

South Australia



**WORKERS REHABILITATION AND COMPENSATION
(MISCELLANEOUS PROVISIONS) AMENDMENT ACT 1995**

No. 35 of 1995

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A.D. 1995

No. 35 of 1995

An Act to amend the Workers Rehabilitation and Compensation Act 1986; and to make related amendments to the Parliamentary Committees Act 1991 and the WorkCover Corporation Act 1994.

[Assented to 27 April 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Act 1995*.

(2) The *Workers Rehabilitation and Compensation Act 1986* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 2—Objects of Act

3. Section 2 of the principal Act is amended by striking out from subsection (2) "judicial or quasi-judicial" and substituting "judicial, quasi-judicial or administrative".

Amendment of s. 3—Interpretation

4. Section 3 of the principal Act is amended by inserting after the definition of "Review Officer" the following definition:

"reviewable decision" means a decision that is subject to review¹ and includes a provision of a rehabilitation and return to work plan that is subject to review²;

¹ See section 95.

² See section 28B.

Substitution of s. 6

5. Section 6 of the principal Act is repealed and the following section is substituted:

Territorial application of this Act

6. (1) This Act applies to a worker's employment (either within or outside the State) if there is a nexus between the worker's employment and the State.

(2) A nexus exists between a worker's employment and a State if—

- (a) the worker is usually employed in the State and not in any other State; or
- (b) the worker is usually employed in 2 or more States but is based in the State.

(3) In addition, a nexus exists between a worker's employment and this State if—

- (a) the worker is not usually employed in any State; but
- (b) the worker is employed in the State or the worker's employment involves (or is likely to involve) recurrent trips to and from a base in the State, and the worker is not protected against employment-related disabilities by a corresponding law.

In this section—

1. A State includes a Territory.
2. A reference to employment is a reference to the worker's work (and not to employment as an abstract legal relationship).
3. A worker is usually employed in a particular State if 10% or more of the time the worker spends working in employment is (or is to be) spent working in the State.
4. A worker is based (or has a base) in a particular State if the worker's usual place of residence is in the State or if the worker regularly travels between a port or other point of embarkation in the State and the place of employment.

Amendment of s. 28—Rehabilitation advisers

6. Section 28 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) A statement made by or to a rehabilitation adviser about a worker who is participating in a rehabilitation program must not be disclosed in proceedings under this Act unless—

- (a) the rehabilitation adviser and the worker consent to the disclosure; or
- (b) the statement is relevant to an allegation of fraud or dishonesty in criminal proceedings against the worker.

Insertion of new ss. 28A, 28B and 28C

7. The following sections are inserted after section 28 of the principal Act:

Rehabilitation and return to work plans

28A. (1) The Corporation may establish a rehabilitation and return to work plan for a worker who is incapacitated for work by a compensable disability.

(2) If a worker—

- (a) is receiving compensation by way of income maintenance; and
- (b) is (or is likely to be) incapacitated for work by a compensable disability for more than 3 months (but has some prospect of returning to work),

the Corporation must prepare a rehabilitation and return to work plan for the worker.

(3) In preparing the plan, the Corporation—

- (a) must consult with the worker and the employer out of whose employment the disability arose; and
- (b) should if practicable—
 - (i) review medical records relevant to the worker's condition; or
 - (ii) consult with any medical expert who is treating the worker for the compensable disability.

(4) A rehabilitation and return to work plan may impose obligations on the worker and on the employer.

(5) The Corporation must give the worker and the employer a copy of the rehabilitation and return to work plan.

(6) The plan is binding on the worker and the employer.

Review of plan

28B. (1) A worker or employer may apply for review of—

- (a) a decision to establish or not to establish a rehabilitation and return to work plan; or
- (b) a provision of a rehabilitation and return to work plan,

on the ground that the decision or the provision is unreasonable.

(2) On review of a rehabilitation and return to work plan (or in consequent appellate proceedings), the plan may be modified to the extent necessary to ensure that the plan does not impose unreasonable obligations on the worker or the employer.

(3) Proceedings on a review under this section (or consequent appellate proceedings) do not suspend obligations imposed by a rehabilitation and return to work plan.

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Rehabilitation standards and requirements

28C. (1) Rehabilitation programs, and rehabilitation and return to work plans, must comply with standards and requirements imposed by regulation.

