



Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Act 2016

No. 3, 2016

***An Act to amend the *Safety, Rehabilitation and
Compensation Act 1988*, and for other purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Act 2016

No. 3, 2016

An Act to amend the *Safety, Rehabilitation and Compensation Act 1988*, and for other purposes

[Assented to 10 February 2016]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Safety, Rehabilitation and
Compensation Legislation Amendment (Exit Arrangements) Act
2016*.

No. 3, 2016 *Safety, Rehabilitation and Compensation Legislation Amendment (Exit
Arrangements) Act 2016* 1

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	10 February 2016
2. Schedule 1, Part 1	The day after this Act receives the Royal Assent.	11 February 2016
3. Schedule 1, Part 2	The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of Schedule 2 to the <i>Safety, Rehabilitation and Compensation Legislation Amendment Act 2016</i> .	Never commenced
4. Schedule 2, Part 1	Immediately after the revocation of a declaration under subsection 4A(1) of the <i>Safety, Rehabilitation and Compensation Act 1988</i> . However, if a declaration under that subsection is not revoked, the provisions do not commence at all.	
5. Schedule 2, Part 2	The day after this Act receives the Royal Assent.	11 February 2016

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—General amendments

Part 1—Main amendments

Safety, Rehabilitation and Compensation Act 1988

1 Subsection 4(1)

Insert:

exit contribution means an exit contribution under Division 4A of Part VII.

2 Subsection 4(14)

Omit “is a Commonwealth authority”, substitute “is, or has ceased to be, a Commonwealth authority”.

3 At the end of section 4

Add:

(15) If:

(a) a body corporate ceases to be a Commonwealth authority;
and

(b) the body corporate continues in existence;

the *principal officer* of the body corporate is to be determined as if the body corporate had not ceased to be a Commonwealth authority.

4 At the end of Division 3 of Part III

Add:

41B Application of rehabilitation provisions to former Commonwealth authorities

If:

(a) a body corporate ceases to be a Commonwealth authority at a particular time (the *cessation time*); and

(b) the body corporate continues in existence; and

- (c) before the cessation time, an employee of the body corporate suffered an injury resulting in an incapacity for work or an impairment;
- then:
- (d) the definition of **rehabilitation authority** in subsection 4(1), and sections 36, 37, 38, 39, 41 and 41A, apply after the cessation time, in relation to the injury, as if the body corporate had not ceased to be a Commonwealth authority; and
 - (e) if, after the cessation time, the employee is undertaking, or has completed, a rehabilitation program in relation to the injury—the body corporate is, for the purposes of section 40, taken to be the relevant employer of the employee.

41C Application of rehabilitation provisions to successors of former Commonwealth authorities

Successor is a Commonwealth authority or Entity

- (1) If:
 - (a) a body corporate ceases to be a Commonwealth authority at a particular time (the **cessation time**); and
 - (b) the body corporate ceases to exist at the cessation time; and
 - (c) under a legislative instrument made by the Minister, a specified Commonwealth authority or Entity is taken to be the successor of the body corporate for the purposes of this subsection; and
 - (d) before the cessation time, an employee of the body corporate suffered an injury resulting in an incapacity for work or an impairment;
- then:
- (e) the definition of **rehabilitation authority** in subsection 4(1), and sections 36, 37, 38, 39, 41 and 41A, apply after the cessation time, in relation to the injury, as if:
 - (i) the employee were employed by the successor; and
 - (ii) the principal executive officer of the successor were the principal officer of the successor; and
 - (f) if, after the cessation time, the employee is undertaking, or has completed, a rehabilitation program in relation to the

injury—the successor is, for the purposes of section 40, taken to be the relevant employer of the employee.

Successor is neither a Commonwealth authority nor an Entity

(2) If:

- (a) a body corporate ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
- (b) the body corporate ceases to exist at the cessation time; and
- (c) under a legislative instrument made by the Minister, a specified body, person, organisation or group of persons is taken to be the successor of the body corporate for the purposes of this subsection; and
- (d) the successor is neither a Commonwealth authority nor an Entity; and
- (e) before the cessation time, an employee of the body corporate suffered an injury resulting in an incapacity for work or an impairment;

then:

- (f) the definition of *rehabilitation authority* in subsection 4(1), and sections 36, 37, 38, 39, 41 and 41A, apply after the cessation time, in relation to the injury, as if:
 - (i) the employee were employed by the successor; and
 - (ii) the successor were a Commonwealth authority; and
- (g) if, after the cessation time, the employee is undertaking, or has completed, a rehabilitation program in relation to the injury—the successor is, for the purposes of section 40, taken to be the relevant employer of the employee.

41D Application of rehabilitation provisions to the Australian Capital Territory if it ceases to be a Commonwealth authority

If:

- (a) the Australian Capital Territory ceases to be a Commonwealth authority at a particular time (the *cessation time*); and

- (b) before the cessation time, a person employed by the Australian Capital Territory suffered an injury resulting in an incapacity for work or an impairment;
- then:
- (c) the definition of *rehabilitation authority* in subsection 4(1), and sections 36, 37, 38, 39, 41 and 41A, apply after the cessation time, in relation to the injury, as if the Australian Capital Territory had not ceased to be a Commonwealth authority; and
- (d) if, after the cessation time, the employee is undertaking, or has completed, a rehabilitation program in relation to the injury—the Australian Capital Territory is, for the purposes of section 40, taken to be the relevant employer of the employee.

