APPENDIX 1

Legislative History – SRC Act

Safety, Rehabilitation and Compensation Act 1988
(No 75/1988)

[LH.01] Acts amending the 1988 Act
[LH.02] Current Bills
[LH.03] Acts modifying the 1988 Act
[LH.04] Regulations made under the 1988 Act

[LH.01] Acts amending the 1988 Act

As at 1 July 2009, the 1988 Act had been amended by the following Acts:

<table>
<thead>
<tr>
<th>Act</th>
<th>Number</th>
<th>Assent</th>
<th>Commencement of relevant provisions</th>
<th>ComLaw ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Relations Legislation Amendment Act 1991</td>
<td>122/1991</td>
<td>27.6.91</td>
<td>1.12.88; 27.6.91</td>
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<tr>
<td>Industrial Relations Legislation Amendment Act (No 3) 1991</td>
<td>7/1992</td>
<td>15.1.92</td>
<td>22.6.92 (Gazette S 159, 19.6.92)</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 1

[68.01] in Part VII.

**Commonwealth Employment (Miscellaneous Amendments) Act 1992**

95/1992 30.6.92 22.6.92; 30.6.92 (Gazette S 175, 30.6.92)

Establishment of licensing arrangements for Commonwealth authorities, including repeal of previous Part VIII and insertion of new Part VIIIIA; see [98A.02] in Part VIII.

**Qantas Sale Act 1992**

196/1992 21.12.92 Amendments did not commence

The 1988 Act was to be amended on the day declared to be the “50% Sale Day” and the amendments were to be reversed on the “100% Sale Day”. The amendments did not commence because the Government proceeded directly to a 100% sale of Qantas on 30 July 1995; they were repealed on 31 August 1995 by the operation of s 2(6) of the Act. Certain transitional provisions relating to former Australian Airlines staff did take effect upon the sale; see the discussion of Qantas and Australian Airlines at [2.07].

**Seafarers Rehabilitation and Compensation (Transitional Provisions and Consequential Amendments) Act 1992**


A minor amendment to s 5(8)(d) consequential upon the introduction of the Seafarers Rehabilitation and Compensation Act 1992. This Act introduced a new compensation scheme for the maritime industry based on the 1988 Act. For further discussion of the “Seacare” compensation scheme, see [2.05] in Part I.

**Commonwealth Employees’ Rehabilitation and Compensation Amendment Act 1992**


Amendment of s 16 introducing new reimbursement arrangements for travel for medical treatment; increase in funeral expenses to $3,500; amendments to Part II relating to superannuation, permanent impairment and redemptions; amendments of various sections and the insertion of new Part VIIIIB establishing licensing arrangements for certain corporations; see [98A.03] in Part VIII.

**Industrial Relations and other Legislation Amendment Act 1993**


Amendment to the debt recovery provisions.

**Military Compensation Act 1994**

54/1994 7.4.94 7.4.94

This Act established the Military Compensation Scheme; see [2.06].

**Transport and Communications Legislation Amendment Act 1994**

64/1994 30.5.94 30.5.94

Minor consequential amendment to s 128A(4) arising from a renaming and restructuring of Telstra Corporation Limited.

**Australian Capital Territory Government Service (Consequential Provisions) Act**
1994

92/1994   29.6.94   1.7.94

Defence Legislation Amendment Act 1995

43/1995   15.6.95   15.6.95
Minor amendment to s 6A, concerning medical treatment under the Military Compensation Scheme and having retrospective application.

Industrial Relations and other Legislation Amendment Act 1995

168/1995   16.12.95   16.12.95 (s 5), 15.1.96 (Schedule 3)
Minor amendment to s 6 defining the commencement of a journey, and to s 134 to freeze the entitlements of certain former employees.

Law and Justice Legislation Amendment Act (No 1) 1995

175/1995   16.12.95   16.12.95
Minor amendments to s 67 relating to AAT procedure.

Statute Law Revision Act 1996

43/1996   25.10.96   7.4.94, 25.10.96
Amendments to ss 5 and 121, to correct misdescriptions in amending Acts, and to s 80 to correct a reference to the Remuneration Tribunal. A retrospective amendment to the Commonwealth Employees’ Rehabilitation and Compensation Amendment Act 1990 (No 68/1990) also effected an amendment to s 134 in Part X.

Australian National Railways Commission Sale Act 1997

96/1997   30.6.97   1.11.00 (by Proclamation in Gazette S 562 of 24.10.00)
Item 17 of Schedule 4 of the ANRC Sale Act amended s 128A(4) by the repeal of paragraph (j) of the definition of “prescribed Commonwealth authority”, with the result that the Commonwealth once again accepted financial responsibility for pre-premium cases involving the former Australian National Railways. The amendment commenced on 1 November 2000 by Proclamation made at a time determined by finalisation of the sale of the Commission’s railway assets to private buyers. ANR employees were not transferred to purchasers of the ANR assets; rather a “clean break” approach was taken with most employees being offered redundancies and a small group being transferred to the Australian Rail Track Corporation, which commenced on 1 July 1998. The Australian Rail Track Corporation was declared a “Commonwealth authority” by Notice No 4 of 1998.

Audit (Transitional and Miscellaneous) Amendment Act 1997

152/1997   24.10.97   24.10.97
Amendments consequential upon the implementation of new audit arrangements by the Financial Management and Accountability Act 1997.

Veterans’ Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997
A new s 5(10B) was inserted to ensure that certain claims for compensation, which were lodged under the SRC Act because the person was not eligible under the Veterans’ Entitlements Act 1986, are not invalidated because of the extension of “operational service” under the VEA; see [5.03] in Part I.

**Snowy Hydro Corporatisation (Consequential Amendments) Act 1997**

177/1997 21.11.97 28.6.02

Item 1 in Schedule 6 to the Snowy Hydro Corporatisation (Consequential Amendments) Act 1997 repealed paragraph 128(4)(za) in Part X from a date to be fixed by Proclamation, being the date of repeal of the Snowy Mountains Hydro-electric Power Act 1949 by s 59 of the Principal Act – the Snowy Hydro Corporatisation Act 1997 (No 176/1997). By s 2(3) of the Principal Act, the Proclamation can not be made unless a public inquiry into water patterns in the Snowy Mountains has been completed satisfactorily and the Governments of New South Wales and Victoria have agreed to the date of commencement. The effect of the amendment is remove the Snowy Mountains Hydro-electric Authority from the list of “prescribed Commonwealth authorities” in s 128A as a consequence of the abolition of that agency. The repeal commenced on 28 June 2002 by virtue of a Proclamation published in Gazette S 216 of 26 June 2002.

**Assistance for Carers Legislation Amendment Act 1999**

13/1999 9.4.99 1.7.99

This Act implemented new payment arrangements for carers in the Social Security Act 1991, with effect from 1 July 1999. The Act makes minor consequential amendments to s 4(7)(b) and (c) of the SRC Act; see [4.43] in Part I.

**A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No 2) 1999**

83/1999 8.7.99 1.7.00

This Act amended the SRC Act to make a minor change to s 4(7) consequential upon the introduction of the new family assistance package from 1 July 2000.

**Public Employment (Consequential and Transitional) Amendment Act 1999**

146/1999 11.11.99 5.12.99 (by Proclamation of Principal Act in Gazette S 584, 4.12.99)

This Act made minor amendments to ss 81, 86, 88 and 114A, consequential upon the establishment of new administrative arrangements for the Australian Public Service in the Public Service Act 1999. Note that s 14(5) in Part 3 of the Act authorises the making of Regulations which "amend other Acts, by making amendments of a kind that are consequential on the repeal of the old Act and its replacement by the new Act".

**Public Employment (Consequential and Transitional) Regulations 1999**


Under the authority of s 14(5) of the Principal Act, reg 6.1 and Schedule 1 of these Regulations inserted a new s 23(1A) into the SRC Act to provide for incapacity payments to continue for 104 weeks where an APS employee is injured after attaining age 63. This additional incapacity compensation applies whether the injury was suffered before or after the commencement of s 23(1A).
Appendix 1

Regulations 2000 (No 1)
SR 2000, No 332  1.12.00  5.12.99 (Gazette S 621)

These Regulations substituted reg 6.1 of the 1999 Regulations, with retrospective effect from 5 December 1999, however there was no substantive change to s 23(1A) which was inserted by the 1999 Regulations.

