

South Australia

# **Return to Work Corporation of South Australia Act 1994**

An Act to provide for the reconstitution of the Workers Rehabilitation and Compensation Corporation and its continuation under the name Return to Work Corporation of South Australia; to provide for its functions and powers; and for other purposes.

---

## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 3 Interpretation

### **Part 2—The WorkCover Corporation of South Australia**

#### **Division 1—The Corporation**

- 4 Continuation of Corporation

#### **Division 2—The board of management**

- 5 Constitution of board of management
- 6 Conditions of membership
- 7 Allowances and expenses
- 10 Validity of acts
- 11 Proceedings

### **Part 3—Functions and powers**

- 12 Primary objects
- 13 Functions
- 14 Powers
- 14A Direction of Minister
- 15 Corporation to have regard to various differences in the workforce
- 16 Committees
- 17 Delegations

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

- 17A Corporation's charter
- 17B Performance statements

### **Part 4—Accounts, audit and reports**

- 18 Accounts
- 19 Audit

20 Annual reports

## Part 5—Staff

21 Chief Executive Officer

22 Other staff of Corporation

22A Exclusion of operation of Commonwealth industrial relations legislation

23 Superannuation

24 Use of facilities

## Part 6—Miscellaneous

25 Government Financing Authority Act not to apply to Corporation

26 Protection of special names

27 Exemption from stamp duty

27A Application of public corporations provision

28 Regulations

## Schedule—Transitional provisions

1 References

5 Regulations

## Legislative history

## Appendix—Divisional penalties and expiation fees

---

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

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Return to Work Corporation of South Australia Act 1994*.

### 3—Interpretation

In this Act—

**board** means the Corporation's board of management;

**CEO** means the Corporation's Chief Executive Officer;

**Corporation** means the Return to Work Corporation of South Australia.

#### Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

## **Part 2—The WorkCover Corporation of South Australia**

### **Division 1—The Corporation**

#### **4—Continuation of Corporation**

- (1) The *WorkCover Corporation of South Australia* continues as the *Return to Work Corporation of South Australia* (with its principal trading name being *ReturnToWorkSA*).
- (2) The Corporation continues as a body corporate.
- (3) The Corporation holds its property on behalf of the Crown.
- (5) If a document appears to bear the common seal of the Corporation and to be signed by 2 members of the board, it will be presumed, in the absence of proof to the contrary, that the common seal of the Corporation was duly affixed to the document.
- (6) The Corporation is a statutory corporation to which sections 7 and 8 of the *Public Corporations Act 1993* apply.

### **Division 2—The board of management**

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

- (1) The Corporation is managed by a board of management.
- (2) The board consists of 7 members appointed by the Governor on the recommendation of the Minister.
- (3) At least 3 members of the board must be women and at least 3 members must be men.
- (4) The Governor will, on the recommendation of the Minister, appoint 1 member of the board to chair its meetings.
- (5) The Minister may grant a member of the board leave of absence from the board and appoint a suitable person to act as a member of the board during that period of absence.
- (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
  - (b) must at all times act professionally and in accordance with recognised principles of good corporate governance.

#### **6—Conditions of membership**

- (1) A member of the board is appointed on conditions determined by the Governor and for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, is eligible for reappointment.
- (2) The Governor may remove a member of the board from office—
  - (a) for breach of, or non-compliance with, a condition of appointment; or

- (b) mental or physical incapacity to carry out duties of office satisfactorily; or
  - (c) neglect of duty; or
  - (d) dishonourable conduct; or
  - (e) on the recommendation of the Minister on any other ground that the Minister considers to constitute a reasonable cause.
- (3) The office of a member of the board becomes vacant if the member—
- (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Minister; or
  - (d) is convicted of an indictable offence; or
  - (f) is removed from office under subsection (2).
- (4) On the office of a member of the board becoming vacant, a person must be appointed, in accordance with this Act, to the vacant office.

### **7—Allowances and expenses**

- (1) A member of the board is entitled to fees, allowances and expenses approved by the Governor.
- (2) The fees, allowances and expenses are payable out of the Compensation Fund under the *Return to Work Act 2014*.