5 After paragraph 69(ec)

Insert:

- (eca) to determine, under section 97CA, 97CB or 97CC, the amount of any exit contributions payable by bodies corporate, and by the Australian Capital Territory, and to collect such contributions;
- (ecb) to apply exit contributions paid under section 97CA, 97CB or 97CC as a result of a body corporate or the Australian Capital Territory ceasing to be a Commonwealth authority, together with interest earned on those exit contributions, in the same way as paragraph (ec) would have required Comcare to apply:
- (i) premiums paid by the body corporate or the Australian Capital Territory; and
- (ii) interest earned on those premiums;
- if the body corporate or the Australian Capital Territory had not ceased to be a Commonwealth authority;

6 After paragraph 69(ed)

Insert:

- (eda) to determine, under section 97DA, the amount of any regulatory contributions payable by bodies corporate, and by the Australian Capital Territory, and to collect such contributions;

7 Subparagraph 69(e)(i)

Omit “the function referred to in paragraph (ec)”, substitute “a function referred to in paragraph (ec) or (ecb)”.

8 Subsection 90C(5) (at the end of the definition of *Comcare-retained funds*)

Add:

- ; and (d) exit contributions paid to Comcare; and
- (e) interest earned on exit contributions paid to Comcare.

9 After section 96

Insert:

96A Available scheme funds

- (1) For the purposes of this Division, *available scheme funds* means the aggregate of:
 - (a) Comcare-retained funds; and
 - (b) so much of the Consolidated Revenue Fund as represents the amount that would be worked out using the formula in subsection 90C(3) if it were assumed that an amount was payable to Comcare under subsection 90C(2).
- (2) If:
 - (a) the application of a provision of this Division requires the calculation of so much of available scheme funds as is attributable to:
 - (i) premiums paid by an Entity, a body corporate or the Australian Capital Territory; or
 - (ii) special premiums paid by an Entity, a body corporate or the Australian Capital Territory; or
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (b) Comcare does not have sufficient information to make the calculation;then:
 - (c) Comcare may make such assumptions and estimates as Comcare considers reasonable; and

(d) the calculation may rely on those assumptions and estimates.

96B Comcare-retained funds

For the purposes of this Division, *Comcare-retained funds* has the same meaning as in section 90C.

96C Principal officer

For the purposes of this Division, the *principal officer* of a body corporate (other than a Commonwealth authority or a licensed corporation) is the principal executive officer of the body corporate.

10 After paragraph 97A(1)(a)

Insert:

- (aa) have regard to the principle that the amount that represents so much of available scheme funds as is attributable to:
- (i) premiums paid by the Entity or authority; and
 - (ii) special premiums paid by the Entity or authority; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii);
- should, so far as practicable, be sufficient to meet Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered:
- (iv) in the case of an Entity or an authority that does not hold a licence in force under Part VIII—by employees of the Entity or authority; and
 - (v) in the case of an authority that holds such a licence—by employees of the authority in respect of whom the authority is not authorised to accept liability; and

11 After subsection 97A(1)

Insert:

- (1A) For the purposes of paragraph (1)(aa):
- (a) *liability* includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:

- (i) the making of a claim for compensation; or
- (ii) the giving of a notice under section 53.

12 After section 97C

Insert:

97CA Determination of exit contributions for former Commonwealth authorities

(1) If:

- (a) a body corporate ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
- (b) the body corporate continues in existence; and
- (c) the amount of Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
 - (i) if the body corporate did not hold a licence in force under Part VIII—by employees of the body corporate; and
 - (ii) if the body corporate held such a licence—by employees of the body corporate in respect of whom the body corporate was not authorised to accept liability; exceeds the amount that represents so much of available scheme funds as is attributable to:
 - (iii) premiums paid by the body corporate before the cessation time; and
 - (iv) special premiums paid by the body corporate before the cessation time; and
 - (v) interest earned on the premiums and special premiums referred to in subparagraphs (iii) and (iv); and
 - (vi) exit contributions paid to Comcare by the body corporate after the cessation time; and
 - (vii) interest earned on exit contributions referred to in subparagraph (vi);

Comcare may make a determination of the amount of the exit contribution to be paid by the body corporate.

- (2) For the purposes of subsection (1), the amount of the exit contribution must be equal to or less than the excess.
- (3) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (4) For the purposes of paragraph (1)(c):
 - (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
- (5) For the purposes of paragraph (1)(c), if, under subsection 97HA(5), Comcare has permitted an amount of exit contribution payable by the body corporate to be paid in instalments, assume that all of those instalments have been paid to Comcare.

97CB Determination of exit contributions for successors of former Commonwealth authorities

- (1) If:
 - (a) a body corporate (the **first body corporate**) ceases to be a Commonwealth authority at a particular time (the **cessation time**); and
 - (b) the first body corporate ceases to exist at the cessation time; and
 - (c) under a law of the Commonwealth that was in force at the cessation time, another body corporate (the **successor**) becomes the successor in law of the liabilities of the first body corporate; and
 - (d) the amount of Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
 - (i) if the first body corporate did not hold a licence in force under Part VIII—by employees of the first body corporate; and
 - (ii) if the first body corporate held such a licence—by employees of the first body corporate in respect of whom the first body corporate was not authorised to accept liability;

exceeds the amount that represents so much of available scheme funds as is attributable to:

- (iii) premiums paid by the first body corporate before the cessation time; and
- (iv) special premiums paid by the first body corporate before the cessation time; and
- (v) interest earned on the premiums and special premiums referred to in subparagraphs (iii) and (iv); and
- (vi) exit contributions paid to Comcare by the successor after the cessation time; and
- (vii) interest earned on exit contributions referred to in subparagraph (vi);

Comcare may make a determination of the amount of the exit contribution to be paid by the successor.