Parliamentary Service (Consequential and Transitional) Determination 2000/3
Determination 2000/3  29.11.00  5.12.99 (Gazette S 584)

This Determination, which was made under s 83(1) of the Parliamentary Service Act 1999 (No 145/1999), inserted a new s 23(1B) (in similar form to s 23(1A)) to include Parliamentary employees in the extension of entitlement for injuries suffered after age 63, commencing on 5 December 1999. Section 23(1B) was made redundant when s 23(1A) was amended by Act No 144/2001 on 1 October 2001 to extend coverage of s 23(1A) to all employees. Section 23(1B) has been repealed, however it is not clear how this occurred.

Safety, Rehabilitation and Compensation Act 1988 Amendment Regulations 2001 (No 1)
SR 2001, No 70  5.4.01  12.4.01 (Gazette S 132)

These Regulations extensively amended the Principal Act to introduce the defined term "Entity" which means an Agency, a Parliamentary Department or a prescribed organisation. The term "Entity" was substituted for "Department" throughout the Act.

Corporate Law Economic Reform Program Act 1999
156/1999  24.11.99  14.3.00 (By Proclamation in Gazette S 114, 10.3.00)

This Act made a minor consequential amendment to s 90(1).

Australian Federal Police Legislation Amendment Act 2000
9/2000  7.3.00  2.7.00 (By Proclamation in Gazette S 328, 22.6.00)

This Act made a minor consequential amendment to s 5(2).

163/2000  21.12.00  1.2.01 ("transfer day", Gazette GN 6, 14.2.01, p 419)

The Principal Act replaced the Australian Horticultural Corporation, the Australian Dried Fruits Board and the Horticultural Research and Development Corporation with a new company limited by guarantee under the Corporations Law. The Repeals and Consequential Provisions Bill, inter alia, provided that the SRC Act continued to apply to injuries suffered before the transfer day (Subdivision 4B) and items 30 and 31 in Schedule 2 removed two of the repealed statutory authorities from the list of "prescribed Commonwealth authority" in s 128A(4) in Part X of the SRC Act.

Pig Industry Act 2001
30/2001  28.4.01  1.7.01 ("transfer time", Gazette S 269, 4 July 2001)

Item 15 in Schedule 1 to the Pig Industry Act 2001 repealed s 128A(4)(m) with effect from a "transfer time" declared by the Minister, being the date upon which the assets of the Australian Pork Corporation and the Pig Research and Development Corporation were transferred to a new industry-controlled company limited by guarantee. Subdivision B in Division 5 of the Act provided that the SRC Act continues to apply to injuries suffered before
Appendix 1

Family and Community Services and Veterans’ Affairs Legislation Amendment (Debt Recovery) Act 2001
47/2001 12.6.01 12.6.01
This Act made a minor consequential amendment to s 112 to clarify that a debt under the Social Security Act can be recovered from an amount of compensation payable under the SRC Act. It was previously unclear whether the recovery provisions of the Social Security Act took precedence over the protective provisions of the SRC Act.

Corporations (Repeals, Consequentials and Transitionals) Act 2001
55/2001 28.6.01 15.7.01
This Act made a minor consequential amendment to s 108Y(4), substituting “Corporations Act 2001” for “Corporations Law”.

142/2001 1.10.01 2.10.01
This Act amended the SRC Act to reflect the application of the Criminal Code Act 1995 to offences under the SRC Act. The Code applies to all Commonwealth offences from 15 December 2001. Amendments to the Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2001 did not commence (see s 2(4)(b)).

Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2001
144/2001 1.10.01 1.10.01, 29.10.01, 1.4.02, 1.7.02
Schedule 2 to this Act extensively amended the SRC Act, including:
- amendment of s 8 relating to indexation of normal weekly earnings (Pt 2, 1.10.01);
- amendment of s 19 and s 132A relating to earnings from suitable employment (Pt 3, 1.4.02);
- reversing Schlenert so that NEL is not payable for pre-88 impairments (Pt 4, 1.10.01);
- amendment of ss 23 and 30 relating to compensation for employees aged over 63 (Pt 5, 1.10.01);
- changed arrangements for rehabilitation providers (Pt 6, 1.4.02);
- changes to common law remedies for dependents of deceased employees (Pt 7, 1.10.01);
- new licensing arrangements in new Part VIII (Pt 8, 1.4.02);
- beneficial changes to compensation for hearing loss (Pt 9, 1.10.01);
- new premium arrangements from 1 July 2002 (Pt 10, 1.7.02);
- conversion of certain penalties to penalty units (Pt 12, 29.10.01)
- corrections and minor amendments (Pt 12, 1.10.01).

