

Disclosures and Legal Compliance

Governance disclosures

Disclosure of interest in an existing or proposed contract

In accordance with Treasurer's Instruction 903 (14) (iii), senior officers declared any interest they held in existing or proposed contracts with WorkCover WA.

Board member Mr Brian Bradley is the Director General of the Department of Commerce. In 2008/09, he declared "WorkCover WA provide \$250,000 for prevention activities undertaken by WorkSafe, of which I am Director General."

Board member Mr Steven Burns is the Regional Manger of QBE Insurance (Australia) Ltd. Mr Burns declared an "agreement to act as a licensed insurer, QBE Australia Pty Ltd".

Ministerial directives

There were no Ministerial directives issued during 2008/09.

Board and committees

The WorkCover WA Board is constituted under section 94(1) of the [*Workers' Compensation and Injury Management Act 1981*](#).

It is authorised to use, and operate under, the trading name WorkCover WA. WorkCover WA's Board is responsible for governance of the agency, for providing independent advice to the State Government and for ensuring diligence and discipline among service providers.

The Board's corporate governance arrangements ensure transparency in decision-making and operation.

Role of the Board

The Board's governance responsibilities include:

- the setting of strategic direction
- establishment of goals for the agency and monitoring achievement against those goals to optimise the agency's performance
- ensuring compliance with statutory requirements
- approving Corporate Executive recommendations
- making recommendations to the Minister, where appropriate
- giving effect to Ministerial directives
- managing strategic risk.

The Board's corporate governance arrangements ensure transparency in decision-making and operation, as well as accountability to stakeholders by promoting strong leadership, sound management, and effective planning and review.

WorkCover WA has structures and processes in place to ensure that it is effective in meeting its policy objectives, efficient in its operations, accountable for its decisions and compliant with relevant acts and regulations. WorkCover WA aims to achieve high standards in corporate governance to assure the State Government, stakeholders and the community that it is fulfilling its responsibilities and meeting expectations with due diligence and accountability.

The Chief Executive Officer, who is a member of the Board, directs the operations and day-to-day administration of the agency in the implementation of the Board's strategic direction. The Chief Executive Officer and all other staff of WorkCover WA are employed under the provisions of the *Public Sector Management Act 1994*.

During 2008/09, the Board reviewed the Board Charter and the Board Meeting Procedures to ensure they remain appropriate and relevant.

Board membership

The WorkCover WA Board comprises a Chairman and six members who exercise the functions, powers and duties conferred under the Act. Section 95 of the Act requires WorkCover WA's Board to be led by a Chairman, who is not a public servant, recommended by the Minister for Commerce, and appointed by the Governor.

Other members appointed to the Board include:

- the Chief Executive Officer of WorkCover WA
- the Chief Executive Officer of the department of the Public Service of the State principally assisting the Minister charged with the administration of the *Occupational Safety and Health Act 1984*
- a person experienced in employers' interests
- a person experienced in workers' interests
- a person experienced in insurance matters
- a person experienced in accounting and financial management.

Profile of Board members

Chairman



Mr Greg Joyce has been a member and Chairman of WorkCover WA's Board since 1 May 2005, and was reappointed for a further three years from 4 January 2008. Mr Joyce was the Director General of the Department of Housing and Works from July 2001 until his retirement in January 2005. Mr Joyce is currently a Member of the Liquor Commission of Western Australia. Mr Joyce has a law degree from the University of Western Australia and is qualified to practise as a barrister and solicitor in Western Australia.

Members



Mr Brian Bradley, PSM is the Director General of the Department of Commerce (formerly the Department of Consumer and Employment Protection). Mr Bradley previously served as Chairman of the former Workers' Compensation and Rehabilitation Commission from 2000 to 2005, and was the Western Australian member of the Australian Safety and Compensation Council from 2005 to April 2009. Mr Bradley is currently a member of the Commission for Occupational Safety and Health.



Ms Lisa Biglin was appointed to WorkCover WA's Board on 1 December 2005, and reappointed for a further three years from 4 January 2008. Ms Biglin is experienced in employers' interests and has been the Group Health Services Manager with United Group Ltd since 1995. Ms Biglin holds a Graduate Certificate in Workers' Compensation and Management.