### **10—Validity of acts**

- (1) An act or proceeding of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

### **11—Proceedings**

- (1) A quorum of the board consists of 4 members.
- (2) The member appointed to chair meetings of the board will preside at meetings of the board or, in the absence of that member, a member chosen to preside by those present.
- (3) A decision carried by a majority of the votes cast by members at a meeting is a decision of the board.
- (4) Each member present at a meeting of the board has 1 vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
- (5) A telephone or video conference between members of the board constituted in accordance with procedures determined by the board will, for the purposes of this section, be taken to be a meeting of the board at which the participating members are present.
- (6) A resolution of the board—
  - (a) of which prior notice was given to all members of the board in accordance with procedures determined by the board; and
  - (b) in which a majority of the members of the board expressed their concurrence in writing,

will be taken to be a decision of the board made at a meeting of the board.

- (7) The board must have accurate minutes kept of its proceedings.
- (8) Subject to this Act, the board may determine its own procedures.

## **Part 3—Functions and powers**

### **12—Primary objects**

The Corporation's primary objects are—

- (a) to ensure that the early intervention, recovery and return to work scheme under the *Return to Work Act 2014* operates in a fair, effective and efficient manner; and
- (b) to regulate the activities of service providers that are relevant to the scheme referred to in paragraph (a); and
- (c) to provide fair compensation for work-related injuries; and
- (d) to keep employers' costs to the minimum that is consistent with the attainment of the objects mentioned above; and
- (e) to take all reasonable steps to ensure that the scheme mentioned above is fully-funded on a fair basis.

### **13—Functions**

- (1) The functions of the Corporation are—
  - (a) to administer—
    - (ii) the *Return to Work Act 2014*; and
    - (iii) other legislation prescribed by regulation; and
  - (b) to provide resources to support or facilitate the formulation of standards, policies and strategies that promote work health, safety or welfare; and
  - (c) to promote the recovery of persons who suffer injuries arising from employment and to facilitate their early return to work; and
  - (d) to manage, and ensure the financial viability of, funds that come under its control; and
  - (e) to ensure the efficient and economic operation of the scheme under the *Return to Work Act 2014*, to keep all aspects of that scheme under review, and, if appropriate, to make recommendations for change; and
  - (f) to encourage consultation with employers, employees and associations representing the interests of employers or employees in relation to injury prevention, recovery, return to work and workers compensation arrangements; and
  - (g) to encourage associations representing the interests of employers or employees to take a constructive role in promoting injury prevention, recovery, return to work, and appropriate compensation for persons who suffer injuries arising from employment; and

- (h) to promote awareness of the value of effective work health, safety and welfare strategies and programs, to foster a consultative and co-operative relationship between management and labour in work health, safety and welfare, and to promote the adoption of policies, practices, procedures and arrangements in the workplace that enhance work health, safety and welfare; and
  - (i) to prepare, promote or endorse guidelines to assist people who are subject to the operation of an Act administered by the Corporation; and
  - (j) to devise, promote or approve courses of training in early intervention, recovery and return to work in relation to workers who suffer injuries arising from employment; and
  - (k) to initiate, carry out, support or promote research, projects, courses, programs, activities or other initiatives relating to—
    - (i) work health, safety or welfare; or
    - (ii) work-related injuries; or
    - (iii) workers recovery and return to work in cases involving work-related injuries; or
    - (iv) workers compensation; and
  - (ka) to support activities and other initiatives relating to work health, safety or welfare; and
  - (l) to collect, analyse and publish information and statistics relating to—
    - (i) work health, safety or welfare; and
    - (ii) workers recovery and return to work in cases involving work-related injuries; and
    - (iii) workers compensation; and
  - (n) to conduct public inquiries in relation to matters that arise under an Act administered by the Corporation; and
  - (o) to report to the Minister (on its own initiative or at the request of the Minister)—
    - (i) on the adequacy, operation, administration or enforcement of legislation for which the Corporation is responsible; or
    - (ii) on any matter relevant to the performance of its functions or any Act administered by the Corporation; and
  - (p) to report to the Minister on any matter referred to the Corporation by the Minister; and
  - (q) to carry out other functions assigned to the Corporation by or under an Act, or by the Minister.
- (2) The Corporation may, with the approval of the Minister—
- (a) perform functions conferred on the Corporation by or under a law of the Commonwealth, another State or a Territory;

- 
- (b) confer (subject to conditions or limitations (if any) specified by the Minister) functions of the Corporation on an authority established by or under a law of the Commonwealth, another State or a Territory.