- (2) For the purposes of subsection (1), the amount of the exit contribution must be equal to or less than the excess.
- (3) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (4) For the purposes of paragraph (1)(c), *liability* means any liability, duty or obligation, whether actual, contingent or prospective.
- (5) For the purposes of paragraph (1)(d):
 - (a) *liability* includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
- (6) For the purposes of paragraph (1)(d), if, under subsection 97HA(5), Comcare has permitted an amount of exit contribution payable by the successor to be paid in instalments, assume that all of those instalments have been paid to Comcare.

97CC Determination of exit contributions for the Australian Capital Territory if it ceases to be a Commonwealth authority

- (1) If:
-

- (a) the Australian Capital Territory ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
- (b) the amount of Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time by employees of the Australian Capital Territory, exceeds the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the Australian Capital Territory before the cessation time; and
 - (ii) special premiums paid by the Australian Capital Territory before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (iv) exit contributions paid to Comcare by the Australian Capital Territory after the cessation time; and
 - (v) interest earned on exit contributions referred to in subparagraph (iv);

Comcare may make a determination of the amount of the exit contribution to be paid by the Australian Capital Territory.

- (2) For the purposes of subsection (1), the amount of the exit contribution must be equal to or less than the excess.
- (3) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (4) For the purposes of paragraph (1)(b):
 - (a) *liability* includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
- (5) For the purposes of paragraph (1)(b), if, under subsection 97HA(5), Comcare has permitted an amount of exit contribution payable by the Australian Capital Territory to be paid in instalments, assume that all of those instalments have been paid to Comcare.

13 Section 97D (heading)

Repeal the heading, substitute:

97D Regulatory contributions payable by an Entity or a Commonwealth authority

14 After section 97D

Insert:

97DA Regulatory contributions payable by a former Commonwealth authority etc.

- (1) If:
 - (a) a body corporate ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
 - (b) the body corporate continues in existence;Comcare may make a determination of the amount of the regulatory contribution to be paid by the body corporate:
 - (c) in respect of the financial year in which the cessation time occurred; or
 - (d) in respect of a later financial year.
- (2) If the Australian Capital Territory ceases to be a Commonwealth authority at a particular time (the *cessation time*), Comcare may make a determination of the amount of the regulatory contribution to be paid by the Australian Capital Territory:
 - (a) in respect of the financial year in which the cessation time occurred; or
 - (b) in respect of a later financial year.
- (3) For the purposes of subsections (1) and (2), the amount of the regulatory contribution to be paid in respect of a financial year:
 - (a) by a body corporate; or
 - (b) by the Australian Capital Territory;must not exceed the sum of:
 - (c) that part of the estimated cost incurred by the Commission and Comcare in carrying out their respective functions under this Act after the cessation time that Comcare determines, in

accordance with principles under section 97E, to be referable to the body corporate or the Australian Capital Territory; and

- (d) that part of the estimated cost incurred by the Commission and Comcare in carrying out their respective functions under the *Occupational Health and Safety Act 1991*, the *Work Health and Safety Act 2011* and the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011* after the cessation time that Comcare determines, in accordance with those principles, to be referable to the body corporate or the Australian Capital Territory.

(4) If:

- (a) a body corporate (the ***first body corporate***) ceases to be a Commonwealth authority at a particular time (the ***cessation time***); and
- (b) the first body corporate ceases to exist at the cessation time; and
- (c) under a law of the Commonwealth that was in force at the cessation time, another body corporate (the ***successor***) becomes the successor in law of the liabilities of the first body corporate;

Comcare may make a determination of the amount of the regulatory contribution to be paid by the successor:

- (d) in respect of the financial year in which the cessation time occurred; or
- (e) in respect of a later financial year.

(5) For the purposes of subsection (4), the amount of the regulatory contribution to be paid in respect of a financial year by the successor must not exceed the sum of:

- (a) that part of the estimated cost incurred by the Commission and Comcare in carrying out their respective functions under this Act after the cessation time that Comcare determines, in accordance with principles under section 97E, to be referable to:
- (i) the first body corporate; or
- (ii) the successor in its capacity as successor; and

Schedule 1 General amendments

Part 1 Main amendments

(b) that part of the estimated cost incurred by the Commission and Comcare in carrying out their respective functions under the *Occupational Health and Safety Act 1991*, the *Work Health and Safety Act 2011* and the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011* after the cessation time that Comcare determines, in accordance with those principles, to be referable to the first body corporate.

(6) For the purposes of paragraph (4)(c), *liability* means any liability, duty or obligation, whether actual, contingent or prospective.

15 Before section 97E

Insert:

97DB Constitutional limits

- (1) This Division has no effect to the extent (if any) to which it imposes taxation.
- (2) This Division has no effect to the extent (if any) to which its operation would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) otherwise than on just terms (within the meaning of that paragraph).

16 Section 97E (heading)

Repeal the heading, substitute:

97E Guidelines and principles

17 At the end of section 97E

Add:

- (5) The Commission may prepare and issue to the Chief Executive Officer written principles in relation to the determination by Comcare of regulatory contributions to be paid by bodies corporate and the Australian Capital Territory under section 97DA.
- (6) The Commission must not issue principles that are inconsistent with any directions under section 73 of this Act.

(7) Any principles that are inconsistent with a direction of the kind referred to in subsection (6) have no effect to the extent of the inconsistency.

(8) An instrument under subsection (5) is a legislative instrument.

18 After subsection 97F(2)

Insert:

(2A) If:

(a) a body corporate ceases to be a Commonwealth authority at a particular time (the *cessation time*); and

(b) the body corporate continues in existence;

the principal officer of the body corporate must, on request by Comcare, give Comcare the information specified in the request, so long as the information is needed by Comcare to enable it:

(c) to determine an exit contribution under section 97CA; or

(d) to determine a regulatory contribution under section 97DA;

in relation to the body corporate.

