

Passed by both Houses



New South Wales

# Safety, Return to Work and Support Board Bill 2012

## Contents

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|                   | Page  |
|-------------------|---|
| <b>Part 1</b>     | <b>Preliminary</b>  |
| 1                 | Name of Act 2   |
| 2                 | Commencement 2  |
| 3                 | Definitions 2   |
| <b>Part 2</b>     | <b>Management of relevant authorities</b>                   |
| <b>Division 1</b> | <b>Safety, Return to Work and Support Board</b>             |
| 4                 | Establishment and composition of Board 3                    |
| 5                 | General functions of Board 3                                |
| 6                 | Board may determine investment policies for certain funds 4 |
| 7                 | Investment of funds 4                                       |
| 8                 | Committees of the Board 4                                   |

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Safety, Return to Work and Support Board Bill 2012

Contents

---

|  | Page |
|--|------|
| <b>Division 2      Chief Executive Officer</b>                     |      |
| 9    Chief Executive Officer of Safety, Return to Work and Support | 5    |
| <b>Part 3      Advisory committees</b>                             |      |
| 10   Establishment of advisory committees                          | 6    |
| <b>Part 4      Miscellaneous</b>                                   |      |
| 11   Appointment of Parliamentary Committee                        | 7    |
| 12   Protection from personal liability                            | 7    |
| 13   Regulations   | 7    |
| 14   Review of Act   | 7    |
| <b>Schedule 1    Members and procedure of Board</b>                | 8    |
| <b>Schedule 2    Savings, transitional and other provisions</b>    | 13   |
| <b>Schedule 3    Amendment of Acts</b>                             | 15   |

*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2012*



New South Wales

## **Safety, Return to Work and Support Board Bill 2012**

Act No , 2012

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An Act to establish the Safety, Return to Work and Support Board for the purposes of consolidating the governance arrangements for the WorkCover Authority, the Motor Accidents Authority and the Lifetime Care and Support Authority; and for other purposes.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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Clause 1 Safety, Return to Work and Support Board Bill 2012

Part 1 Preliminary

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**The Legislature of New South Wales enacts:**

## **Part 1 Preliminary**

### **1 Name of Act**

This Act is the *Safety, Return to Work and Support Board Act 2012*.

### **2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

### **3 Definitions**

(1) In this Act:

**advisory committee** means an advisory committee established by the Minister under Part 3.

**Board** means the Safety, Return to Work and Support Board established under section 4.

**Chief Executive Officer** means the Chief Executive Officer of Safety, Return to Work and Support holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

**compensation and other related legislation** means any of the following:

- (a) workers compensation legislation within the meaning of the *Workplace Injury Management and Workers Compensation Act 1998*,
- (b) *Motor Accidents Compensation Act 1999* and *Motor Accidents Act 1988*,
- (c) *Motor Accidents (Lifetime Care and Support) Act 2006*,
- (d) *Sporting Injuries Insurance Act 1978*.

**function** includes a power, authority or duty, and **exercise** a function includes perform a duty.

**member** means a member of the Board.

**relevant authority** means any of the following:

- (a) WorkCover Authority,
- (b) Motor Accidents Authority,
- (c) Lifetime Care and Support Authority.

(2) Notes included in this Act do not form part of this Act.

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## **Part 2 Management of relevant authorities**

### **Division 1 Safety, Return to Work and Support Board**

#### **4 Establishment and composition of Board**

- (1) There is to be a Safety, Return to Work and Support Board.
- (2) The Board is to consist of 7 members, being:
  - (a) the Chief Executive Officer, and
  - (b) 6 members appointed by the Governor on the recommendation of the Minister.
- (3) A person may not be recommended for appointment unless the person has skills and experience in any one or more of the following areas, namely, insurance, finance, investment, law, health, marketing, communications, work health and safety, injury prevention or management, return to work programs and disability services.
- (4) Schedule 1 contains ancillary provisions relating to the members and procedure of the Board.

#### **5 General functions of Board**

- (1) The Board has the following functions:
  - (a) to determine the general policies and strategic direction of each relevant authority,
  - (b) to oversee the performance of each relevant authority,
  - (c) to advise the Minister and the Chief Executive Officer on any matter relating to the relevant authorities or arising under the compensation and other related legislation, at the request of the Minister or the Chief Executive Officer or on its own initiative,
  - (d) such other functions as are conferred or imposed on it by or under this or any other Act.
- (2) In exercising its functions in relation to a relevant authority, the Board is:
  - (a) to ensure, as far as practicable, that the activities of the relevant authority are carried out properly and efficiently, and
  - (b) to have regard to the objects (if any) of the compensation and other related legislation under which the authority is constituted.