(2) Before the publication of regulations imposing standards and requirements for rehabilitation programs or rehabilitation and return to work plans, the Corporation must consult on the proposed regulations with—

- (a) professional associations representing the providers of rehabilitation services of the relevant kinds; and
- (b) the Self-Insurers Association of South Australia Incorporated and associations representing self-managed employers; and
- (c) associations representing employers (including the South Australian Employers Chamber of Commerce and Industry); and
- (d) associations representing employees (including the United Trades and Labor Council).

Substitution of s. 30A

8. Section 30A of the principal Act is repealed and the following section is substituted:

Psychiatric disabilities

30A. A disability consisting of an illness or disorder of the mind is compensable if and only if—

- (a) the employment was a substantial cause of the disability; and
- (b) the disability did not arise wholly or predominantly from—
 - (i) reasonable action taken in a reasonable manner by the employer to transfer, demote, discipline, counsel, retrench or dismiss the worker; or
 - (ii) a decision of the employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with the worker's employment; or
 - (iii) reasonable administrative action taken in a reasonable manner by the employer in connection with the worker's employment; or
 - (iv) reasonable action taken in a reasonable manner under this Act affecting the worker.

Amendment of s. 32—Compensation for medical expenses

9. Section 32 of the principal Act is amended—

(a) by striking out subsections (1) and (1a) and substituting the following subsection:

(1) Subject to this section, a worker is entitled to be compensated for costs of a kind described in subsection (2) reasonably incurred by the worker in consequences of having suffered a compensable disability—

- (a) in accordance with a scale prescribed under this section; or
- (b) if the relevant service is not covered by a scale under this section—to the extent of a reasonable amount for the provision of the service.;

(b) by striking out subsections (9) and (10) and substituting the following subsections:

(9) If a treatment protocol for a disability of a particular kind has been prescribed under this section, costs of medical services for treatment of a disability of the relevant kind (and related hospitalisation and nursing services) are only compensable where—

- (a) the services are provided in accordance with the protocol; or
- (b) the provider of the services establishes, to the Corporation's satisfaction, that services outside the terms of the protocol are justified in the circumstances of the particular case.

(10) The amount of compensation for a service covered by a scale of charges prescribed under this section must be in accordance with the scale.

(11) The Governor may, by regulation, prescribe—

- (a) scales of charges for the purposes of this section (ensuring as far as practicable that the scales comprehensively cover the various kinds of services to which this section applies);
- (b) treatment protocols for treatment of disabilities of particular kinds.

(12) A scale of charges prescribed under this section must be based on the average charge to private patients for the relevant service (but the amount fixed for the service must not exceed the amount recommended by the relevant professional association).

(13) Before a regulation is made prescribing a scale of charges, or a treatment protocol, the Corporation must consult on the terms of the proposed regulation with—

- (a) professional associations representing the providers of medical services of the relevant kind; and
- (b) the Self-Insurers Association of South Australia Incorporated and associations representing self-managed employers; and
- (c) associations representing employers (including the South Australian Employers Chamber of Commerce and Industry); and
- (d) associations representing employees (including the United Trades and Labor Council).

(14) A person who provides a service for a disabled worker, knowing the worker to be entitled to compensation for the service under this section, must not charge for the service an amount exceeding the amount allowed under a scale of charges prescribed under this section.

Maximum penalty: \$1 000.

Amendment of s. 35—Weekly payments

10. Section 35 of the principal Act is amended—

(a) by striking out subsection (2) and substituting the following subsection:

(2) For the purposes of subsection (1)—

(a) the following factors must be considered (and given fair and reasonable weight) in assessing what employment is suitable for a partially incapacitated worker—

- (i) the nature and extent of the worker's disability; and
- (ii) the worker's age, level of education and skills; and
- (iii) the worker's experience in employment; and
- (iv) the worker's ability to adapt to new employment; and

(b) for the first two years of the period of incapacity, partial incapacity for work is treated as total incapacity unless the Corporation establishes that suitable employment is reasonably available to the worker; and

(c) after the end of the first two years of the period of incapacity, if—

- (i) suitable employment is in fact not available to the worker; and
- (ii) the worker establishes that the worker is, in effect, unemployable because employment of the relevant kind is not commonly available for a person in the worker's circumstances irrespective of the state of the labour market,

partial incapacity for work will also be treated as total incapacity, but otherwise an assessment of the weekly earnings the worker could earn in suitable employment after the end of the first two years of the period of incapacity must be made on the basis that employment of the relevant kind is available to the worker.;

(b) by striking out paragraph (b) of subsection (5);

(c) by striking out subsection (6a) and substituting the following subsection:

(6a) If a liability to make weekly payments is redeemed, the worker is taken, for the purposes of this section, to be receiving the weekly payments that would have been payable if there had been no redemption.;

(d) by striking out from subsection (6B) "4A" and substituting "4B".