(2B) If:

(a) a body corporate (the *first body corporate*) ceases to be a Commonwealth authority at a particular time (the *cessation time*); and

(b) the first body corporate ceases to exist at the cessation time; and

(c) under a law of the Commonwealth that was in force at the cessation time, another body corporate (the *successor*) becomes the successor in law of the liabilities of the first body corporate;

the principal officer of the successor must, on request by Comcare, give Comcare the information specified in the request, so long as the information is needed by Comcare to enable it:

(d) to determine an exit contribution under section 97CB; or

(e) to determine a regulatory contribution under section 97DA;

in relation to the successor.

(2C) If the Australian Capital Territory ceases to be a Commonwealth authority, the principal officer of the Australian Capital Territory

must, on request by Comcare, give Comcare the information specified in the request, so long as the information is needed by Comcare to enable it:

- (a) to determine an exit contribution under section 97CC; or
- (b) to determine a regulatory contribution under section 97DA; in relation to the Australian Capital Territory.

(2D) For the purposes of paragraph (2B)(c), *liability* means any liability, duty or obligation, whether actual, contingent or prospective.

19 At the end of section 97G

Add:

- (3) Comcare must give a copy of a determination made under section 97CA, 97CB or 97DA in relation to a body corporate to the principal officer of the body corporate.
- (4) Comcare must give a copy of a determination made under section 97CC or 97DA in relation to the Australian Capital Territory to the principal officer of the Australian Capital Territory.

20 Section 97H (heading)

Repeal the heading, substitute:

97H Payment of premium or regulatory contribution by an Entity or Commonwealth authority

21 After section 97H

Insert:

97HA Payment of exit contribution or regulatory contribution by a former Commonwealth authority etc.

- (1) A determination under section 97CA, 97CB, 97CC or 97DA relating to a body corporate or the Australian Capital Territory takes effect 28 days after the day on which the body corporate or the Australian Capital Territory receives a copy of the determination.

- (2) The Commission may give directions, in writing, to the principal officer of the body corporate or the Australian Capital Territory relating to the payment of the exit contribution or regulatory contribution by the body corporate or the Australian Capital Territory.
- (3) The principal officer of the body corporate or the Australian Capital Territory must comply with any directions given to him or her by the Commission.
- (4) The Commission may vary a direction given to the principal officer of the body corporate or the Australian Capital Territory on the written request of the principal officer.
- (5) Comcare may permit an amount of exit contribution payable by a body corporate or the Australian Capital Territory under section 97CA, 97CB or 97CC to be paid in instalments, so long as the last instalment is payable within 7 years after the day on which the determination of the exit contribution is made.

22 After subsection 97J(1)

Insert:

- (1A) If a determination under section 97CA, 97CB, 97CC or 97DA relates to a body corporate or the Australian Capital Territory, the principal officer of the body corporate or the Australian Capital Territory may, by written notice of objection, ask Comcare to review the determination. The notice must be given to Comcare within 14 days after the day on which the body corporate or the Australian Capital Territory received a copy of the determination.

23 Subsection 97J(2)

Omit “The notice”, substitute “A notice under subsection (1) or (1A)”.

24 Subsection 97J(4)

Before “Comcare”, insert “If notice of objection is given under subsection (1),”.

25 At the end of section 97J

Add:

- (6) If notice of objection is given under subsection (1A), Comcare must give a written notice to the principal officer of the body corporate or the Australian Capital Territory of the result of the review of the determination.
- (7) If the principal officer of a body corporate or the Australian Capital Territory gives notice of objection to a determination of the exit contribution or regulatory contribution payable by the body corporate or the Australian Capital Territory under subsection (1A), the body corporate or the Australian Capital Territory is still obliged to pay the exit contribution or regulatory contribution in accordance with any directions given under section 97HA.

26 After subsection 97K(1)

Insert:

(1A) If:

- (a) a determination under section 97CA, 97CB, 97CC or 97DA in relation to a body corporate or the Australian Capital Territory has been reviewed by Comcare under section 97J; and
- (b) the principal officer of the body corporate or the Australian Capital Territory objects to the determination (or the determination as varied as a result of the review);

the principal officer may, by written notice of objection given to the Commission within 14 days after the date of the notice mentioned in subsection 97J(6), ask the Commission to review the determination, or the determination as so varied, as the case may be.

27 Subsection 97K(2)

Omit “The notice”, substitute “A notice under subsection (1) or (1A)”.

28 Subsection 97K(4)

Omit “or the Commonwealth authority”, substitute “, the Commonwealth authority, the body corporate or the Australian Capital Territory”.

29 Section 97L (heading)

Repeal the heading, substitute:

**97L Refund of premium or regulatory contribution paid by an
Entity or Commonwealth authority**

30 After section 97L

Insert:

**97LA Refund of exit contribution or regulatory contribution paid by
a former Commonwealth authority etc.**

- (1) If:
- (a) an amount equal to the exit contribution, or section 97DA regulatory contribution, of a body corporate or the Australian Capital Territory has been paid to Comcare in accordance with a direction of the Commission; and
 - (b) the amount of the exit contribution or regulatory contribution is later reduced as a result of a review under section 97J or 97K;
- the body corporate or the Australian Capital Territory is entitled to the difference between the amount so paid and the reduced amount.
- (2) The difference must be repaid by Comcare to the body corporate or the Australian Capital Territory.
- (3) Interest is payable on the difference, at such rate as is from time to time specified in a notice under subsection 97L(3), in respect of each day of the overpayment period. However, interest is not payable under this section if it is less than \$100.
- (4) In this section:
- overpayment period*** means the period:
- (a) beginning on the day on which a body corporate's or the Australian Capital Territory's exit contribution or regulatory contribution was paid under section 97HA; and
 - (b) ending on the day on which the amount of the difference under subsection (1) was repaid under subsection (2).