Mr Steve Burns was appointed a member of the WorkCover WA Board on 29 August 2007, for a term ending on 31 July 2010, as a person experienced in insurance matters. Mr Burns is currently the Regional Manager of QBE Insurance (Australia) Ltd and has insurance experience in both Australia and New Zealand. His previous positions included roles advising the Workplace Standards Authority Board in Tasmania and the Insurance Council of New Zealand.



Ms Linda Morich was appointed to the WorkCover WA Board, as the member experienced in workers' interests, for a three-year term commencing 30 December 2008. She is currently an Occupational Health and Safety Officer at Unions WA. Ms Morich has a Bachelor of Science (Occupational Health and Safety) from Curtin University. Ms Morich is a member of the Commission for Occupational Safety and Health.



Ms Michelle Reynolds commenced as Acting Chief Executive Officer on 25 December 2008. She came to WorkCover WA from the Department of Premier and Cabinet where her most recent position was Assistant Director General of the Public Sector Management Division. Ms Reynolds has over 24 years' experience in the Western Australian public sector and has played a key role in shaping public sector management policy across the public sector. Ms Reynolds has a Bachelor of Arts and a Masters of Business Administration.



Mrs Victoria Wilmot was appointed to WorkCover WA's Board on 4 January 2005, and reappointed for a further three years from 4 January 2008. She is currently Manager, Treasury and Investments of the University of Western Australia. Mrs Wilmot is a member of the Institute of Chartered Accountants (CA) in Australia, is a Fellow of the Financial Services Institute of Australasia and is on the Board of the University Credit Society Ltd.

Board meetings and member attendance

The Board met 13 times during the year.

Member	No. of meetings held	No. of meetings attended
Mr Greg Joyce (Chairman)	13	13
Mr Brian Bradley	13	11
Ms Lisa Biglin	13	10
Mr Steve Burns	13	11
Ms Janine Freeman *	1	1
Ms Linda Morich **	6	5
Ms Michelle Reynolds ***	6	6
Mr Adrian Warner ****	7	7
Mrs Victoria Wilmot	13	11

* Ms Freeman resigned from the Board effective 15 August 2008.

** Ms Morich was appointed to the Board effective 30 December 2008.

*** Ms Reynolds was appointed as Acting Chief Executive Officer and to the Board effective 25 December 2008.

**** Mr Warner resigned as Chief Executive Officer and from the Board effective 9 January 2009.

Remuneration

In accordance with section 99(2) of the Act, the Chairman and Board members are entitled to be paid such fees and allowances as may be fixed by the Minister on the recommendation of the Minister for Public Sector Management. The Minister fixed the remuneration for Board members at \$27,300 per annum for the Chairman and \$13,700 per annum for members for the 2008/09 financial year.

In accordance with government policy, Board members who are public service officers are not entitled to payment.

Directors' and officers' liability insurance

Directors' and officers' liability insurance covers the personal liability for damages and defence costs of insured persons in the event that action is taken against them for breaches of duty. WorkCover WA holds a directors' and officers' liability insurance policy to cover the former Workers' Compensation and Rehabilitation Commission members and WorkCover WA Board members. The policy is placed through the State Government's insurer and is renewed annually. The limit of liability on the policy is \$20 million, in line with the accepted industry standard.

The total premium for the insurance policy, effective from 16 May 2008 to 16 May 2009, was \$25,322.55 and, in accordance with the Board's policy, members of the Board and the Corporate Executive made individual contributions towards the total premium.

Committees

To contribute to the effectiveness of the WorkCover WA Board and to meet specific legislative responsibilities, an Audit Committee, Corporate Governance Committee, Costs Committee and Medical Committee are established.

As part of their governance practices these committees have formal documented terms of reference, an appointed Chairman who is also a Board member, committee members with the expertise most relevant to dealing with the issues, a mechanism for regular feedback to the Board, transparency on committee activities and appropriate administrative support.