Amendment of s. 36—Discontinuance of weekly payments**11. Section 36 of the principal Act is amended—**

(a) by striking out subsection (1) and substituting the following subsections:

(1) Subject to this Act, weekly payments to a worker who has suffered a compensable disability must not be discontinued unless—

- (a) the worker consents to the discontinuance of weekly payments; or
- (b) the Corporation is satisfied, on the basis of a certificate of a recognised medical expert, that the worker has ceased to be incapacitated for work by the compensable disability; or
- (c) the worker has returned to work; or
- (d) the worker has obtained work as an employee, or as a self-employed contractor, that is providing remuneration equal to or above the worker's notional weekly earnings; or
- (e) the worker is dismissed from employment for serious and wilful misconduct; or
- (f) the worker breaches the obligation of mutuality; or
- (g) the worker is, without the Corporation's consent—
 - (i) resident outside the State; or
 - (ii) absent from the State for more than two months in any continuous period of 12 months; or
- (h) the discontinuance of weekly payments is authorised or required by some other provision of this Act.

(1A) A worker breaches the obligation of mutuality if—

- (a) the Corporation has, by written notice to the worker, required the worker to submit to an examination by a recognised medical expert nominated by the Corporation and the worker fails to comply with the requirement within the time allowed in the notice or obstructs the examination; or
- (b) the Corporation has, by written notice to the worker, required the worker to submit to the Corporation a certificate from a recognised medical expert certifying that the compensable disability continues, and the worker fails to comply with the requirement within the time allowed in the notice; or
- (c) the worker refuses or fails to submit to proper medical treatment for the worker's condition; or
- (d) the worker refuses or fails to participate in a rehabilitation program under this Act or participates in a way that frustrates the objectives of the program; or

- (e) the worker fails to comply with an obligation under a rehabilitation and return to work plan under this Act; or
- (f) the worker refuses or fails—
 - (i) to undertake work that the worker has been offered and is capable of performing; or
 - (ii) to take reasonable steps to find or obtain suitable employment, or having obtained suitable employment, unreasonably discontinues the employment; or
- (g) the worker does anything else that is, apart from this subsection, recognised as a breach of the obligation of mutuality.

(1B) However, a worker does not breach the obligation of mutuality—

- (a) by reasonably refusing surgery or the administration of a drug; or
 - (b) where there is a difference of medical opinion about the appropriate treatment for the worker's condition, or the possibility of choice between a number of reasonable forms of treatment—by choosing one form of treatment in preference to another.;
- (b) by inserting in subsection (3a)(a) after subparagraph (ii) the following subparagraphs:
- (iii) the worker has been dismissed from employment for serious and wilful misconduct; or
 - (iv) the worker has breached the obligation of mutuality.;
- (c) by striking out from subsection (3a)(c) "37 or".

Repeal of s. 37

12. Section 37 of the principal Act is repealed.

Amendment of s. 38—Review of weekly payments

13. Section 38 of the principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:

(1A) If a period of incapacity continues for more than one year, the Corporation must conduct a review under this section in the second year of incapacity and in each subsequent year of the incapacity.;

- (b) by striking out subsection (3) and substituting the following subsections:

(3) Before the Corporation begins a review under this section, the Corporation must give the worker notice, in the form prescribed by regulation—

- (a) informing the worker of the proposed review; and
- (b) inviting the worker to make written representation to the Corporation on the subject of the review within a reasonable time specified in the notice.

(4) If the Corporation finds on a review under this section that the worker's entitlement to weekly payments has ceased, or has increased or decreased, the Corporation must adjust or discontinue the weekly payments to reflect that finding.

Example—

For example, if the Corporation finds on the review that there has been a change in the extent of the worker's incapacity with a consequent change in the amount the worker is earning or could earn in suitable employment, the Corporation must adjust the weekly payments to reflect the change in entitlement.;

- (c) by inserting after subsection (6) the following subsection:

(7) On completing the review, the Corporation must give notice, in the prescribed form, setting out the Corporation's decision on the review, and the rights of review that exist in respect of the decision, to—

- (a) the worker; and
- (b) the employer from whose employment the compensable disability arose.

