3 insert:

## **Part 3A—Charter and performance statement**

### **17A—Corporation's charter**

- (1) A charter must be prepared for the Corporation by the Minister and the Treasurer after consultation with the Corporation.
- (2) The charter must deal with the following matters:
  - (a) the nature and scope of any operations to be undertaken, including—
    - (i) the nature and scope of investment activities; and
    - (ii) the nature and scope of any operations or transactions outside the State;
  - (b) without limiting paragraph (a)—the steps to be undertaken or the initiatives to be established to ensure that the Corporation has and maintains systems to provide for the effective rehabilitation of disabled workers and their return to work on a successful basis, including through the administration and enforcement of sections 58B and 58C of the *Workers Rehabilitation and Compensation Act 1986*;
  - (c) all requirements of the Minister or the Treasurer as to—
    - (i) the Corporation's obligations to report on its operations; and

- (ii) the form and contents of the Corporation's accounts and financial statements; and
  - (iii) any accounting, internal auditing or financial systems or practices to be established or observed by the Corporation; and
  - (iv) the acquisition or disposal of capital or assets or the borrowing or lending of money.
- (3) The charter may—
  - (a) limit the functions or powers of the Corporation insofar as they relate to the commercial operations of the Corporation; and
  - (b) deal with any other matter not specifically referred to in subsection (2).
- (4) The charter may not extend the functions or powers of the Corporation as provided by this Act.
- (5) The Minister and the Treasurer must, after consultation with the Corporation, review the charter at the end of each financial year.
- (6) The Minister and the Treasurer may, after consultation with the Corporation, amend the charter at any time.
- (7) The charter or an amendment to the charter comes into force and is binding on the Corporation on a day specified in the charter or amendment (but without affecting contractual obligations previously incurred by the Corporation).
- (8) On the charter or an amendment to the charter coming into force, the Minister must—
  - (a) within 6 sitting days, cause a copy of the charter, or the charter in its amended form, to be laid before both Houses of Parliament; and
  - (b) within 14 days (unless such a copy is sooner laid before both Houses of Parliament under paragraph (a)), cause a copy of the charter, or the charter in its amended form, to be presented to the Economic and Finance Committee of the Parliament.

### **17B—Performance statements**

- (1) The Minister and the Treasurer must, when preparing the charter for the Corporation, also prepare, after consultation with the Corporation, a performance statement setting the various performance targets that the Corporation is to pursue in the coming financial year or other period specified in the statement and dealing with such other matters as the Minister and the Treasurer consider appropriate.

- (2) The Minister and the Treasurer must, after consultation with the Corporation, review the performance statement when reviewing the Corporation's charter.
- (3) The Minister and the Treasurer may, after consultation with the Corporation, amend the performance statement at any time.

**9—Amendment of section 18—Accounts**

Section 18(3)—delete "an auditor in reporting on" and substitute:  
the Auditor-General in relation to

**10—Substitution of section 19**

Section 19—delete the section and substitute:

**19—Audit**

The Auditor-General may at any time, and must at least once in each year, audit the accounts of the Corporation.