## 14—Powers

- (1) The Corporation has the powers necessary for, or incidental to, the performance of its functions.
- (2) The Corporation may, for example—
  - (a) enter into any form of contract or arrangement;
  - (b) engage experts or consultants to assist the Corporation in the performance of its functions or to advise it in relation to technical matters;
  - (c) acquire, hold, deal with or dispose of real and personal property;
  - (d) establish and operate ADI accounts and invest money;
  - (e) with the consent of the Minister and the Treasurer, borrow money and give security for the repayment of loans;
  - (f) establish and maintain a central office and regional offices;
  - (g) collaborate or consult with other bodies in relation to the performance of its functions.
- (3) The Corporation may only enter into a contract or arrangement—
  - (a) conferring power on a private sector body—
    - (i) to manage and determine claims; or
    - (ii) to provide recovery/return to work services; or
    - (iii) to implement or manage programs to assist or encourage workers who have suffered work injuries to return to work; or
    - (iv) to collect premiums, payments and fees; or
  - (b) conferring other substantial powers on a private sector body, if the contract or arrangement is an authorised contract or arrangement.
- (4) An **authorised contract or arrangement** is—
  - (a) a contract or arrangement with a self-insured employer under the *Return to Work Act 2014*; or
  - (b) a contract or arrangement with a person who holds an accreditation, approval or appointment by the Corporation for the provision of recovery/return to work services under Part 3 of the *Return to Work Act 2014*; or
  - (d) a contract or arrangement authorised by regulation.
- (4a) An authorisation by regulation under subsection (4)(d)—
  - (a) cannot take effect until the time for disallowance of the regulation has passed; and
  - (b) lapses 3 years after the date on which it took effect or was last renewed unless it is renewed by a fresh regulation made within 6 months before the date on which it is due to lapse.

- (4b) An authorised contract or arrangement cannot confer a power on a private sector body—
  - (a) to agree to a redemption under Part 4 Division 5 of the *Return to Work Act 2014*; or
  - (b) to refuse a worker access to material under section 180(3)(c) of the *Return to Work Act 2014*.
- (5) For the purpose of ascertaining the extent of prospective liabilities, or other matters relevant to its functions, the Corporation may carry out investigations and inquiries it thinks appropriate.

#### **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 *Return to Work Act 2014*.
- (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.

#### **15—Corporation to have regard to various differences in the workforce**

- (1) The Corporation must, in carrying out its functions, take into account racial, ethnic and linguistic diversity in the population of the State, the interests of both sexes, and the interests of those who may be physically, mentally or intellectually impaired, and seek to ensure that people who are entitled to benefits under Acts administered by the Corporation are not disadvantaged because of their origins or background, their sex, or some physical, mental or intellectual impairment.



- (2) The Corporation should, as far as reasonably practicable, ensure that information provided for use in the workplace is in a language and form appropriate for those expected to make use of it.

## 16—Committees

- (1) The Corporation—
  - (a) must establish the committees the Minister may require; and
  - (b) may establish other committees the Corporation considers appropriate, to advise the Corporation on any aspect of its functions, or to assist the Corporation in the performance of its functions or in the exercise of its powers.
- (2) A committee may, but need not, consist of, or include, members of the board.
- (3) The Corporation must allocate sufficient resources to ensure that the committees established under this Act and the *Return to Work Act 2014* can operate effectively.
- (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.

## 17—Delegations

- (1) The Corporation may, by instrument in writing, delegate a function or power conferred on or vested in the Corporation.
- (2) A delegation—
  - (a) may be made—
    - (i) to a member of the board; or
    - (ii) to a committee established by the Corporation or by or under an Act; or
    - (iii) to a particular officer of the Corporation, or to any officer of the Corporation occupying (or acting in) a particular office or position; or
    - (iv) to a public authority or public instrumentality; or
    - (v) to a private sector body in connection with a contract or arrangement that is an authorised contract or arrangement under section 14(4); and
  - (b) may be made subject to conditions and limitations specified in the instrument of delegation; and
  - (c) is revocable at will and does not derogate from the Corporation's power.
- (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.
- (3) In legal proceedings an apparently genuine certificate, purporting to be signed by an officer of the Corporation, containing particulars of a delegation or subdelegation under this section will, in the absence of proof to the contrary, be accepted as proof of the particulars.