Amendment of s. 39—Economic adjustment to weekly payments

14. Section 39 of the principal Act is amended by inserting after "notice in writing" in subsection (3) ", in the form prescribed by regulation,".

Amendment of s. 40—Weekly payments and leave entitlements

15. Section 40 of the principal Act is amended by striking out "over a continuous period of 52 weeks or more" and inserting "over a period of 52 weeks or more".

Amendment of s. 41—Absence of worker from Australia

16. Section 41 of the principal Act is amended by inserting after "14 days notice" in subsection (2) ", in the form prescribed by regulation,".

Repeal and substitution of Division 4A

17. Section 42 of the principal Act is repealed and the following new Division is substituted:

DIVISION 4A—REDEMPTION

Redemption of liabilities

42. (1) A liability to make weekly payments or to pay compensation for medical expenses may, by agreement between the Corporation and the worker, be redeemed by a capital payment to the worker.

(2) An agreement for the redemption of a liability under this section cannot be made unless—

- (a) the worker has received competent professional advice about the consequences of redemption; and
- (b) the worker has received competent financial advice about the investment or use of money to be received on redemption; and
- (c) the Corporation has consulted with the employer out of whose employment the disability arose and has considered any representations made by the employer; and
- (d) a recognised medical expert has certified that the extent of the worker's incapacity resulting from the compensable disability can be determined with a reasonable degree of confidence.

(3) The amount of the redemption payment is to be fixed by the agreement.

(4) If the Corporation notifies a worker in writing that it is prepared to enter into negotiations for the redemption of a liability by agreement under this section, the Corporation is liable to indemnify the worker for reasonable costs of obtaining the advice required under this section up to a limit prescribed by regulation.

(5) If agreement is not reached within 3 months after redemption is first proposed (by the worker or the Corporation), either party may apply to the Tribunal for reference of the matter to a conciliation conference.

(6) The Tribunal will then appoint a conciliator, and a conciliation conference will be held, in accordance with the rules of the Tribunal.

(7) At the conciliation conference, each party must disclose information in the party's possession that may be relevant to the failure to reach agreement (including representation made by an employer about the redemption proposal).

(8) The conciliator must make every practicable attempt to help the parties to settle their differences by agreement.

(9) However, if agreement is not reached, a party cannot be compelled to agree to redemption of the liability.

(10) The Corporation may accredit professional and financial advisers for the purpose of giving advice under this section (but a worker is not required to obtain the necessary advice from an accredited adviser).

(11) However, the Corporation incurs no liability for advice given by an accredited professional or financial adviser.

Substitution of heading

18. The divisional heading immediately preceding section 42A of the principal Act is repealed and the following heading is substituted:

DIVISION 4B—COMPENSATION FOR LOSS OF EARNING CAPACITY

Amendment of s. 44—Compensation payable on death

19. Section 44 of the principal Act is amended by striking out from subsection (13) "4A" twice occurring and substituting, in each case "4B".

Amendment of s. 46—Incidence of liability

20. Section 46 of the principal Act is amended—

(a) by striking out paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:

(a) if the period of incapacity is two weeks or less—for the whole period of the incapacity; or

(b) if the period of the incapacity is more than two weeks—for the first two weeks of the period of incapacity.;

(b) by striking out subsection (4) and substituting the following subsection:

(4) If separate periods of incapacity commence during the course of the same calendar year (whether attributable to the same disability or not), an employer is not liable to pay compensation under subsection (3) for those periods of incapacity in excess of an amount equal to twice the worker's average weekly earnings.;

(c) by striking out subsections (8b) to (8j) (inclusive).

Amendment of s. 52—Claim for compensation

21. Section 52 of the principal Act is amended by inserting after subsection (1)(c)(iii) the following subparagraph:

(iv) whether the medical expert has personal knowledge of the worker's workplace and, if so, the extent of that knowledge and whether the medical expert has discussed with the employer the kinds of work that might be appropriate for the worker in view of the disability.

Amendment of s. 53—Determination of claim

22. Section 53 of the principal Act is amended by inserting after subsection (4a) the following subsection:

(4b) If an employer notifies the Corporation, before the Corporation determines a claim, that the employer disputes that the disability is compensable under this Act, the Corporation must, before determining the claim, make a reasonable investigation into the grounds on which the employer disputes the compensability of the disability.