Audit Committee

The Audit Committee provides independent assurance and assistance to the Board on WorkCover WA's risk, control and compliance framework and its external accountability responsibilities. The Committee reviews the strategic and annual internal audit plans, monitors the progress of audit recommendations, attends both the entrance and exit interviews of staff with representatives of the Office of the Auditor General and provides advice on the findings.

Audit Committee membership and attendance

Member	No. of meetings held	No. of meetings attended
Mrs Victoria Wilmot (Chairperson)	4	4
Mr Greg Joyce	4	4
Mr Brian Bradley	4	4
Ms Michelle Reynolds *	2	2
Mr Adrian Warner **	2	2

* Ms Reynolds was appointed as Acting Chief Executive Officer and to the Board effective 25 December 2008.

** Mr Warner resigned as Chief Executive Officer and from the Board effective 9 January 2009.

Corporate Governance Committee

The Corporate Governance Committee assists the Board in discharging its corporate governance responsibilities. The Committee examines and provides advice to the Board on key governance activities and practices including ensuring compliance with legislative requirements, accountability, managing risk, monitoring performance and operating in an efficient management environment.

Corporate Governance Committee membership and attendance

Member	No. of meetings held	No. of meetings attended
Mr Greg Joyce (Chairman)	3	3
Mr Steve Burns	3	3
Ms Michelle Reynolds *	1	1
Ms Janine Freeman **	1	1
Mr Adrian Warner ***	2	2

* Ms Reynolds was appointed as Acting Chief Executive Officer and to the Board effective 25 December 2008.

** Ms Freeman resigned from the Board effective 15 August 2008.

*** Mr Warner resigned as Chief Executive Officer and from the Board effective 9 January 2009.

Medical Committee

The Medical Committee is an advisory committee established under section 100A of the Act and provides advice to the Board on medical matters. The Committee advises on such issues as the *WorkCover WA Guides for the Evaluation of Permanent Impairment*; the criteria for designation and monitoring of approved medical specialists providing impairment assessments; the role of approved medical specialists within the scheme, and provides guidance on matters of a medical nature within the Western Australian workers' compensation scheme.

Medical Committee membership and attendance

Member	No. of meetings held	No. of meetings attended
Ms Michelle Reynolds (Chairperson)	2	2
Ms Lisa Biglin	2	2
Dr Marcus Adonis	2	1
Dr Heather Campbell	2	2
Dr Alan Home	2	2
Mr Barrie Slinger	2	2
Dr Neil Ozanne	2	1

Costs Committee

The Costs Committee is an independent committee, reporting directly to the Minister for Commerce, established under section 269 of the Act. The Committee is empowered under section 271 of the Act to make, amend or revoke a determination fixing maximum costs for legal services and registered agent services provided by WorkCover WA's Dispute Resolution Directorate.

The Costs Committee last met in 2007 with the *Workers' Compensation (Legal Practitioners and Registered Agents) Costs Determination 2007*, coming into effect from 14 November 2007.

Corporate Executive

The Corporate Executive is WorkCover WA's senior management team. It comprises the Chief Executive Officer and divisional heads.



Left to right: Lyn Anderson, Kevin Wilson, Jeff McDonough, Michelle Reynolds, David Leith, Wendy Attenborough. **Absent:** Su Lloyd.

Chief Executive Officer

Ms Michelle Reynolds commenced as Acting Chief Executive Officer on 25 December 2008. She came to WorkCover WA from the Department of Premier and Cabinet where her most recent position was Assistant Director General of the Public Sector Management Division. Ms Reynolds has over 24 years' experience in the Western Australian public sector and has played a key role in shaping public sector management policy in the public sector. Ms Reynolds has a Bachelor of Arts and a Masters of Business Administration.

General Manager, Regulatory Services

Ms Lyn Anderson joined WorkCover WA in June 2008, and is the Acting General Manager Regulatory Services. Prior to joining WorkCover WA, Ms Anderson worked at the Department of the Attorney General, Department of Corrective Services and the UK Home Office. She has extensive experience in justice, health and audit settings and holds a Bachelor of Science and three Diplomas of Higher Education, including professional management, social policy and criminology.