## **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 recovery and return to work of workers who suffer work-related injuries, especially through early intervention and through the administration of section 18 of the *Return to Work Act 2014*;
  - (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.

## **Part 4—Accounts, audit and reports**

### **18—Accounts**

- (1) The Corporation must cause proper accounts to be kept of its financial affairs.
- (2) The Corporation must—
  - (a) ensure that all money payable to the Corporation is properly collected; and
  - (b) ensure that all liabilities and expenditures of the Corporation are properly authorised; and
  - (c) ensure that adequate control is maintained over its assets; and
  - (d) ensure efficiency and economy of operations and the avoidance of waste and extravagance; and
  - (e) develop and maintain an adequate budgeting and accounting system; and
  - (f) develop and maintain an adequate internal audit system.
- (3) The Corporation must, in complying with subsection (2), take into account any relevant recommendation made by the Auditor-General in relation to the accounts of the Corporation.

### **19—Audit**

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

### **20—Annual reports**

- (1) The Corporation must, on or before 31 December in every year, forward to the Minister a report on the work and operations of the Corporation for the financial year ending on the preceding 30 June.
- (2) The report must include—
  - (a) the audited accounts of the Corporation for the relevant financial year; and

- (c) other information required by regulation.
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

## **Part 5—Staff**

### **21—Chief Executive Officer**

- (1) The Corporation has a Chief Executive Officer.
- (2) The CEO is responsible to the board for—
  - (a) implementing its policies and decisions; and
  - (b) managing the Corporation's business efficiently and effectively; and
  - (c) supervising the Corporation's staff.
- (3) The CEO will be appointed by the board on terms and conditions determined by the board.
- (4) A person must not be appointed as CEO unless the board has first consulted with the Minister about the proposed appointment and the proposed terms and conditions of appointment.
- (5) The CEO may, by instrument in writing, delegate the CEO's functions or powers under an Act.
- (6) A delegation—
  - (a) may be made subject to conditions and limitations as the CEO thinks fit; and
  - (b) is revocable at will and does not derogate from the CEO's power.
- (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 *Return to Work Act 2014* 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 *Return to Work Act 2014*.

### **22—Other staff of Corporation**

- (1) The Corporation may appoint, on terms and conditions fixed by the Corporation, such employees of the Corporation as it thinks necessary or desirable.
- (2) The employees of the Corporation are not members of the Public Service.
- (3) The Corporation may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the staff of that administrative unit.

---

**22A—Exclusion of operation of Commonwealth industrial relations legislation**

The Corporation is declared not to be a national system employer for the purposes of the *Fair Work Act 2009* of the Commonwealth.

**23—Superannuation**

The Corporation is a public authority for the purposes of the *Superannuation Act 1974*, and may enter into arrangements with the South Australian Superannuation Board about superannuation of its staff.

**24—Use of facilities**

- (1) The Corporation may, by arrangement with an administrative unit of the Public Service of the State, a public authority or a public instrumentality, on terms and conditions mutually arranged, make use of the services or facilities of the administrative unit, authority or instrumentality.
- (2) The Corporation may, as it thinks fit (and subject to any conditions or limitations determined by the Minister), make use of services, facilities or personnel provided by the private sector.

**Part 6—Miscellaneous****25—Government Financing Authority Act not to apply to Corporation**

The Corporation is not a semi-government authority under the *Government Financing Authority Act 1982*.

**26—Protection of special names**

- (1) In this section—  
*prescribed name* means—
  - (a) *WorkCover*; or
  - (b) *ReturnToWorkSA*; or
  - (c) *RTWSA*; or
  - (d) *ReturnToWorkAssist*; or
  - (e) *ReturnToWorkAssistSA*; or
  - (f) *RTWAssistSA*.
- (2) The Corporation has a proprietary interest in a prescribed name.
- (3) A person who, without the consent of the Corporation, in the course of a trade or business, uses a prescribed name for the purpose of promoting the sale of goods or services is guilty of an offence.  
Penalty: Division 5 fine.
- (4) A consent under subsection (3) may be given with or without conditions.
- (5) The Supreme Court may, on the application of the Corporation, grant an injunction to restrain a breach of this section.