Amendment of s. 58B—Employer's duty to provide work

23. Section 58B of the principal Act is amended—

(a) by inserting after paragraph (b) of subsection (2) the following paragraphs:

(c) the worker terminated the employment after the commencement of the incapacity for work; or

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- (d) the employer currently employs 10 or more employees, and the period that has elapsed since the worker became incapacitated for work is more than 2 years; or
- (e) the employer currently employs less than 10 employees, and the period that has elapsed since the worker became incapacitated for work is more than 1 year.;

(b) by striking out subsections (3), (3a) and (4).

Insertion of s. 58C

24. The following section is inserted in the principal Act after section 58B:

Notice of termination of employment to be given in certain cases

58C. (1) If a worker has suffered a compensable disability, the employer from whose employment the disability arose must not terminate the worker's employment without first giving the Corporation and the worker at least 28 days notice of the proposed termination.

Maximum penalty: \$15 000.

(2) However, notice of termination is not required under this section if—

- (a) the employment is properly terminated on the ground of serious and wilful misconduct; or
- (b) the worker is neither receiving compensation, nor participating in a rehabilitation program, for the disability; or
- (c) the worker's rights to compensation for the disability have been exhausted or the time for making a claim for compensation has expired.

[In legal proceedings, the burden of establishing that an employer terminated a worker's employment on the ground of serious and wilful misconduct lies on the employer.]

Insertion of s. 62A

25. The following section is inserted after section 62 of the principal Act:

Ministerial appeal on decisions relating to exempt employers

62A. (1) If the Corporation—

- (a) refuses the registration of an employer or group of employers as an exempt employer or group of exempt employers; or
- (b) grants or renews registration as an exempt employer or group of exempt employers for a period of less than three years; or
- (c) cancels the registration of an employer or group of employers as an exempt employer or group of exempt employers,

the employer or employers may appeal to the Minister against that decision.

(2) The appeal must be commenced within one month after the employer or employers receive notice of the Corporation's decision unless the Minister allows an extension of time for the appeal.

(3) The Minister may (but is not obliged to) permit an appellant to appear personally or by representative before the Minister on an appeal.

(4) The Minister has an absolute discretion to decide an appeal under this section as the Minister thinks appropriate.

(5) If the Minister decides in favour of the appellant, the Minister must furnish the Corporation with a statement of the reasons for the decision.

Amendment of s. 63—Delegation to exempt employer

26. Section 63 of the principal Act is amended by striking out paragraph (a) of subsection (1) and substituting the following paragraph—

(a) the powers and discretions under the following sections:

Section 26

Section 28A

Section 32 (but not section 32(11) and (13))

Section 35

Section 36

Section 38

Section 39

Section 41

Section 42

Section 42A

Section 42B

Section 43

Section 44

Section 45

Section 53

(but not the power to approve recognised medical experts for the purposes of section 53(2))

Section 106

Section 106A;.

Amendment of s. 64—The Compensation Fund

27. Section 64 of the principal Act is amended by striking out paragraph (c) of subsection (3) and substituting the following paragraph:

(c) the costs of the system of review, conciliation and appeal established by this Act;.

Amendment of s. 67—Adjustment of levy in relation to individual employers

28. Section 67 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

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(b) the incidence or costs of claims for compensable disabilities suffered by the employer's workers (disregarding claims of a class excluded from the ambit of this paragraph by regulation);;

(b) by inserting after subsection (4) the following subsections:

(5) The Corporation may establish rehabilitation and return to work programs for disabled workers on terms under which an employer who participates in the program by providing employment for disabled workers and complying with the other conditions of the scheme is entitled to reduction of the levy that would otherwise be payable by the employer on a basis set out in the scheme.

(6) The terms and conditions of a rehabilitation and return to work scheme established under subsection (5) must be promulgated by regulation.

Insertion of s. 69A

29. The following section is inserted after section 69 of the principal Act:

Deferred payment of levy

69A. (1) The Corporation may, on application by an employer, defer the payment of levy by the employer if satisfied that—

- (a) the employer is in financial difficulties; but
- (b) the employer has a reasonable prospect of overcoming the financial difficulties and the deferment would assist materially in overcoming those difficulties.

(2) A deferment may be given under this section on conditions that the Corporation considers appropriate having regard to the objects of this Act.

(3) The Corporation may, by written notice to the employer, cancel a deferment under this section.

(4) If a deferment is cancelled, the employer must pay to the Corporation the amount covered by the deferment as required by the notice of cancellation.