## 6 Board may determine investment policies for certain funds

- (1) The Board has the function of determining investment policies for the investment of the following funds:
  - (a) the Workers Compensation Insurance Fund established under section 154D of the *Workers Compensation Act 1987*,
  - (b) the Insurers' Guarantee Fund established under section 227 of the *Workers Compensation Act 1987*,
  - (c) the Terrorism Re-insurance Fund established under section 239AE of the *Workers Compensation Act 1987*,
  - (d) the Nominal Defendant's Fund established under section 40 of the *Motor Accidents Compensation Act 1999*,
  - (e) the Lifetime Care and Support Authority Fund established under section 48 of the *Motor Accidents (Lifetime Care and Support) Act 2006*,
  - (f) the Sporting Injuries Fund established under section 11 of the *Sporting Injuries Insurance Act 1978*,
  - (g) the Workers' Compensation (Dust Diseases) Fund constituted under the *Workers' Compensation (Dust Diseases) Act 1942*.
- (2) The Board is to report to the Minister on the investment performance of each such fund.

## 7 Investment of funds

- (1) The Board may establish one or more funds (a **common fund**) for the purposes of the investment of any of the funds referred to in section 6 (a **relevant fund**). Any such common fund is to be administered by the Board.
- (2) The returns (including any negative returns) resulting from the investment in a common fund of money that was made available from a relevant fund are to be distributed to that relevant fund only.
- (3) This section does not limit the operation of section 6 or the provisions of the compensation and other related legislation under which a relevant fund is established.

## 8 Committees of the Board

- (1) The Board may establish committees to assist it in connection with the exercise of any of its functions.
- (2) Without limiting the generality of subsection (1), the Board may establish a committee to advise it on matters arising under the *Sporting Injuries Insurance Act 1978*.

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- (3) A committee of the Board must be chaired by a member. It does not matter that some or all of the other members of a committee are not members of the Board.
  - (4) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be as determined by the Board or (subject to any determination of the Board) by the committee.
  - (5) The Board may delegate to a committee any of the functions of the Board, other than this power of delegation.

## **Division 2 Chief Executive Officer**

### **9 Chief Executive Officer of Safety, Return to Work and Support**

- (1) The affairs of each relevant authority are to be managed and controlled by the Chief Executive Officer.
- (2) Any act, matter or thing done in the name of, or on behalf of, a relevant authority by the Chief Executive Officer is taken to have been done by the relevant authority.
- (3) This section is subject to Division 1 and to the compensation and other related legislation.

**Note.** Relevant authorities are generally subject to Ministerial control or direction under their respective legislation.

## **Part 3 Advisory committees**

### **10 Establishment of advisory committees**

- (1) The Minister may:
  - (a) establish advisory committees consisting of such number of members as the Minister thinks fit, and
  - (b) confer on any such advisory committee such functions as the Minister determines.
- (2) The functions of an advisory committee may include investigating and reporting to the Minister on specific matters arising under or in connection with the compensation and other related legislation or any other Act under which a relevant authority exercises functions.
- (3) A person may be appointed as a member of an advisory committee only if the Minister is satisfied that the person has skills and experience that are relevant to the functions of the committee.
- (4) The Minister may determine the term of office and remuneration of members and the procedure of an advisory committee.



## Part 4 Miscellaneous

### 11 Appointment of Parliamentary Committee

- (1) As soon as practicable after the commencement of this section and the commencement of the first session of each Parliament, a committee of the Legislative Council is to be designated by resolution of the Legislative Council as the designated committee for the purposes of this section.
- (2) The resolution of the Legislative Council is to specify the terms of reference of the committee so designated which are to relate to the supervision of the exercise of the functions of each relevant authority under the compensation and other related legislation.
- (3) In this section, *relevant authority* includes the Workers' Compensation (Dust Diseases) Board.

### 12 Protection from personal liability

- (1) In this section:  
*body* means a relevant authority, the Board, a committee of the Board or an advisory committee.
- (2) A matter or thing done by a body, by a member of a body or by a person acting under the direction of a body does not, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member of a body or a person so acting personally to any action, liability, claim or demand.