- (6) Subsection (5) does not derogate from any civil remedy that may be available to the Corporation apart from those subsections.

### **27—Exemption from stamp duty**

The Corporation is exempt from stamp duty in respect of insurance business carried on by the Corporation and is not required to be registered under Part 3 Division 3 of the *Stamp Duties Act 1923* in respect of such business.

### **27A—Application of public corporations provision**

- (1) Subject to subsections (2) and (3), section 29(2)(a) and (3) of the *Public Corporations Act 1993* applies to the Corporation.
- (2) A liability under subsection (1) does not arise in respect of any financial year unless the Corporation has, in relation to the financial year in respect of which the liability is imposed—
- (a) achieved a funding level of at least 100% at a probability of sufficiency of 75%; and
  - (b) achieved a profit from its insurance operations.
- (3) A liability under subsection (1) also does not arise in respect of a financial year if the Minister, after consultation with the Treasurer, determines, from a prudential perspective, that such a liability should not be imposed in respect of that financial year.
- (4) Terms used in this section and also in Part 10 of the *Return to Work Act 2014* have the same meanings in this section as they have in that Part (unless the contrary intention appears).

### **28—Regulations**

- (1) The Governor may make regulations as contemplated by this Act, or as necessary or expedient for the purposes of this Act.
- (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) The regulations—
- (a) may be of general or limited application;
  - (b) may allow for matters to be determined at the discretion of the Corporation (or a delegate of the Corporation) or confer other forms of discretionary power on the Corporation (or a delegate of the Corporation);
  - (ba) may allow for matters to be determined at the discretion of the Minister or confer other forms of discretionary power on the Minister;
  - (c) may create summary offences, punishable by a fine not exceeding a division 7 fine, for non-compliance with a regulation.

## **Schedule—Transitional provisions**

### **1—References**

A reference in an instrument to the Workers Rehabilitation and Compensation Corporation will be construed as a reference to the Corporation.

### **5—Regulations**

The regulations may contain other provisions of a saving or transitional nature consequent on the enactment of this Act.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*WorkCover Corporation Act 1994*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1994	51	<i>WorkCover Corporation Act 1994</i>	16.6.1994	1.7.1994 ( <i>Gazette</i> 30.6.1994 p1842)
1995	35	<i>Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Act 1995</i>	27.4.1995	Sch 2—25.5.1995 ( <i>Gazette</i> 25.5.1995 p2200)
1995	105	<i>Statutes Amendment (Workers Rehabilitation and Compensation) Act 1995</i>	14.12.1995	Pt 3—1.7.1994: s 2(b)
1998	30	<i>Workers Rehabilitation and Compensation (Self Managed Employer Scheme) Amendment Act 1998</i>	16.4.1998	s 7—13.4.2000 ( <i>Gazette</i> 13.4.2000 p2084)—cancelled on 13.4.2004: s 8
1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch item 63—1.7.1999 being the date specified under s 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act: s 2(2)
2005	41	<i>Occupational Health, Safety and Welfare (SafeWork SA) Amendment Act 2005</i>	14.7.2005	Sch 1 (c11 2—4)—15.8.2005 ( <i>Gazette</i> 11.8.2005 p3011)
2008	16	<i>WorkCover Corporation (Governance Review) Amendment Act 2008</i>	19.6.2008	1.7.2008 ( <i>Gazette</i> 26.6.2008 p2555)
2009	58	<i>Statutes Amendment (National Industrial Relations System) Act 2009</i>	26.11.2009	Pt 18 (s 46)—1.1.2010 ( <i>Gazette</i> 17.12.2009 p6351)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 166 (ss 371—374)—1.2.2010 ( <i>Gazette</i> 28.1.2010 p320)
2011	48	<i>Workers Rehabilitation and Compensation (Employer Payments) Amendment Act 2011</i>	8.12.2011	Sch 2 (c11 5—8)—1.7.2012 ( <i>Gazette</i> 29.3.2012 p1294)



2013	55	<i>WorkCover Corporation (Governance) Amendment Act 2013</i>	7.11.2013	21.11.2013 ( <i>Gazette 21.11.2013 p4278</i> )
2014	16	<b>Return to Work Act 2014</b>	<b>6.11.2014</b>	<b>Sch 9 (cll 8—11, 21 &amp; 67)—2.2.2015; cll 12—20 &amp; 22—1.7.2015 (<i>Gazette 4.12.2014 p6610</i>)</b>