General Manager, Corporate Resources

Mr Jeff McDonough joined WorkCover WA in October 2007, as General Manager Corporate Resources. Prior to joining WorkCover WA, Mr McDonough worked for a number of years in the TAFE sector. He has extensive experience in human resources management, organisational development and quality assurance, and holds a Diploma in Management Studies.

General Manager, Scheme Development

Ms Wendy Attenborough joined WorkCover WA in July 2008, as General Manager of the Scheme Development Division. Prior to joining WorkCover WA she was employed in a number of senior policy roles within the Western Australian Department of Premier and Cabinet, including the Inter-governmental Relations Unit. Ms Attenborough holds a Bachelor of Arts from the University of Western Australia.

Director, Dispute Resolution

Ms Su Lloyd was appointed Director of the Dispute Resolution Directorate in March 2007. Ms Lloyd was principal of the legal and mediation firm Lloyd and Associates for four years before joining

WorkCover WA. She has served as a Ministerial adviser, and in senior public service roles, primarily in the portfolios of industrial relations and corporate restructuring. An accredited mediator with the Institute of Arbitrators and Mediators Australia, Ms Lloyd is also an Adjunct Professor at the School of Law, Murdoch University. She is an inaugural Fellow of the Western Australian Institute of Dispute Management and a member of the Editorial Board of the International Journal of Social Security and Workers' Compensation.

Ms Lloyd holds the degrees of Bachelor of Laws and Bachelor of Education from Murdoch University.

Director, Strategic Services

Dr David Leith commenced as the Acting Director Strategic Services in June 2009. He was formerly head of corporate communications at the Department of Corrective Services and the Public Transport Authority. Dr Leith is a specialist in occupational safety and health communication. He was editor of the OSH journal Safety WA for ten years and in 2003 completed his doctorate on the topic of culture and communication as they affect safety. He also has degrees in Law and Arts. Dr Leith is a Board Member of IFAP and a Councillor of the Town of Claremont.

Chief Finance Officer

Mr Kevin Wilson commenced with WorkCover WA as the Chief Finance Officer in June 2009. Prior to this he was Director Corporate Services/Chief Finance Officer for Great Southern TAFE, Albany. Mr Wilson is a Certified Practising Accountant (CPA) and has extensive experience in public sector financial and corporate management across a range of agencies including the Department of Education and Training, Swan TAFE and the Department of Agriculture.

WorkCover WA says farewell

During 2008/09, WorkCover WA farewelled Mr Adrian Warner, Chief Executive Officer since January 2005. Mr Warner resigned in January 2009. Mr Graham Thompson, Chief Financial Officer, left the agency in March 2009.

Industrial Disease Medical Panel

The Industrial Disease Medical Panel (Medical Panel) was established to determine the questions prescribed in sections 38 and 93D of the Act. All claims for compensation in relation to pneumoconiosis, mesothelioma and lung cancer are referred to the panel for determination as to whether the worker is or was suffering from the prescribed diseases, the extent of the disability caused by the disease and a number of other related questions. The medical panel comprises physicians who specialise in diseases of the chest or occupational disease. Medical panels operate independently, with WorkCover WA providing administrative support and funding only.

Panel members during 2008/09 were:

Chairman: (rotating)	Dr K C Wan
	Dr E Gabbay
	Dr M K Tandon
	Dr Q Summers
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Members:	Dr D Bucens
	Dr M Musk
	Dr A E Tribe

During 2008/09, the panel convened on 24 occasions and made 50 determinations. The majority of determinations were associated with asbestos exposure at work. The number of claims decreased in 2008/09 for pneumoconiosis, mesothelioma and lung cancer, and total determinations were lower in comparison to the previous year as a result.