### 13 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

### 14 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

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## Schedule 1 Members and procedure of Board

### 1 Definitions

In this Schedule:

*appointed member* means a member other than the Chief Executive Officer.

### 2 Chairperson and Deputy Chairperson

- (1) Of the appointed members, 2 are (in and by their respective instruments of appointment or in and by other instruments executed by the Governor) to be appointed as Chairperson and Deputy Chairperson of the Board respectively.
- (2) A person may only be appointed as Chairperson if the Minister is satisfied that the person has skills and experience relevant to the Board's functions.
- (3) The Governor may at any time remove an appointed member from the office of Chairperson or Deputy Chairperson.
- (4) A person holding the office of Chairperson or Deputy Chairperson vacates that office if the person:
  - (a) is removed from that office by the Governor, or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a member.

### 3 Term of office of appointed members

Subject to this Schedule, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

### 4 Remuneration

An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

### 5 Vacancy in office of appointed member

- (1) The office of an appointed member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or

- 
- (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Governor under this clause or Chapter 5 of the *Public Sector Employment and Management Act 2002*, or
  - (e) is absent from 4 consecutive meetings of the Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Governor may at any time remove an appointed member from office.

## **6 Disclosure of pecuniary interests**

- (1) If:
- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
- the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.
- (2) A disclosure by a member at a meeting of the Board that the member:
- (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or

- (c) has some other specified interest relating to a specified company or other body or to a specified person,  
is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
- (3) Particulars of any disclosure made under this clause must be recorded by the Board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Board.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Board otherwise determines:
- (a) be present during any deliberation of the Board with respect to the matter, or
  - (b) take part in any decision of the Board with respect to the matter.
- (5) For the purposes of the making of a determination by the Board under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the Board for the purpose of making the determination, or
  - (b) take part in the making by the Board of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Board.

**7 Filling of vacancy in office of appointed member**

If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

**8 Effect of certain other Acts**

- (1) Chapter 1A of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of the appointment of an appointed member.
- (2) If by or under any Act provision is made:
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or

- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as such a member.

**9 General procedure**

The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Board.

**10 Quorum**

The quorum for a meeting of the Board is 4 members.

**11 Presiding member**

- (1) The Chairperson of the Board or (in the absence of the Chairperson) the Deputy Chairperson is to preside at a meeting of the Board.
- (2) In the absence of both the Chairperson and the Deputy Chairperson at a meeting of the Board, another member chosen by the members present at the meeting is to preside at the meeting.
- (3) The person presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**12 Voting**

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

**13 Transaction of business outside meetings or by telephone**

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or

- (b) a meeting held in accordance with subclause (2), the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Board.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Board.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

**14 First meeting**

The Minister is to call the first meeting of the Board in such manner as the Minister thinks fit.

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## Schedule 2 Savings, transitional and other provisions

### Part 1 General

#### 1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### Part 2 Provisions consequent on enactment of this Act

#### 2 Abolition of existing boards

- (1) In this clause:

*existing board* means any of the following as established immediately before the relevant date:

  - (a) the Board of Directors of the WorkCover Authority,
  - (b) the Board of Directors of the Motor Accidents Authority,
  - (c) the Board of Directors of the Lifetime Care and Support Authority.

*relevant date* means the date on which section 4 commences.
- (2) On the relevant date:
  - (a) each existing board is abolished, and
  - (b) each person appointed as a director of an existing board ceases to hold office as such a director.

- (3) A person who ceases to hold office as a director of an existing board is not entitled to any remuneration or compensation because of the loss of that office.

**3 Abolition of various other bodies**

- (1) In this clause:  
*former body* means any of the following as established immediately before the relevant date:
- (a) the Workers Compensation and Work Health and Safety Council,
  - (b) an Industry Reference Group established under Part 5 of Chapter 2 of the *Workplace Injury Management and Workers Compensation Act 1998*,
  - (c) the Motor Accidents Council,
  - (d) the Lifetime Care and Support Advisory Council.
- relevant date* means the date on which section 10 commences.
- (2) On the relevant date:
- (a) each former body is abolished, and
  - (b) each person holding office as a member of a former body ceases to hold office as such a member.
- (3) A person who ceases to hold office as a member of a former body is not entitled to any remuneration or compensation because of the loss of that office.