31 Section 97M (heading)

Repeal the heading, substitute:

97M Variation of determination of premium or regulatory contribution payable by an Entity or Commonwealth authority

32 After section 97M

Insert:

97MA Variation of determination of exit contribution or regulatory contribution payable by a former Commonwealth authority etc.

- (1) Comcare may, in writing, vary a determination under section 97CA, 97CB, 97CC or 97DA of the amount of a body corporate's or the Australian Capital Territory's exit contribution or regulatory contribution if, and only if:
 - (a) there is an error in information given to Comcare under section 97F that affected the determination; or
 - (b) Comcare has made an error in determining the amount of the exit contribution or contribution.
- (2) Comcare must send a copy of the variation, together with a statement of the reasons for the variation, to the principal officer of the body corporate or the Australian Capital Territory.
- (3) Sections 97J and 97K apply to a variation of a determination in the same way they apply to a determination.
- (4) If:
 - (a) an amount equal to the exit contribution or regulatory contribution of a body corporate or the Australian Capital Territory has been paid to Comcare in accordance with a direction of the Commission; and
 - (b) the amount of the exit contribution or regulatory contribution is later reduced as a result of a variation under this section;the body corporate or the Australian Capital Territory is entitled to the difference between the amount so paid and the reduced amount.

- (5) The difference must be repaid by Comcare to the body corporate or the Australian Capital Territory.
- (6) If Comcare erroneously charges a body corporate or the Australian Capital Territory an exit contribution or regulatory contribution in excess of the maximum exit contribution or maximum regulatory contribution that it could have charged, Comcare must, in addition to repaying the amount of the excess, also pay the body corporate or the Australian Capital Territory interest on the excess.
- (7) Interest on the excess is payable at such rate as is from time to time specified in a notice under subsection 97M(7), in respect of each day after the overpayment and before the excess is repaid. However, interest is not payable on the excess if it is less than \$100.

33 Subsection 97N(1)

Omit “or 97M”, substitute “, 97LA, 97M or 97MA”.

34 Subsection 97N(1)

Omit “within the meaning of subsection 90C(5)”.

35 Section 97P (heading)

Repeal the heading, substitute:

97P Late payment penalty

36 Section 97P

Before “If an amount”, insert “(1)”.

37 Section 97P

After “is payable”, insert “, by way of penalty,”.

38 Section 97P

Omit “this section”, substitute “this subsection”.

39 At the end of section 97P

Add:

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(2) If:

- (a) an amount of exit contribution or regulatory contribution is payable by a body corporate or the Australian Capital Territory under section 97CA, 97CB, 97CC or 97DA; and
- (b) the amount is not paid by the body corporate or the Australian Capital Territory within 28 days after the day on which notice of the determination of the exit contribution or regulatory contribution is issued;

interest is payable, by way of penalty, on the amount, at such rate as is from time to time specified by the Minister by legislative instrument, in respect of each day on which the amount is not so paid. However, interest is not payable under this subsection if it is less than \$100.

(3) Subsection (2) does not apply to an amount of exit contribution if Comcare has, under subsection 97HA(5), permitted the amount to be paid in instalments.

(4) If:

- (a) an amount of exit contribution is payable by a body corporate or the Australian Capital Territory under section 97CA, 97CB or 97CC; and
- (b) Comcare has, under subsection 97HA(5), permitted the amount to be paid in instalments; and
- (c) the amount of the last instalment is not paid by the body corporate or the Australian Capital Territory within 28 days after the day on which the last instalment becomes payable;

interest is payable, by way of penalty, on the amount of the last instalment, at such rate as is from time to time specified by the Minister by legislative instrument, in respect of each day on which the amount of the last instalment is not so paid. However, interest is not payable under this subsection if it is less than \$100.

40 At the end of Division 4A of Part VII

Add:

97Q Refund of premiums to former Commonwealth authorities

(1) If:

- (a) a body corporate ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
 - (b) the body corporate continues in existence; and
 - (c) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the body corporate before the cessation time; and
 - (ii) special premiums paid by the body corporate before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii);exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
 - (iv) if the body corporate did not hold a licence in force under Part VIII—by employees of the body corporate; and
 - (v) if the body corporate held such a licence—by employees of the body corporate in respect of whom the body corporate was not authorised to accept liability;Comcare may make a determination that an amount equal to the excess is payable to the body corporate by way of a refund of premiums paid to Comcare by the body corporate.
- (2) The amount is to be paid by Comcare within 28 days after the determination is made.
- (2A) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (3) For the purposes of paragraph (1)(c):
- (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.

97QA Refund of premiums to successors of former Commonwealth authorities

- (1) If:
- (a) a body corporate (the *first body corporate*) ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
 - (b) the first body corporate ceases to exist at the cessation time; and
 - (c) under a law of the Commonwealth that was in force at the cessation time, another body corporate (the *successor*) becomes the successor in law of the liabilities of the first body corporate; and
 - (d) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the first body corporate before the cessation time; and
 - (ii) special premiums paid by the first body corporate before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii);
exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
 - (iv) if the first body corporate did not hold a licence in force under Part VIII—by employees of the first body corporate; and
 - (v) if the first body corporate held such a licence—by employees of the first body corporate in respect of whom the first body corporate was not authorised to accept liability;
- Comcare may make a determination that an amount equal to the excess is payable to the successor by way of a refund of premiums paid to Comcare by the first body corporate.
- (2) The amount is to be paid by Comcare within 28 days after the determination is made.