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 16/2014 Sch 9 cl 8	2.2.2015
Pt 1		
s 1	amended by 16/2014 Sch 9 cl 9	2.2.2015
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>13.4.2004</i>
s 3		
Corporation	substituted by 16/2014 Sch 9 cl 10	2.2.2015
Pt 2		
s 4		
s 4(1)	substituted by 16/2014 Sch 9 cl 11	2.2.2015
s 4(4)	<i>deleted by 16/2008 s 4</i>	<i>1.7.2008</i>
s 4(6)	inserted by 55/2013 s 4	21.11.2013
s 5		
s 5(2)	amended by 55/2013 s 5(1), (2)	21.11.2013
	(a)—(d) deleted by 55/2013 s 5(3)	21.11.2013
s 5(4)	amended by 55/2013 s 5(4)	21.11.2013
s 5(6)	inserted by 55/2013 s 5(5)	21.11.2013
s 6		
s 6(2)	amended by 55/2013 s 6	21.11.2013
s 6(3)	(e) deleted by 84/2009 s 371	1.2.2010
s 7		
<b>s 7(2)</b>	<b>amended by 16/2014 Sch 9 cl 12</b>	<b>1.7.2015</b>
<i>ss 8 and 9</i>	<i>deleted by 84/2009 s 372</i>	<i>1.2.2010</i>
s 10		
<i>s 10(2)—(4)</i>	<i>deleted by 84/2009 s 373</i>	<i>1.2.2010</i>
s 11		
s 11(1)	amended by 55/2013 s 7	21.11.2013
Pt 3		
<b>s 12</b>	<b>amended by 16/2014 Sch 9 cl 13(1), (2)</b>	<b>1.7.2015</b>
s 13		
s 13(1)	(a)(i) deleted by 41/2005 Sch 1 (cl 2(1))	15.8.2005
	amended by 41/2005 Sch 1 (cl 2(2), (3))	15.8.2005
	(m) deleted by 41/2005 Sch 1 (cl 2(4))	15.8.2005

	amended by 16/2008 s 5	1.7.2008
	amended by 48/2011 Sch 2 cl 5(1), (2)	1.7.2012
	amended by 55/2013 s 8	21.11.2013
	<b>amended by 16/2014 Sch 9 cl 14(1)—(13)</b>	<b>1.7.2015</b>
s 14		
s 14(2)	amended by 33/1999 Sch (item 63)	1.7.1999
s 14(3)	substituted by 105/1995 s 8	1.7.1994
	amended by 48/2011 Sch 2 cl 6(1)	1.7.2012
	<b>amended by 16/2014 Sch 9 cl 15(1), (2)</b>	<b>1.7.2015</b>
s 14(4)	amended by 35/1995 Sch 2	25.5.1995
	substituted by 105/1995 s 8	1.7.1994
	substituted by 30/1998 s 7(a) but this amendment cancelled by 30/1998 s 8(a)	13.4.2000—cancelled on 13.4.2004
	amended by 48/2011 Sch 2 cl 6(2)	1.7.2012
	(c) deleted by 55/2013 s 9	21.11.2013
	<b>amended by 16/2014 Sch 9 cl 15(3), (4)</b>	<b>1.7.2015</b>
s 14(4a)	inserted by 105/1995 s 8	1.7.1994
	amended by 30/1998 s 7(b) but this amendment cancelled by 30/1998 s 8(a)	13.4.2000—cancelled on 13.4.2004
<b>s 14(4b)</b>	<b>inserted by 16/2014 Sch 9 cl 15(5)</b>	<b>1.7.2015</b>
s 14A	inserted by 16/2008 s 6	1.7.2008
<b>s 14A(2)</b>	<b>amended by 16/2014 Sch 9 cl 16</b>	<b>1.7.2015</b>
s 16		
s 16(3)	substituted by 41/2005 Sch 1 (cl 3)	15.8.2005
	<b>amended by 16/2014 Sch 9 cl 17</b>	<b>1.7.2015</b>
s 16(4)	inserted by 55/2013 s 10	21.11.2013
s 17		
s 17(2)	amended by 105/1995 s 9	1.7.1994
s 17(2a)	inserted by 16/2008 s 7(1)	1.7.2008
s 17(3)	amended by 16/2008 s 7(2)	1.7.2008
Pt 3A	inserted by 16/2008 s 8	1.7.2008
s 17A		
s 17A(2)	amended by 48/2011 Sch 2 cl 7	1.7.2012
	<b>amended by 16/2014 Sch 9 cl 18</b>	<b>1.7.2015</b>
Pt 4		
s 18		
s 18(3)	amended by 16/2008 s 9	1.7.2008
s 19	substituted by 16/2008 s 10	1.7.2008
s 20		
<b>s 20(2)</b>	<b>(b) deleted by 16/2014 Sch 9 cl 19</b>	<b>1.7.2015</b>
Pt 5		
s 21		
s 21(7)	inserted by 55/2013 s 11	21.11.2013