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## Schedule 3 Amendment of Acts

### 3.1 Motor Accidents Compensation Act 1999 No 41

**[1] Section 3 Definitions**

Insert in alphabetical order:

*Board* means the Safety, Return to Work and Support Board established under the *Safety, Return to Work and Support Board Act 2012*.

**[2] Section 3, definition of “Chief Executive Officer”**

Omit the definition. Insert instead:

*Chief Executive Officer* means the Chief Executive Officer of Safety, Return to Work and Support holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

**[3] Section 3, definitions of “member of staff”, “Motor Accidents Council” and “relevant Government Service Division”**

Omit the definitions.

**[4] Section 3, definition of “Parliamentary Committee”**

Omit “Part 8.3”.

Insert instead “section 11 of the *Safety, Return to Work and Support Board Act 2012*”.

**[5] Sections 24 (4), 166 (3) (a) and 202**

Omit “of Directors of the Authority” wherever occurring.

**[6] Section 40 Establishment of Nominal Defendant’s Fund**

Insert after section 40 (2) (c1):

(c2) money paid into the Fund under section 7 of the *Safety, Return to Work and Support Board Act 2012*,

**[7] Section 40 (5)**

Insert after section 40 (4):

(5) Money in the Fund is also authorised to be made available for investment as provided by section 7 of the *Safety, Return to Work and Support Board Act 2012*.

**[8] Section 49 Accident notification forms**

Omit “The Motor Accidents Council is to advise the Authority on an appropriate accident notification form.” from section 49 (1).

**[9] Sections 62 (1B) and 220 (a)**

Insert “of the Authority who is” after “member of staff” wherever occurring.

**[10] Section 97 Regulations**

Omit section 97 (2).

**[11] Section 99 Appointment of claims assessors**

Insert “of the Authority” after “member of staff” in section 99 (1).

**[12] Section 105 Control and direction of claims assessors**

Omit “of the Authority” from section 105 (5).

**[13] Section 105 (5)**

Insert “of the Authority” after “members of staff”.

**[14] Sections 169 (2), 202 and 214A (5)**

Omit “of the Authority” wherever occurring.

**[15] Sections 199, 203, 204 and 225**

Omit the sections.

**[16] Section 202 The Minister**

Insert “under this or any other Act to the extent they relate to the Authority” after “functions” in section 202 (1) and (4), wherever occurring.

**[17] Section 202, note**

Insert at the end of the section:

**Note.** See also the *Safety, Return to Work and Support Board Act 2012* which includes other provisions relating to the management of the Authority.

**[18] Section 205 Delegation of functions**

Omit section 205 (3). Insert instead:

(3) In this section:

***authorised person*** means:

(a) a member of staff of the Authority, or

- (b) a person of a class prescribed by the regulations or of a class approved by the Board.

**[19] Section 206 Functions of Authority**

Omit section 206 (2) (g) and (h) and (4).

**[20] Section 206 (5), note**

Omit the note. Insert instead:

**Note.** Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Authority to exercise its functions. Under section 4K of that Act, a reference in this Act to a member of staff of the Authority is a reference to staff so employed or to persons of whose services the Authority makes use.

**[21] Part 8.2 Motor Accidents Council**

Omit the Part.

**[22] Part 8.3 Supervision of Authority and Motor Accidents Council**

Omit the Part.

**[23] Section 212 Motor Accidents Authority Fund**

Omit section 212 (3) (a). Insert instead:

- (a) the remuneration, allowances, office accommodation and other associated costs of the Chief Executive Officer, the Board and members of staff of the Authority, being an amount determined by the Chief Executive Officer on a proportionate basis in respect of the various relevant authorities within the meaning of the *Safety, Return to Work and Support Board Act 2012*,

**[24] Section 212 (3) (b)**

Omit the paragraph.

**[25] Sections 212 (3) (d), 222 (1) and 223**

Omit “or the Motor Accidents Council” wherever occurring.

**[26] Schedule 1 Provisions relating to Board of Directors of Authority**

Omit the Schedule.

**[27] Schedule 2 Provisions relating to Motor Accidents Council**

Omit the Schedule.

## **3.2 Motor Accidents (Lifetime Care and Support) Act 2006 No 16**

### **[1] Section 3 Definitions**

Omit the definitions of *Advisory Council*, *member of staff* and *relevant Government Service Division*.