- (2A) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (3) For the purposes of paragraph (1)(c), **liability** means any liability, duty or obligation, whether actual, contingent or prospective.
- (4) For the purposes of paragraph (1)(d):
- (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.

97QB Refund of premiums to the Australian Capital Territory if it ceases to be a Commonwealth authority

- (1) If:
- (a) the Australian Capital Territory ceases to be a Commonwealth authority at a particular time (the **cessation time**); and
 - (b) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the Australian Capital Territory before the cessation time; and
 - (ii) special premiums paid by the Australian Capital Territory before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii);exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time by employees of the Australian Capital Territory;
- Comcare may make a determination that an amount equal to the excess is payable to the Australian Capital Territory by way of a refund of premiums paid to Comcare by the Australian Capital Territory.
- (2) The amount is to be paid by Comcare within 28 days after the determination is made.

- (2A) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (3) For the purposes of paragraph (1)(b):
- (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.

97QBA Refund of exit contributions to former Commonwealth authorities

- (1) If:
- (a) a body corporate ceases to be a Commonwealth authority at a particular time (the **cessation time**); and
 - (b) the body corporate continues in existence; and
 - (c) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the body corporate before the cessation time; and
 - (ii) special premiums paid by the body corporate before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (iv) exit contributions, or instalments of exit contributions, paid to Comcare by the body corporate after the cessation time; and
 - (v) interest earned on exit contributions and instalments referred to in subparagraph (iv);exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
 - (vi) if the body corporate did not hold a licence in force under Part VIII—by employees of the body corporate; and
 - (vii) if the body corporate held such a licence—by employees of the body corporate in respect of whom the body corporate was not authorised to accept liability;

Comcare may make a determination that a specified amount is payable to the body corporate by way of a refund of the whole or a part of the exit contributions, or instalments of exit contributions, paid to Comcare by the body corporate.

- (2) For the purposes of subsection (1), the specified amount must be equal to or less than the excess.
- (3) The specified amount is to be paid by Comcare within 28 days after the determination is made.
- (4) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (5) For the purposes of paragraph (1)(c):
 - (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
- (6) Comcare may defer making a determination under subsection (1) of this section in relation to the body corporate until Comcare has made a payment to the body corporate under section 97Q.

97QBB Refund of exit contributions to successors of former Commonwealth authorities

- (1) If:
 - (a) a body corporate (the **first body corporate**) ceases to be a Commonwealth authority at a particular time (the **cessation time**); and
 - (b) the first body corporate ceases to exist at the cessation time; and
 - (c) under a law of the Commonwealth that was in force at the cessation time, another body corporate (the **successor**) becomes the successor in law of the liabilities of the first body corporate; and
 - (d) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the first body corporate before the cessation time; and

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- (ii) special premiums paid by the first body corporate before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (iv) exit contributions, or instalments of exit contributions, paid to Comcare by the successor after the cessation time; and
 - (v) interest earned on exit contributions and instalments referred to in subparagraph (iv);
- exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
- (vi) if the first body corporate did not hold a licence in force under Part VIII—by employees of the first body corporate; and
 - (vii) if the first body corporate held such a licence—by employees of the first body corporate in respect of whom the first body corporate was not authorised to accept liability;

Comcare may make a determination that a specified amount is payable to the successor by way of a refund of the whole or a part of the exit contributions, or instalments of exit contributions, paid to Comcare by the successor.

- (2) For the purposes of subsection (1), the specified amount must be equal to or less than the excess.
 - (3) The specified amount is to be paid by Comcare within 28 days after the determination is made.
 - (4) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
 - (5) For the purposes of paragraph (1)(c), **liability** means any liability, duty or obligation, whether actual, contingent or prospective.
 - (6) For the purposes of paragraph (1)(d):
 - (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
-

- (ii) the giving of a notice under section 53.
- (7) Comcare may defer making a determination under subsection (1) of this section in relation to the successor until Comcare has made a payment to the successor under section 97QA.

97QBC Refund of exit contributions to the Australian Capital Territory if it ceases to be a Commonwealth authority

- (1) If:
 - (a) the Australian Capital Territory ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
 - (b) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the Australian Capital Territory before the cessation time; and
 - (ii) special premiums paid by the Australian Capital Territory before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (iv) exit contributions, or instalments of exit contributions, paid to Comcare by the Australian Capital Territory after the cessation time; and
 - (v) interest earned on exit contributions and instalments referred to in subparagraph (iv);exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time by employees of the Australian Capital Territory;Comcare may make a determination that a specified amount is payable to the Australian Capital Territory by way of a refund of the whole or a part of the exit contributions, or instalments of exit contributions, paid to Comcare by the Australian Capital Territory.
- (2) For the purposes of subsection (1), the specified amount must be equal to or less than the excess.
- (3) The specified amount is to be paid by Comcare within 28 days after the determination is made.

- (4) A determination under subsection (1) may only be made during the 7-year period beginning at the cessation time.
- (5) For the purposes of paragraph (1)(b):
 - (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
- (6) Comcare may defer making a determination under subsection (1) of this section until Comcare has made a payment under section 97QB.

97QC Refunds to be made from Comcare-retained funds

- (1) Comcare must make a payment under section 97Q, 97QA, 97QB, 97QBA, 97QBB or 97QBC from Comcare-retained funds.
- (2) If there is insufficient money in Comcare-retained funds to make a particular payment mentioned in subsection (1), there is payable to Comcare, out of the Consolidated Revenue Fund, which is appropriated accordingly, such an amount as is necessary to enable Comcare to make that payment.