	amended by 16/2014 Sch 9 cl 20	1.7.2015
s 22		
s 22(3)	substituted by 84/2009 s 374	1.2.2010
s 22(4)—(6)	deleted by 84/2009 s 374	1.2.2010
s 22A	inserted by 58/2009 s 46	1.1.2010
Pt 6		
s 26		
s 26(1)		
prescribed name	substituted by 16/2014 Sch 9 cl 21(1)	2.2.2015
s 26(2)	amended by 16/2014 Sch 9 cl 21(2)	2.2.2015
s 26(3)	amended by 16/2014 Sch 9 cl 21(3)	2.2.2015
s 27	amended by 48/2011 Sch 2 cl 8	1.7.2012
<b>s 27A</b>	<b>inserted by 16/2014 Sch 1 cl 22</b>	<b>1.7.2015</b>
s 28		
s 28(1a)	inserted by 55/2013 s 12(1)	21.11.2013
s 28(2)	amended by 55/2013 s 12(2)	21.11.2013
Sch		
cl 1	substituted by 41/2005 Sch 1 (cl 4)	15.8.2005
cll 2—4	deleted by 41/2005 Sch 1 (cl 4)	15.8.2005

## Transitional etc provisions associated with Act or amendments

### *Statutes Amendment (Workers Rehabilitation and Compensation) Act 1995*

#### 10—Saving provision

This Part is not to affect the decision of the Review Officer in the case of *Warren and Inghams Enterprises Pty Ltd and WorkCover Corporation* (ie Determination No 95-0458) or later decisions in appellate proceedings.

### *Workers Rehabilitation and Compensation (Self Managed Employer Scheme) Amendment Act 1998*

#### 8—Sunset provision

On the expiration of 4 years from the commencement of this Act—

- (a) the amendments made by this Act (other than by section 6) are cancelled and the text of the Acts amended by this Act is restored to the form in which that statutory text would have existed if this Act had not been passed; and
- (b) section 107B of the *Workers Rehabilitation and Compensation Act 1986* (as inserted by section 6 of this Act) is amended by striking out from subsection (4) ", a self managed employer or the claims manager for a group of self managed employers".

## *WorkCover Corporation (Governance) Amendment Act 2013, Sch 1*

### **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).

## *Return to Work Act 2014, Sch 9 Div 11*

### **67—Renewal of authorised contracts**

Section 14(4a)(a) of the *WorkCover Corporation Act 1994* does not apply to a regulation under section 14(4)(d) of that Act that is expressed to come into operation on 1 July 2015.

### **Historical versions**

Reprint No 1—25.5.1995

Reprint No 2—1.7.1994

Reprint No 3—1.7.1999

Reprint No 4—13.4.2000

13.4.2004

15.8.2005

1.7.2008

1.1.2010

1.2.2010

1.7.2012

21.11.2013

2.2.2015

### **Appendix—Divisional penalties and expiation fees**

At the date of publication of this version divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

<b>Division</b>	<b>Maximum imprisonment</b>	<b>Maximum fine</b>	<b>Expiation fee</b>
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150

**1.7.2015—Return to Work Corporation of South Australia Act 1994**  
Divisional penalties and expiation fees—Appendix

---

<b>Division</b>	<b>Maximum imprisonment</b>	<b>Maximum fine</b>	<b>Expiation fee</b>
9	–	\$500	\$100
10	–	\$200	\$75
11	–	\$100	\$50
12	–	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*