### **[2] Section 3 (1)**

Insert in alphabetical order:

*Board* means the Safety, Return to Work and Support Board established under the *Safety, Return to Work and Support Board Act 2012*.

### **[3] Section 3 (1), definition of “Chief Executive Officer”**

Omit the definition. Insert instead:

*Chief Executive Officer* means the Chief Executive Officer of Safety, Return to Work and Support holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

### **[4] Sections 34, 39, 40, 61 and 68**

Omit the sections.

### **[5] Sections 38 and 51 (5)**

Omit “of the Authority” wherever occurring.

### **[6] Section 38 (1), (3) and (5)**

Omit “of Directors” wherever occurring.

### **[7] Section 38 (1) and (5)**

Insert “under this or any other Act to the extent they relate to the Authority” after “functions”, wherever occurring.

### **[8] Section 38, note**

Insert at the end of the section:

**Note.** See also the *Safety, Return to Work and Support Board Act 2012* which includes other provisions relating to the management of the Authority.

**[9] Section 41 Delegation of functions**

Omit section 41 (3). Insert instead:

(3) In this section:

*authorised person* means:

- (a) a member of staff of the Authority, or
- (b) a person of a class prescribed by the regulations or of a class approved by the Board.

**[10] Section 42 Seal of Authority**

Omit “Chief Executive Officer of the Authority”.

Insert instead “Chief Executive Officer”.

**[11] Section 42 (a)**

Insert “of the Authority who is” after “member of staff”.

**[12] Section 43 Functions of Authority**

Omit section 43 (2) (e) and (f) and (4).

**[13] Section 43 (5)**

Insert after section 43 (4):

(5) The Authority cannot employ any staff.

**Note.** Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Authority to exercise its functions. Under section 4K of that Act, a reference in this Act to a member of staff of the Authority is a reference to staff so employed or to persons of whose services the Authority makes use.

**[14] Part 6, Division 4 Lifetime Care and Support Advisory Council**

Omit the Division.

**[15] Section 48 Lifetime Care and Support Authority Fund**

Insert after section 48 (2) (c):

- (c1) money paid into the Fund under section 7 of the *Safety, Return to Work and Support Board Act 2012*,

**[16] Section 48 (3) (b)**

Omit the paragraph. Insert instead:

- (b) the remuneration, allowances, office accommodation and other associated costs of the Chief Executive Officer, the Board and members of staff of the Authority, being an amount determined by the Chief Executive Officer on a proportionate basis in respect of the various relevant authorities within the meaning of the *Safety, Return to Work and Support Board Act 2012*,

**[17] Section 48 (3) (c)**

Omit the paragraph.

**[18] Sections 48 (3) (d) and 59**

Omit “or the Advisory Council” wherever occurring.

**[19] Section 48 (3A)**

Insert after section 48 (3):

- (3A) Money in the Fund is also authorised to be made available for investment as provided by section 7 of the *Safety, Return to Work and Support Board Act 2012*.

**[20] Schedule 1 Provisions relating to Board of Directors of Authority**

Omit the Schedule.

**[21] Schedule 2 Provisions relating to Advisory Council**

Omit the Schedule.

**3.3 Public Finance and Audit Act 1983 No 152**

**Schedule 2 Statutory bodies**

Omit “Sporting Injuries Committee”.

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### **3.4 Public Sector Employment and Management Act 2002 No 43**

#### **[1] Schedule 1 Divisions of the Government Service**

Omit the matter relating to the Compensation Authorities Staff Division in Division 2 of Part 1.

Insert instead:

|   |   |
|---|---|
| Safety, Return to Work and Support Division | Chief Executive Officer of Safety, Return to Work and Support |
|---|---|

#### **[2] Schedule 1, Part 3**

Omit “Chief Executive of the Compensation Authorities Staff Division” from Column 2 of the matter relating to the Building and Construction Industry Long Service Payments Corporation Casual Staff Division, the Motor Accidents Authority Casual Staff Division and the WorkCover Authority Casual Staff Division, wherever occurring.

Insert instead “Chief Executive Officer of Safety, Return to Work and Support”.

### **3.5 Sporting Injuries Insurance Act 1978 No 141**

#### **[1] Long title**

Omit “to constitute a Sporting Injuries Committee and to confer on it powers, authorities, duties and functions with respect to the administration of the scheme;”.

#### **[2] The whole Act (except where otherwise amended by this Subschedule)**

Omit “Committee” wherever occurring. Insert instead “Authority”.