Insertion of s. 107A

30. The following section is inserted after section 107 of the principal Act:

Copies of medical reports

107A. (1) The Corporation must, within 7 days after receiving a request from a worker's employer, provide the employer with copies of reports in the Corporation's possession prepared by medical experts and relevant to the worker's medical condition, the worker's progress in rehabilitation, or the extent of the worker's incapacity for work.

(2) A request under subsection (1) must be accompanied by the prescribed fee.

(3) An employer must not disclose confidential information about a worker in a report obtained under this section except as may be necessary—

- (a) to assist the worker's rehabilitation and return to work; or
- (b) for the purposes of proceedings under this Act.

Amendment of s. 109—Worker to be supplied with copy of medical report

31. Section 109 of the principal Act is amended by striking out "shall, as soon as practicable" and substituting "must, within 7 days".

Amendment of s. 120—Dishonesty

32. Section 120 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (1) A person who—
 - (a) obtains by dishonest means a payment or other benefit under this Act; or
 - (b) dishonestly claims to be entitled to a payment or other benefit under this Act; or
 - (c) dishonestly makes a statement about a claim under this Act knowing the statement is false or misleading; or
 - (d) dishonestly makes an application, or gives a return, under this act knowing the application or return to be false or misleading,

is guilty of an offence.

Penalty: \$50 000 or imprisonment for one year.

Amendment of Schedule 3

33. Schedule 3 to the principal Act is amended by striking out the item—

Permanent loss of the capacity to engage in sexual intercourse 70;.

Transitional provisions

34. (1) This Act applies to disabilities arising from traumas occurring before the commencement of this Act ("old disabilities") and disabilities arising from traumas occurring after the commencement of this Act ("new disabilities") subject to the following qualifications—

- (a) the amendments made by this Act do not affect—
 - (i) the principles on which weekly payments for a period of incapacity falling before the commencement of this Act are assessed; or
 - (ii) compensation for non-economic loss relating to loss or impairment of the capacity to engage in sexual intercourse if an application or request for such compensation had been made before 12 April 1995; and
- (b) section 58B of the principal Act, as enacted by this Act, applies whether the worker has an old or a new disability.

SCHEDULE 1

Amendment of Parliamentary Committees Act 1991

Amendment of Parliamentary Committees Act 1991

The *Parliamentary Committees Act 1991* is amended—

- (a) by striking out the definition of "Committee" from section 3 and substituting the following definition:

"Committee" means—

- (a) the Economic and Finance Committee; or
- (b) the Environment, Resources and Development Committee; or
- (c) the Legislative Review Committee; or
- (d) the Public Works Committee; or
- (e) the Social Development Committee; or
- (f) the Statutory Authorities Review Committee; or
- (g) the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation;

- (b) by inserting after section 15C of the principal Act the following Part:

**PART 5B
PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION
AND COMPENSATION**

DIVISION 1—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

Establishment of Committee

15D. The *Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation* is established as a Parliamentary committee.

Membership of the Committee

15E. (1) The Committee consists of six members.

(2) Three members of the Committee must be members of the House of Assembly appointed by the House of Assembly and three must be members of the Legislative Council appointed by the Legislative Council.

(3) The members of the Committee are not entitled to remuneration for their work as members of the Committee.

DIVISION 2—FUNCTIONS OF COMMITTEE**Functions of the Committee**

15F. The functions of the Committee are—

- (a) to keep the administration and operation of the *Occupational Health, Safety and Welfare Act 1986*, the *Workers Rehabilitation and Compensation Act 1986*, and other legislation affecting occupational health, safety or welfare, or occupational rehabilitation or compensation, under continuous review; and
- (b) to examine and make recommendations to the Executive and to Parliament about proposed regulations under any of the legislation mentioned in paragraph (a), and in particular regulations that may allow for the performance of statutory functions by private bodies or persons; and
- (c) to perform other functions assigned to the Committee under this or any other Act or by resolution of either House of Parliament.

SCHEDULE 2
Amendment of WorkCover Corporation Act 1994

The *WorkCover Corporation Act 1994* is amended by inserting after paragraph (b) of section 14(4) the following paragraph:

- (c) a regulation authorising the Corporation to enter into a contract or arrangement under subsection (3) lapses 3 years after the date on which it is made (but a further regulation may be made from time to time to replace a regulation that lapses or is about to lapse under this paragraph).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor