

House of Assembly—No 198

As laid on the table and read a first time, 12 April 2017

South Australia

**Return to Work Corporation of South Australia
(Crown Claims Management) Amendment
Bill 2017**

A BILL FOR

An Act to amend the *Return to Work Corporation of South Australia Act 1994*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Return to Work Corporation of South Australia (Crown Claims Management) Amendment Act 2017*.

2—Commencement

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

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Return to Work Corporation of South Australia Act 1994*

4—Insertion of Part 5A

After Part 5 insert:

15 Part 5A—Crown claims management

24A—Cessation of registration of Crown as self-insured employer

- 20 (1) The deemed registration of a Crown entity as a self-insured employer under section 130 of the *Return to Work Act 2014* ceases to operate—
- (a) in the case of a Crown entity that is not a designated Crown entity—on the commencement day; and

(b) in the case of a designated Crown entity—on a day specified by the Minister by notice in the Gazette.

5 (2) For the purposes of subsection (1), the delegation of powers and discretions of the Corporation under section 134 of the *Return to Work Act 2014* to a Crown entity will, if the Minister so determines by notice in the Gazette, continue, in whole or in part, to such extent as the Minister thinks fit in relation to injuries that occurred before the day on which the Crown entity's deemed registration ceases under subsection (1) until a day specified by the Minister in the
10 notice or a subsequent notice (and any act or omission of the Crown entity within the scope of the delegation will be taken for the purposes of the *Return to Work Act 2014* to be the act or omission of a self-insured employer).

15 (3) The Minister may—

(a) for the purposes of subsection (1)(b)—

(i) specify different days in relation to different designated Crown entities; and

(ii) make 2 or more notices in relation to different designated Crown entities at such times as the
20 Minister thinks fit; and

(iii) vary or revoke a notice made under that subsection; or

(b) for the purposes of subsection (2)—

(i) specify different days in relation to different Crown
25 entities; and

(ii) make 2 or more notices in relation to different Crown entities at such times as the Minister thinks fit; and

(iii) vary or revoke a notice made under that subsection.

30 (4) In this section—

agency or instrumentality of the Crown includes any body prescribed by regulation under section 130(4) of the *Return to Work Act 2014*;

35 ***commencement day*** means the day on which subsection (1) comes into operation;

Crown entity means the Crown and any agency or instrumentality of the Crown;

40 ***designated Crown entity*** means a Crown entity declared by the Governor to be a designated Crown entity by notice in the Gazette for the purposes of this definition.

24B—Transitional Regulations

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- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of this Part.
- (2) A provision of a regulation made under subsection (1) may, if the regulations so provide, take effect from the commencement of this section or from a later day.
- 10
- (3) To the extent to which a provision takes effect under subsection (2) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- 15
- (4) Regulations made under subsection (1) may make provision in relation to when injuries are to be taken to have occurred for the purposes of section 24A(2).