	2008/09	2007/08	2006/07
Number of determinations where disease is present with a level of impairment >0%			
Pneumoconiosis	19	22	16
Mesothelioma	21	22	24
Lung cancer	6	10	5
Sub-total	46	54	45
Determinations where disease not present or disease present but a 0% level of impairment	4	0	3
Total	50	54	48
Number of applications			
New	45	48	43
Reviewed	5	6	5
Total	50	54	48

Legislation administered

WorkCover WA administers the following legislation:

- *Workers' Compensation and Injury Management Act 1981*
- *Employers' Indemnity Supplementation Fund Act 1980*
- *Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001*
- *Workers' Compensation (Common Law Proceedings) Act 2004*
- *Waterfront Workers' (Compensation for Asbestos Related Diseases) Act 1986*
- *Employers' Indemnity Policies (Premium Rates) Act 1990*

Subsidiary legislation

WorkCover WA administers the following subsidiary legislation:

- *Workers' Compensation and Injury Management Regulations 1982*
- *Workers' Compensation Code of Practice (Injury Management) 2005*
- *Workers' Compensation and Injury Management (Scales of Fees) Regulations 1998*
- *Workers' Compensation (Legal Practitioners and Registered Agents) (DRD) Costs Determination 2005*
- *Workers' Compensation (Legal Practitioners and Registered Agents) Costs Determination 2007*
- *Employers' Indemnity Supplementation Fund Regulations 2001 (Regulations repealed – effective 26 June 2008)*
- *Workers' Compensation and Rehabilitation (Acts of Terrorism) (Final Day) Regulations 2002*
- *Workers' Compensation (DRD) Rules 2005*
- *WorkCover Western Australia Guides for the Evaluation of Permanent Impairment*
- *WorkCover Western Australia Guides for the Evaluation of Permanent Impairment – Second Edition*

Key legislation impacting on WorkCover WA's activities

During 2008/09, WorkCover WA complied with the following relevant written laws:

- *Auditor General Act 2006*
- *Corruption and Crime Commission Act 2003*
- *Disability Services Act 1993*
- *Electoral Act 1907*
- *Electronic Transactions Act 2003*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Freedom of Information Act 1992*
- *Government Employees' Superannuation Act 1987*
- *Industrial Relations Act 1979*
- *Library Board of Western Australia Act 1951*
- *Minimum Conditions of Employment Act 1993*
- *A New Tax System (Fringe Benefits Reporting) Act 1999 (Commonwealth)*
- *A New Tax System (Goods and Services Tax) Act 1999 (Commonwealth)*
- *Occupational Safety and Health Act 1984*
- *Occupational Safety and Health Regulations 1996*
- *Occupiers' Liability Act 1985*
- *Public and Bank Holidays Act 1972*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*

- *Public Sector Management (Redeployment and Redundancy) Regulations 1994*
- *Salaries and Allowances Act 1975*
- *Spam Act 2003*
- *Superannuation Act 2000*
- *State Supply Commission Act 1991*
- *State Records Act 2000*

The following written laws also impact on WorkCover WA's activities:

- *Competition Policy Reform (WA) Act 1996*
- *Constitution Act 1889*
- *Constitution Acts Amendment Act 1899*
- *Coroners' Act 1996*
- *Criminal Code Act Compilation Act 1913*
- *Defence Act 1903*
- *Evidence Act 1906*
- *Interpretation Act 1984*
- *State Administrative Tribunal Act 2004*
- *Statutory Corporations (Liability of Directors) Act 1996*
- *Trade Practices Act 1974*

Changes to written laws

During 2008/09, the following changes were made to written laws administered by WorkCover WA:

- Medical and allied health service fees were fixed pursuant to section 292(2) of the Act. The *Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2008* (the Amendment Regulations) came into effect on 18 December 2008. The Amendment Regulations applied a 4.78 per cent increase to medical and allied health fees.
- The Terrorism Act contains a 'final day', set in the *Workers' Compensation and Injury Management (Acts of Terrorism) (Final Day) Regulations 2002*, after which time the Terrorism Act will cease to operate. The *Workers' Compensation and Injury Management (Acts of Terrorism) (Final Day) Amendment Regulations 2008* (the Amendment Regulations), published in the *Government Gazette* on 6 January 2009, extended the 'final day' of the Terrorism Act for a three-year period from 31 December 2009 to 31 December 2012. The Amendment Regulations came into effect on 7 January 2009.
- Consequential amendments to the Act introduced by the *Police (Former Officers' Medical and Other Expenses) Bill 2008*, the *Duties Legislation Amendment Act 2008*, the *Legal Profession Act 2008* and the *Medical Practitioners Act 2008*.