#### **[3] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

*Authority* means the WorkCover Authority constituted under the *Workplace Injury Management and Workers Compensation Act 1998*.

*Chief Executive Officer* means the Chief Executive Officer of Safety, Return to Work and Support holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

#### **[4] Section 4 (1), definitions of “Chairperson” and “Committee”**

Omit the definitions.

- [5] Section 4 (1), definition of “the Department”**  
Omit “Sport and Recreation”. Insert instead “Education and Communities”.
- [6] Section 5 Declaration of sporting organisations**  
Omit “Chairperson of the Committee” from section 5 (1) (b).  
Insert instead “Chief Executive Officer”.
- [7] Section 6 Appointment of referees and medical panels**  
Omit “Chairperson” from section 6 (4).  
Insert instead “Chief Executive Officer”.
- [8] Part 2, heading**  
Omit “Sporting Injuries Committee”. Insert instead “General functions”.
- [9] Sections 7, 9, 10, 13 and 14**  
Omit the sections.
- [10] Section 11 Establishment of Sporting Injuries Fund**  
Insert at the end of section 11 (2) (b):  
    , and  
    (c) money paid into the Fund under section 7 of the *Safety, Return to Work and Support Board Act 2012*.
- [11] Section 11 (4)**  
Insert after section 11 (3):  
    (4) Money in the Fund is authorised to be made available for investment as provided by section 7 of the *Safety, Return to Work and Support Board Act 2012*.
- [12] Schedule 2 Constitution and procedure of Sporting Injuries Committee**  
Omit the Schedule.
- [13] Schedule 5 Savings and transitional provisions**  
Omit clause 1 (1). Insert instead:  
    (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.



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[14] **Schedule 5, clause 1 (3)**

Omit “in the Gazette”. Insert instead “on the NSW legislation website”.

[15] **Schedule 5, Part 5**

Insert after Part 4:

**Part 5 Provisions consequent on enactment of  
Safety, Return to Work and Support Board  
Act 2012**

**6 Abolition of Sporting Injuries Committee**

- (1) On the commencement of this clause:
  - (a) the Sporting Injuries Committee constituted under this Act as in force immediately before that commencement is abolished, and
  - (b) each person appointed as a member of the Sporting Injuries Committee ceases to hold office as such a member, and
  - (c) any assets, rights and liabilities of the Sporting Injuries Committee become the assets, rights and liabilities of the WorkCover Authority, and
  - (d) a reference to the Sporting Injuries Committee in any other Act, in any instrument made under any other Act or in any document is to be read as a reference to the WorkCover Authority.
- (2) A person who ceases to hold office as a member of the Sporting Injuries Committee is not entitled to any remuneration or compensation because of the loss of that office.
- (3) In this clause:

**assets** means any legal or equitable estate or interest (whether present or future and whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

**liabilities** means all liabilities, debts and obligations (whether present or future and whether vested or contingent and whether personal or assignable).

**rights** means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent and whether personal or assignable).

### **3.6 Workers Compensation Act 1987 No 70**

#### **[1] Section 3 Definitions**

Insert in alphabetical order in section 3 (1):

*Board* means the Safety, Return to Work and Support Board established under the *Safety, Return to Work and Support Board Act 2012*.

#### **[2] Section 154D Establishment and operation of Insurance Fund**

Omit “Investment Board” from section 154D (3). Insert instead “Board”.

#### **[3] Section 154E Assets of Insurance Fund**

Insert after section 154E (1) (d):

(e) any money paid into the Insurance Fund under section 7 of the *Safety, Return to Work and Support Board Act 2012*.

#### **[4] Section 154E (3)**

Insert after section 154E (2):

(3) Money in the Insurance Fund is also authorised to be made available for investment as provided by section 7 of the *Safety, Return to Work and Support Board Act 2012*.

#### **[5] Section 183A Imposition of civil penalty on or censure of licensed insurer or self-insurer**

Omit “of Directors of the Authority” from section 183A (1).

#### **[6] Section 227 Insurers’ Guarantee Fund**

Insert at the end of section 227 (2) (f):

, and

(g) amounts paid into the Guarantee Fund under section 7 of the *Safety, Return to Work and Support Board Act 2012*.

