

**Legislative Council—No 192**

As received from the House of Assembly and read a first time, 15 October 2013

South Australia

**WorkCover Corporation (Governance)  
Amendment Bill 2013**

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) Amendment Act 2013*.

#### 5 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.

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

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

Section 4—after subsection (5) insert:

- (6) The Corporation is a statutory corporation to which sections 7 and 8 of the *Public Corporations Act 1993* apply.

## **5—Amendment of section 5—Constitution of board of management**

- (1) Section 5(2)—delete "nine" and substitute:

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- (2) Section 5(2)—delete "of whom—" and substitute:

5 on the recommendation of the Minister.

- (3) Section 5(2)(a) to (d)—delete paragraphs (a) to (d) (inclusive)

- (4) Section 5(4)—after "The Governor will" insert:

, on the recommendation of the Minister,

- (5) Section 5—after subsection (5) insert:

10 (6) A person appointed to the board—

- (a) must have such qualifications, skills, knowledge or experience as are, in the Minister's opinion, relevant to ensuring that the board carries out its functions effectively; and

15 (b) must at all times act professionally and in accordance with recognised principles of good corporate governance.

## **6—Amendment of section 6—Conditions of membership**

Section 6(2)—after paragraph (d) insert:

or

20 (e) on the recommendation of the Minister on any other ground that the Minister considers to constitute a reasonable cause.

## **7—Amendment of section 11—Proceedings**

Section 11(1)—delete "six" and substitute:

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

Section 13(1)(g)—delete "disabilities" and substitute:

injuries

## **9—Amendment of section 14—Powers**

Section 14(4)(c)—delete paragraph (c)

## **10—Amendment of section 16—Committees**

Section 16—after subsection (3) insert:

- (4) The Corporation must obtain the approval of the Minister before it establishes a committee under subsection (1)(b) that will include 1 or more persons who will be paid for their participation as members of the committee.

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## 11—Amendment of section 21—Chief Executive Officer

Section 21—after subsection (6) insert:

(7) The Corporation—

(a) must ensure that the CEO is reasonably available—

(i) to the Minister in order to assist the Minister in the administration of this Act; and

(ii) to the Minister responsible for the administration of the *Workers Rehabilitation and Compensation Act 1986* to assist that Minister in the administration of that Act; and

(b) must ensure that the CEO complies with any reasonable request by the Minister to provide information about the operation or administration of this Act or the *Workers Rehabilitation and Compensation Act 1986*.

## 12—Amendment of section 28—Regulations

(1) Section 28—after subsection (1) insert:

(1a) Without limiting the generality of subsection (1), the regulations may—

(a) provide for the collection and collation of information by the Corporation in connection with any matter that is relevant to its functions under an Act (including so as to require the provision of information by another party to the Corporation); and

(b) provide for the provision of reports to the Corporation, or by the Corporation to the Minister.

(2) Section 28(2)—after paragraph (b) insert:

(ba) may allow for matters to be determined at the discretion of the Minister or confer other forms of discretionary power on the Minister;

## Schedule 1—Transitional provision

### 1—Transitional provision

The office of a member of the board of management of the WorkCover Corporation of South Australia under section 5 of the *WorkCover Corporation Act 1994* becomes vacant on the commencement of this Schedule (whether or not the office of the member is continuing after the amendments made by this Act relating to the constitution of the board of management take effect and whether or not the term of office of the member has been completed).