



New South Wales

Safety, Return to Work and Support Board Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Workers Compensation Legislation Amendment Bill 2012*.

Overview of Bill

The objects of this Bill are as follows:

- (a) to consolidate the governance arrangements for the WorkCover Authority, the Motor Accidents Authority and the Lifetime Care and Support Authority by establishing the Safety, Return to Work and Support Board (the *Board*),
- (b) to confer on the Board certain functions, including determining the general policies of those authorities and investment policies for the investment of certain funds administered by those authorities,
- (c) to provide for the establishment by the Minister of advisory committees to investigate and report to the Minister on matters arising under or in connection with the compensation and other related legislation,
- (d) to provide for the appointment of a standing committee of the Legislative Council to oversight the functions of the relevant authorities,
- (e) to abolish the Sporting Injuries Committee and confer its functions on the WorkCover Authority,

- (f) to make a number of amendments of a consequential, administrative or minor nature.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act. The *relevant authorities* are the WorkCover Authority, the Motor Accidents Authority and the Lifetime Care and Support Authority, each of which is constituted under separate legislation. *Compensation and other related legislation* means each of the Acts under which those authorities are constituted. It also includes the *Workers Compensation Act 1987*, the *Sporting Injuries Insurance Act 1978* and various other workers compensation Acts.

Part 2 Management of relevant authorities

Division 1 Safety, Return to Work and Support Board

Clause 4 establishes the Safety, Return to Work and Support Board. It will comprise 7 members, one of whom is the Chief Executive Officer of Safety, Return to Work and Support (which is a Government Service position) and 6 members to be appointed by the Governor on the Minister's recommendation.

Clause 5 specifies the general functions of the Board. These include determining the general policies of each relevant authority.

Clause 6 confers on the Board the function of determining investment policies of certain funds established under the compensation and other related legislation (including the Workers Compensation Insurance Fund).

Clause 7 enables the Board to establish common funds for the purpose of the investment of any of the funds referred to in clause 6.

Clause 8 enables the Board to establish committees to assist it in exercising its functions. Any such committee must be chaired by one of the members.

Division 2 Chief Executive Officer

Clause 9 provides for the affairs of each relevant authority to be managed and controlled by the Chief Executive Officer who can act in the name of the relevant authority concerned. The role of the CEO is subject to the Board's functions and to the legislation under which a relevant authority is constituted (which generally provides for the relevant authority to be subject to Ministerial control and direction). The appointment of a single CEO for the relevant authorities reflects the current

administrative arrangements, as the CEO for each relevant authority at present is the Division Head of the Government Service Division in which the staff of each relevant authority are employed.

Part 3 Advisory committees

Clause 10 provides for the Minister to establish advisory committees and to confer functions on those committees as the Minister determines.

Part 4 Miscellaneous

Clause 11 provides for the appointment of a standing committee of the Legislative Council to oversee the exercise of the functions of the relevant authorities (including the Dust Diseases Board) under the compensation and other related legislation.

Clause 12 protects the members of the Board and persons acting under the direction of the Board or a relevant authority from personal liability.

Clause 13 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 14 provides for the review of the proposed Act in 5 years.

Schedule 1 Members and procedure of Board

Schedule 1 contains standard provisions relating to the boards of statutory authorities, including the appointment of a chairperson and deputy chairperson, terms of office, remuneration, vacancy of office and procedural matters.

Schedule 2 Savings, transitional and other provisions

Schedule 2 contains savings, transitional and other provisions consequent on the enactment of the proposed Act (including the power to make regulations of a savings or transitional nature). It also provides for the abolition of each existing board of directors of the relevant authorities.

Schedule 3 Amendment of Acts

Schedule 3 amends the following Acts as a consequence of the establishment of the Board and recent administrative changes that provide for the employment of the staff of each relevant authority in a single Division of the Government Service:

- (a) *Motor Accidents Compensation Act 1999*,
- (b) *Motor Accidents (Lifetime Care and Support) Act 2006*,
- (c) *Sporting Injuries Insurance Act 1978*,

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- (d) *Workers Compensation Act 1987,*
- (e) *Workers' Compensation (Dust Diseases) Act 1942,*
- (f) *Workplace Injury Management and Workers Compensation Act 1998.*

Existing Ministerial control provisions and provisions relating to the application of money from various funds established under the legislation are also amended because there will be one Board and one CEO position. The Sporting Injuries Committee established under the *Sporting Injuries Insurance Act 1978* is also abolished and its functions conferred on the WorkCover Authority. Provisions relating to the appointment of a Parliamentary Committee under both of the Motor Accidents Acts are repealed as a consequence of the appointment of a standing committee of the Legislative Council under proposed section 11.

The Schedule also contains consequential amendments to the *Public Finance and Audit Act 1983* and the *Public Sector Employment and Management Act 2002*.