#### **[7] Section 227 (3A)**

Insert after section 227 (3):

(3A) Money in the Guarantee Fund is also authorised to be made available for investment as provided by section 7 of the *Safety, Return to Work and Support Board Act 2012*.

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**[8] Section 239AE Terrorism Re-insurance Fund**

Insert after section 239AE (2) (d):

- (d1) amounts paid into the TRF under section 7 of the *Safety, Return to Work and Support Board Act 2012*,

**[9] Section 239AE (6)**

Insert after section 239AE (5):

- (6) Money in the TRF is also authorised to be made available for investment as provided by section 7 of the *Safety, Return to Work and Support Board Act 2012*.

**3.7 Workers' Compensation (Dust Diseases) Act 1942 No 14**

**[1] Section 6 Constitution of Fund**

Insert at the end of section 6 (1) (f):

, and

- (g) money paid into the Fund under section 7 of the *Safety, Return to Work and Support Board Act 2012*.

**[2] Section 6 (2AA)**

Insert before section 6 (2A):

- (2AA) Money in the Fund is authorised to be made available for investment as provided by section 7 of the *Safety, Return to Work and Support Board Act 2012*.

**3.8 Workplace Injury Management and Workers Compensation Act 1998 No 86**

**[1] Section 4 Definitions**

Omit the definitions of *Board of Directors* and *Chief Executive Officer* from section 4 (1).

Insert instead:

*Board* means the Safety, Return to Work and Support Board established under the *Safety, Return to Work and Support Board Act 2012*.

*Chief Executive Officer* means the Chief Executive Officer of Safety, Return to Work and Support holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

**[2] Section 4 (1), definitions of “Council”, “Investment Board”, “member of staff” and “relevant Government Service Division”**

Omit the definitions.

**[3] Sections 15, 19, 19A, 20 and 240**

Omit the sections.

**[4] Section 18 The Minister**

Omit “of Directors”.

**[5] Section 18**

Insert “under this or any other Act to the extent they relate to the Authority” after “functions”.

**[6] Section 18, note**

Insert at the end of the section:

**Note.** See also the *Safety, Return to Work and Support Board Act 2012* which includes other provisions relating to the management of the Authority.

**[7] Section 21 Delegation of functions**

Omit section 21 (3). Insert instead:

(3) In this section:

***authorised person*** means:

- (a) a member of staff of the Authority, or
- (b) a person of a class prescribed by the regulations or of a class approved by the Board.

**[8] Section 22 General functions of Authority**

Omit the note at the end of the section. Insert instead:

**Note.** Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Authority to exercise its functions. Under section 4K of that Act, a reference in this Act to a member of staff of the Authority is a reference to staff so employed or to persons of whose services the Authority makes use.

**[9] Section 23 Specific functions**

Omit section 23 (1) (r) and (2).

**[10] Chapter 2, Parts 4 and 5**

Omit the Parts.

**[11] Section 35 Payments into and from Fund**

Omit section 35 (2) (a). Insert instead:

- (a) the remuneration, allowances, office accommodation and other associated costs of the Chief Executive Officer, the Board and members of staff of the Authority, being an amount determined by the Chief Executive Officer on a proportionate basis in respect of the various relevant authorities within the meaning of the *Safety, Return to Work and Support Board Act 2012*,

**[12] Section 35 (2) (b)**

Omit the paragraph.

**[13] Section 106 Authority may intervene in proceedings**

Insert “of the Authority” after “member of staff” in section 106 (2).

**[14] Section 237**

Omit the section. Insert instead:

**237 Service of documents**

- (1) A document may be served on the Authority by leaving it at, or by sending it by post to:
  - (a) the office of the Authority, or
  - (b) if the Authority has more than one office—any one of its offices.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Authority in any other manner.

**[15] Sections 238 (1), 238AA (7) and 241 (1) (a)**

Insert “of the Authority who is” after “member of staff” wherever occurring.

**[16] Section 243 Disclosure requirements**

Omit section 243 (2) (a).

**[17] Section 248A Review of Act**

Omit the section.

**[18] Section 320 Appointment of approved medical specialists**

Omit “in consultation with the Council” from section 320 (1).

**[19] Section 320 (1A)**

Omit the subsection.

**[20] Schedule 2 Provisions relating to Council**

Omit the Schedule.

**[21] Schedule 3 Provisions relating to Board of Directors**

Omit the Schedule.

**[22] Schedule 3A Provisions relating to Investment Board**

Omit the Schedule.