



Parliamentary Entitlements Amendment (Injury Compensation Scheme) Act 2016

No. 16, 2016

**An Act to amend legislation relating to
Parliamentary entitlements, and for related
purposes**

Note: An electronic version of this Act is available on The Legislation Register
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No. 16, 2016

An Act to amend legislation relating to Parliamentary entitlements, and for related purposes

[Assented to 8 March 2016]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Parliamentary Entitlements
Amendment (Injury Compensation Scheme) Act 2016*.

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.	8 March 2016
2. Schedules 1 and 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	9 May 2016 (F2016N00010)

Note: This table relates only to the provisions of this Act as originally enacted.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.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Parliamentary Entitlements Act 1990

1 Section 3

Insert:

Comcare means the body corporate established by section 68 of the *Safety, Rehabilitation and Compensation Act 1988*.

Parliamentary injury compensation scheme means the scheme formulated under section 9A.

2 At the end of section 5

Add:

- (3) Members are entitled to the benefits prescribed by the Parliamentary injury compensation scheme.

3 After section 9

Insert:

9A Parliamentary injury compensation scheme

- (1) The Minister may, by legislative instrument, formulate a scheme (the *Parliamentary injury compensation scheme*) for and in relation to any of the following:
- (a) compensation or other benefits in relation to any thing that, under the scheme, is taken to be:
- (i) an injury or disease, or an aggravation of an injury or disease, suffered by a member in connection with the member's activities as a member, Parliamentary office-holder or Minister; or
 - (ii) an injury or disease, or an aggravation of an injury or disease, suffered by the spouse of the Prime Minister in connection with the spouse's official activities as the spouse of the Prime Minister; or
 - (iii) loss of or damage to an artificial limb or other artificial substitute, or a medical, surgical or other similar aid or

- appliance, used by a member, that occurs in the course of the member's activities as a member, Parliamentary office-holder or Minister; or
- (iv) loss of or damage to an artificial limb or other artificial substitute, or a medical, surgical or other similar aid or appliance, used by the spouse of the Prime Minister, that occurs in the course of the spouse's official activities as the spouse of the Prime Minister;
- (b) the provision of services, facilities or equipment intended to eliminate or minimise:
- (i) risks to the health or safety of a member arising in the course of the member's activities as a member, Parliamentary office-holder or Minister; or
 - (ii) risks to the health or safety of the spouse of the Prime Minister arising in the course of the spouse's official activities as the spouse of the Prime Minister;
- (c) ancillary or incidental matters.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

- (2) Without limiting subsection (1), the scheme may do any of the following:
- (a) confer functions and powers on Comcare in relation to the scheme;
 - (b) provide for conditions and restrictions on eligibility or continuing eligibility for compensation or other benefits under the scheme (such as conditions requiring a person to undergo rehabilitation or medical examination);
 - (c) apply in relation to an injury or disease, or an aggravation of an injury or disease, suffered by a person who is or has been a member, or the spouse of the Prime Minister, in connection with an activity engaged in in accordance with the scheme;
 - (d) provide for compensation or other benefits under the scheme to be payable to persons other than members;
 - (e) require an amount of money paid under the scheme to be repaid in the circumstances set out in the scheme;
 - (f) provide for Comcare, on behalf of the Commonwealth, to recover, set off, write off or waive debts arising under the scheme;

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- (g) require a person to give information or documents to Comcare for the purposes of the scheme;
 - (h) require a person to notify Comcare of a matter or event set out in the scheme;
 - (i) prescribe penalties, not exceeding 10 penalty units, for offences relating to failing to notify Comcare of matters or events set out in the scheme;
 - (j) provide for review of decisions made under the scheme, including by providing for the *Administrative Appeals Tribunal Act 1975* to apply in relation to decisions made under the scheme with the modifications specified in the scheme;
 - (k) in relation to an injury, disease or aggravation, or loss or damage, referred to in paragraph (1)(a):
 - (i) limit the right of a person to bring an action or other proceeding for damages, against the Commonwealth or a person specified in the scheme, in respect of the injury, disease, aggravation, loss or damage; or
 - (ii) provide for Comcare to make a claim for damages in the name of a person, or to take over the conduct of an action or other proceeding, in respect of the injury, disease, aggravation, loss or damage; or
 - (iii) require that an amount that has been, or is to be, paid (otherwise than under the scheme) to a person in respect of the injury, disease, aggravation, loss or damage be paid to the Commonwealth;
 - (l) confer on the Minister a power to make a legislative instrument for the purposes of the scheme.
- (3) For the purposes of the *Safety, Rehabilitation and Compensation Act 1988*, a function conferred on Comcare by the scheme is taken to be a function conferred by this Act.
- Note: See paragraph 69(g) of the *Safety, Rehabilitation and Compensation Act 1988*.
- (4) The scheme may apply in relation to:
- (a) an injury or disease referred to in subparagraph (1)(a)(i) or (ii) that is suffered in connection with an activity occurring on or after 1 January 2016; or
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- (b) an aggravation, referred to in subparagraph (1)(a)(i) or (ii), of an injury or disease, if the aggravation is suffered in connection with an activity occurring on or after 1 January 2016 (whether the injury or disease was suffered in connection with an activity occurring before, on or after that day); or
 - (c) loss or damage referred to in subparagraph (1)(a)(iii) or (iv) that occurs on or after 1 January 2016.
- (5) This section, and the scheme, extends to all places outside Australia, including the external Territories.

Safety, Rehabilitation and Compensation Act 1988

4 Section 69 (note)

After “the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*”, insert “, the *Parliamentary Entitlements Act 1990*”.

5 Subsection 73(1)

After “this Act”, insert “, the *Parliamentary Entitlements Act 1990*”.

6 Subsection 73A(1)

After “the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*”, insert “or the *Parliamentary Entitlements Act 1990*”.

7 At the end of paragraph 91(3)(a)

Add:

- (vi) the *Parliamentary Entitlements Act 1990*; and

Schedule 2—Other consequential amendments

Age Discrimination Act 2004

1 Schedule 1 (after table item 37)

Insert:

- 38 Parliamentary injury compensation scheme (within the meaning of the *Parliamentary Entitlements Act 1990*)

*[Minister's second reading speech made in—
House of Representatives on 10 February 2016
Senate on 24 February 2016]*

(21/16)

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