97QD Remission of exit contributions payable by former Commonwealth authorities

- (1) If:
 - (a) a body corporate ceases to be a Commonwealth authority at a particular time (the **cessation time**); and
 - (b) the body corporate continues in existence; and
 - (c) under subsection 97HA(5), Comcare has permitted an amount of exit contribution payable by the body corporate to be paid in instalments; and
 - (d) one or more of those instalments have not been paid; and
 - (e) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the body corporate before the cessation time; and

- (ii) special premiums paid by the body corporate before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (iv) instalments of exit contribution paid to Comcare by the body corporate after the cessation time; and
 - (v) interest earned on instalments referred to in subparagraph (iv);
- exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
- (vi) if the body corporate did not hold a licence in force under Part VIII—by employees of the body corporate; and
 - (vii) if the body corporate held such a licence—by employees of the body corporate in respect of whom the body corporate was not authorised to accept liability;
- Comcare may remit the whole or a part of the amount of any or all of the unpaid instalments.
- (2) For the purposes of subsection (1), the total amount remitted must be equal to or less than the excess.
 - (3) For the purposes of paragraph (1)(e):
 - (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
 - (4) For the purposes of paragraph (1)(e), assume that all instalments of exit contributions payable by the body corporate have been paid to Comcare.

97QE Remission of exit contributions payable by successors of former Commonwealth authorities

- (1) If:

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- (a) a body corporate (the *first body corporate*) ceases to be a Commonwealth authority at a particular time (the *cessation time*); and
- (b) the first body corporate ceases to exist at the cessation time; and
- (c) under a law of the Commonwealth that was in force at the cessation time, another body corporate (the *successor*) becomes the successor in law of the liabilities of the first body corporate; and
- (d) under subsection 97HA(5), Comcare has permitted an amount of exit contribution payable by the successor to be paid in instalments; and
- (e) one or more of those instalments have not been paid; and
- (f) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the first body corporate before the cessation time; and
 - (ii) special premiums paid by the first body corporate before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (iv) instalments of exit contribution paid to Comcare by the successor after the cessation time; and
 - (v) interest earned on instalments referred to in subparagraph (iv);exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time:
 - (vi) if the first body corporate did not hold a licence in force under Part VIII—by employees of the first body corporate; and
 - (vii) if the first body corporate held such a licence—by employees of the first body corporate in respect of whom the first body corporate was not authorised to accept liability;

Comcare may remit the whole or a part of the amount of any or all of the unpaid instalments.

- (2) For the purposes of subsection (1), the total amount remitted must be equal to or less than the excess.
- (3) For the purposes of paragraph (1)(c), **liability** means any liability, duty or obligation, whether actual, contingent or prospective.
- (4) For the purposes of paragraph (1)(f):
 - (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
- (5) For the purposes of paragraph (1)(f), assume that all instalments of exit contributions payable by the successor have been paid to Comcare.

97QF Remission of exit contributions payable by the Australian Capital Territory if it ceases to be a Commonwealth authority

- (1) If:
 - (a) the Australian Capital Territory ceases to be a Commonwealth authority at a particular time (the **cessation time**); and
 - (b) under subsection 97HA(5), Comcare has permitted an amount of exit contribution payable by the Australian Capital Territory to be paid in instalments; and
 - (c) one or more of those instalments have not been paid; and
 - (d) the amount that represents so much of available scheme funds as is attributable to:
 - (i) premiums paid by the Australian Capital Territory before the cessation time; and
 - (ii) special premiums paid by the Australian Capital Territory before the cessation time; and
 - (iii) interest earned on the premiums and special premiums referred to in subparagraphs (i) and (ii); and
 - (iv) instalments of exit contribution paid to Comcare by the Australian Capital Territory after the cessation time; and

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- (v) interest earned on instalments referred to in subparagraph (iv);
exceeds Comcare's liability (if any) under this Act (including liability under actions for non-economic loss), in respect of injuries suffered before the cessation time by employees of the Australian Capital Territory;
- Comcare may remit the whole or a part of the amount of any or all of the unpaid instalments.
- (2) For the purposes of subsection (1), the total amount remitted must be equal to or less than the excess.
- (3) For the purposes of paragraph (1)(d):
- (a) **liability** includes prospective liability; and
 - (b) assume that Comcare's liability is not contingent on:
 - (i) the making of a claim for compensation; or
 - (ii) the giving of a notice under section 53.
- (4) For the purposes of paragraph (1)(d), assume that all instalments of exit contributions payable by the Australian Capital Territory have been paid to Comcare.

**Part 2—Amendments contingent on the
commencement of Schedule 2 to the Safety,
Rehabilitation and Compensation
Legislation Amendment Act 2016**

Safety, Rehabilitation and Compensation Act 1988

41 Subparagraph 97A(1)(aa)(iv)

Omit “does not hold a licence in force under Part VIII”, substitute “is not a licensee”.

42 Subparagraph 97A(1)(aa)(v)

Omit “such a licence”, substitute “a single employer licence”.

43 After subparagraph 97A(1)(aa)(v)

Insert:

- (vi) in the case of an authority that is covered by a group employer licence—by employees of the authority in respect of whom a relevant authority for the licence is not authorised to accept liability; and

44 Subparagraph 97CA(1)(c)(i)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

45 Subparagraph 97CA(1)(c)(ii)

Omit “such a licence”, substitute “a single employer licence”.

