

Terms of Reference

Review of the WorkCover Tasmania Board

Introduction

The WorkCover Tasmania Board (the Board) has powers and functions under the:

- *Workers Rehabilitation and Compensation Act 1988* (WRC Act), particularly Part 2;
- *Work Health and Safety Act 2012* (WHS Act), Schedule 2, Part 2; and
- *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* (Asbestos Act), s 186.

Section 164D of the WRC Act requires that an independent review of the functionality and structure of the Board be carried out. The review period is 23 January 2018 to 22 January 2021.

That period is the first term of the restructured Board. The Board was dissolved on 1 January 2018 by the commencement of amendments to WRC Act. These included an amendment to the membership structure, resulting in the membership of the Board shifting from the previous representative model to a skills-based structure. See the *Workers Rehabilitation and Compensation Amendment Act 2017* (the Amendment Act).

The independent review, conducted by the Consultants, is to produce a written report, a copy of which is to be given to the Minister for Building and Construction as soon as the review is completed. The Minister is to cause a copy of the report to be tabled within 5 sitting days of each House after it is given to the Minister.

Section 164D

The independent review is to be carried out in accordance with the WRC Act, s 164D, which states:

164D. Review of restructured Board

(1) As soon as practicable after the end of the review period, the Minister is to cause to be carried out an independent review of the functionality of the Board, and the structure of the Board, during the review period.

(2) The persons who carry out the review are to give to the Minister a written report on its outcome as soon as the review is completed.

(3) The Minister is to cause a copy of the report to be tabled in each House of Parliament within 5 sitting-days of that House after it is given to the Minister.

(4) In this section –

amending Act means the [Workers Rehabilitation and Compensation Amendment Act 2017](#) ;

Board reconstitution day means the day by which all members of the Board have been first appointed under [section 9\(1\)\(b\)](#) , as amended by the amending Act;

independent review means a review carried out by persons who –

(a) in the Minister's opinion, are appropriately qualified for that task; and

(b) include one or more persons who are not employees of the State or of any agency of the State;

review period means the period beginning on the Board reconstitution day and ending on the day 3 years after that day.

Scope

The Consultants must undertake a review of the functionality and structure of the Board with respect to the review period, and will assess:

1. The changes made to the Board's structure by the Amendment Act and the efficacy of those changes.
2. Any proposed improvements to the way in which the Board functions and its structure, including any recommendations for reform of the WRC Act with respect to functionality and structure.
3. The appropriateness of the current wording of s 12 of the WRC Act, which addresses members' conflicts of interest, including the section's consequences in light of the skills-based structure of the Board.

The Consultants must prepare a single report on the outcome of the review in a form acceptable to the Crown.

Support

The Consultants will be given:

- Administrative and research support;
- A list of stakeholders with whom the Consultants may, in the Consultants' discretion, wish to consult;
- Access to Department of Justice employees as may be reasonably required by the Consultants;
- Access to the Board's agenda papers and minutes, including the papers and minutes of the Board's subordinate Committees and Panels; and
- Access to any other information reasonably required by the Consultants.