Workplace Relations Legislation Amendment Act 2002
127/2002 11.12.02 11.12.02, 11.06.03
This Act restored s 41A(2) (delegation of rehabilitation authority functions by the Chief of Defence Force) which was unintentionally repealed on 1 April 2002 and repealed s 94 which required approval of the Minister for Comcare to enter contracts exceeding $500,000. An amendment to s 72A imposed a duty on Comcare to provide administrative support to the Seacare Authority as part of the transfer of the administrative support function for the
Appendix 1

Authority from the Department of Employment and Workplace Relations to Comcare.

Dairy Industry Service Reform Act 2003

32/2003 15.4.03 1.7.03 (by Proclamation in Gazette S 228, 26.6.03)

Item 125 in Schedule 1 repealed s 128A(4)(e), with effect from a date fixed by Proclamation (1 July 2003), being the "conversion time" when the Australian Dairy Corporation and the Dairy Research and Development Corporation were privatised by transfer into the new Dairy Australia Limited.

Defence Legislation Amendment Act 2003

135/2003 17.12.03 18.6.04

Items 40-42 in Schedule 2 amended s 6A(1) to change the names of the Cadet Corps to "Australian Air Force Cadets", "Australian Army Cadets" and "Australian Navy Cadets". The amendments were to have commenced by Proclamation however, as no Proclamation was made, they commenced on 18 June 2004, 6 months after Royal Assent (s 2(3)).

Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004

52/2004 27.04.04 1.7.04 (Act – C2004A01286)

Schedule 2 of this Act made consequential and transitional amendments associated with the introduction of a new Military Rehabilitation and Compensation Scheme by the Military Rehabilitation and Compensation Act 2004 (No 51/2004). The substantive provisions of the Principal Act and of this Act commenced on 1 July 2004 by Proclamation in Gazette GN 22, 2 June 2004, p 1396. The key amendments to the SRC Act were:

• the insertion of new s 4AA "Most injuries for members of the Defence Force no longer covered by this Act" (and s 15A) which will "close application of the SRCA because after the MRCA commencement date, compensation [sic] those ADF members serving on or after that date who suffer an injury on or after that date, will be provided with compensation coverage under the MRCA instead of the SRCA" (Explanatory Memorandum, p 38); and

• the insertion of new Part XI into the SRC Act which moved responsibility for administration of the continued application of the SRC Act to ADF personnel from Comcare to a new Military Rehabilitation and Compensation Commission. The Department of Veterans' Affairs now has administrative responsibility for all three military compensation schemes – MRCA, SRCA and VEA.

Financial Framework Legislation Amendment Act 2005

8/2005 22.02.05 22.02.05 (Act – C2005A00008)

Minor amendments to ss 91 and 95 in Part VII to change references in the sections to the "Finance Minister".

Administrative Appeals Tribunal Amendment Act 2005

38/2005 1.04.05 16.05.05 (Act – C2005A00038)

Minor amendments to s 65 in Part VI as a consequence of changes to the AAT Act.

Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Act 2005

123/2005 19.10.05 26.10.05 (Act – C2005A00123)

The Act made consequential amendments to Part VII of the SRC Act relating to Comcare's
new function under the Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005 of management of asbestos-related condition claims against the Commonwealth.


135/2005  15.11.05  1.1.06  (Act – C2005A00135)

This Act substituted s 89E(1)(f), providing that the Minister is to appoint a representative of the Australian Safety and Compensation Commission to be a member of the SRC Commission instead of the CEO of the National Occupational Health and Safety Commission. The Act did not repeal s 89E(3) which is now redundant.

**Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No 1)**

SLI 2006, No 50    17.3.06    (Legislative Instrument - F2006L00820)

Schedule 10 to these Regulations amended s 52(6)(b) to substitute “workplace relations” for “conciliation and arbitration”.

**Statute Law Revision Act 2006**

9/2006    23.3.06    1.7.88, 23.3.06    (Act – C2006A00009)

This Act corrected a minor misspelling in the definition of “medical treatment” and renumbered s 108 in Part IX to s 109A.