46 At the end of subparagraph 97CA(1)(c)(ii)

Add “and”.

47 After subparagraph 97CA(1)(c)(ii)

Insert:

- (iii) if the body corporate was covered by a group employer licence—by employees of the body corporate in respect

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Part 2 Amendments contingent on the commencement of Schedule 2 to the Safety, Rehabilitation and Compensation Legislation Amendment Act 2016

of whom a relevant authority for the licence was not authorised to accept liability;

48 Subparagraph 97CB(1)(d)(i)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

49 Subparagraph 97CB(1)(d)(ii)

Omit “such a licence”, substitute “a single employer licence”.

50 At the end of subparagraph 97CB(1)(d)(ii)

Add “and”.

51 After subparagraph 97CB(1)(d)(ii)

Insert:

- (iii) if the first body corporate was covered by a group employer licence—by employees of the body corporate in respect of whom a relevant authority for the licence was not authorised to accept liability;

52 Subparagraph 97Q(1)(c)(iv)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

53 Subparagraph 97Q(1)(c)(v)

Omit “such a licence”, substitute “a single employer licence”.

54 At the end of subparagraph 97Q(1)(c)(v)

Add “and”.

55 After subparagraph 97Q(1)(c)(v)

Insert:

- (vi) if the body corporate was covered by a group employer licence—by employees of the body corporate in respect of whom a relevant authority for the licence was not authorised to accept liability;

56 Subparagraph 97QA(1)(d)(iv)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

57 Subparagraph 97QA(1)(d)(v)

Omit “such a licence”, substitute “a single employer licence”.

58 At the end of subparagraph 97QA(1)(d)(v)

Add “and”.

59 After subparagraph 97QA(1)(d)(v)

Insert:

- (vi) if the first body corporate was covered by a group employer licence—by employees of the first body corporate in respect of whom a relevant authority for the licence was not authorised to accept liability;

60 Subparagraph 97QBA(1)(c)(vi)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

61 Subparagraph 97QBA(1)(c)(vii)

Omit “such a licence”, substitute “a single employer licence”.

62 At the end of subparagraph 97QBA(1)(c)(vii)

Add “and”.

63 After subparagraph 97QBA(1)(c)(vii)

Insert:

- (viii) if the body corporate was covered by a group employer licence—by employees of the body corporate in respect of whom a relevant authority for the licence was not authorised to accept liability;

64 Subparagraph 97QBB(1)(d)(vi)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

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Part 2 Amendments contingent on the commencement of Schedule 2 to the Safety, Rehabilitation and Compensation Legislation Amendment Act 2016

65 Subparagraph 97QBB(1)(d)(vii)

Omit “such a licence”, substitute “a single employer licence”.

66 At the end of subparagraph 97QBB(1)(d)(vii)

Add “and”.

67 After subparagraph 97QBB(1)(d)(vii)

Insert:

- (viii) if the first body corporate was covered by a group employer licence—by employees of the first body corporate in respect of whom a relevant authority for the licence was not authorised to accept liability;

68 Subparagraph 97QD(1)(e)(vi)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

69 Subparagraph 97QD(1)(e)(vii)

Omit “such a licence”, substitute “a single employer licence”.

70 At the end of subparagraph 97QD(1)(e)(vii)

Add “and”.

71 After subparagraph 97QD(1)(e)(vii)

Insert:

- (viii) if the body corporate was covered by a group employer licence—by employees of the body corporate in respect of whom a relevant authority for the licence was not authorised to accept liability;

72 Subparagraph 97QE(1)(f)(vi)

Omit “did not hold a licence in force under Part VIII”, substitute “was not a licensee”.

73 Subparagraph 97QE(1)(f)(vii)

Omit “such a licence”, substitute “a single employer licence”.

74 At the end of subparagraph 97QE(1)(f)(vii)

Add “and”.

75 After subparagraph 97QE(1)(f)(vii)

Insert:

- (viii) if the first body corporate was covered by a group employer licence—by employees of the first body corporate in respect of whom a relevant authority for the licence was not authorised to accept liability;

Schedule 2—Membership of the Safety, Rehabilitation and Compensation Commission

Part 1—New member of the Commission

Safety, Rehabilitation and Compensation Act 1988

1 Paragraph 89E(1)(e)

Omit “a member who, in the Minister’s opinion, represents”, substitute
“2 members who, in the Minister’s opinion, represent”.

2 Paragraph 89E(1)(fb)

Repeal the paragraph.

Part 2—Technical amendments

Safety, Rehabilitation and Compensation Act 1988

3 Subsection 89F(1)

Omit “must be appointed by the Governor-General”, substitute “(other than the member mentioned in paragraph 89E(1)(f)) are to be appointed by the Minister by written instrument”.

4 Subsection 89F(2)

Repeal the subsection, substitute:

- (2) Before appointing the member mentioned in paragraph 89E(1)(d), the Minister must consult the licensees.

5 Section 89N

Omit “Governor-General”, substitute “Minister”.

6 Subsections 89P(1) and (2)

Omit “Governor-General”, substitute “Minister”.

7 Subsection 89P(3)

Omit “89E(c)”, substitute “89E(1)(c)”.

8 Subsection 89P(3)

Omit “Governor-General”, substitute “Minister”.

9 Application of amendments

The amendments of section 89F of the *Safety, Rehabilitation and Compensation Act 1988* made by this Part apply in relation to appointments made after the commencement of this item.

*[Minister's second reading speech made in—
House of Representatives on 26 February 2015
Senate on 13 May 2015]*

(9/15)

44 *Safety, Rehabilitation and Compensation Legislation Amendment (Exit
Arrangements) Act 2016* No. 3, 2016