**Financial Framework Legislation Amendment Act (No 1) 2006**

30/2006    6.4.06    1.7.06    (Act – C2006A00030)

Schedule 2 to this Act amended various sections of the SRC Act, with effect from 1 July 2006, to provide for recovery of salary and other amounts paid to an employee during the period that a successful compensation claim is being determined.

**OHS and SRC Legislation Amendment Act 2006**

98/2006    14.9.06    14.9.06, 15.3.07, 1.7.07    (Act – C2006A00098)


**Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2007**

54/2006    12.4.07    13.4.07, 26.04.07    (Act – C2007A00054)

This Act made very significant amendments to the SRC Act, including:

- amendment of para (a) of the definition of "suitable employment" to restrict it to employees who continue to be employed by the Commonwealth;
- a new definition of "injury" in s 5A which replaces the exclusion for reasonable disciplinary action and failure to obtain a benefit with an exclusion for "reasonable administrative action";
- replacement of the material contribution test in the definition of "disease" with a test of contribution "to a significant degree";
Appendix 1

- amendment of s 6(1) to remove claims for non work related journeys and recess breaks;
- increase in compensation for funeral benefits to a maximum of $9,000 (indexed);
- amendments to the method of calculating the amount of compensation payable under ss 20, 21 and 21A;
- amendments relating to licences;
- extensive technical amendments relating to legislative instruments (Sch 2).

**Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) Act 2008**

Schedule 5 to this Act made substantial amendments to the SRC Act as part of a reform measure to eliminate discrimination against same-sex couples and the children of same-sex relationships in a wide range of Commonwealth laws. Amendments to the SRC Act included new definitions of "child", "de facto partner", "parent", "stepchild" and "step-parent", and changes to the dependency provisions. The amendments apply "in relation to a payment made under that Act on or after the commencement" (item 26(1)) except in the case of a death payment where they apply if "the death occurs on or after the commencement of the amendments": (item 26(2)).

**Safe Work Australia (Consequential and Transitional Provisions) Act 2008**
157/2008  18.12.08  not yet commenced  (Act – C2008A00157)

Items 5 – 7 in Schedule 2 to this Act amend ss 89E and 89H(2) to replace references to the Australian Safety and Compensation Council with its proposed successor, Safe Work Australia. The amendments commence "at the same time as section 5 of the Safe Work Australia Act 2008 commences": (s 2(1)).

**Employment and Workplace Relations Amendment Act 2008**
37/2009  3.6.09  13.5.08, 1.7.09  (Act – C2009A00037)

Schedule 1 to this Act increased the lump sum compensation payable on the death of an employee to $400,000 and $110 per week for each prescribed child (commencing retrospectively from 13 May 2008). The compensation is indexed annually by a Wage Price Index established in new s 13AA.

**Fair Work (State Referral and Consequential and Other Amendments) Act 2009**
54/2009  25.6.09  1.7.09  (Act – C2009A00054)

Items 109 and 110 in Schedule 8 to this Act made minor consequential amendments to ss 52(6)(b) and 116(1) which extended "award" to include a "determination".

**[LH.02] Current Bills**
The following Bills proposing amendments to the 1988 Act, were before the Parliament as at 1 July 2009:
NIL
### Acts modifying the 1988 Act

A number of other Commonwealth Acts affect the 1988 Act by modifying its provisions for specific purposes. At 1 July 2009, these Acts include:

<table>
<thead>
<tr>
<th>Act Number</th>
<th>Assent</th>
<th>Commencement of relevant provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>140/1983</td>
<td>22.12.83</td>
<td>1.12.88</td>
</tr>
</tbody>
</table>

**Australian National Railways Commission Act 1983**

Certain South Australian Railway employees who were transferred to ANR on 1.3.78 are entitled to elect to receive compensation in accordance with applied South Australian workers compensation legislation rather than the Commonwealth legislation. Sections 47, 48 and 48A of the ANRC Act modify the 1988 Act for this purpose. These special provisions for certain ANR employees, and the cases arising from these provisions, are not considered in this Commentary. Note that the Australian National Railways Commission Sale Act 1997 (No 96/1997), which commenced on 30 June 1997, provides a basis for sale of the Commission’s railway assets to private buyers and subsequent abolition of the Commission.

**United States Naval Communication Station (Civilian Employees) Act 1988**

71/1988     15.6.88     1.12.88

The Schedule to the United States Naval Communication Station (Civilian Employees) Act 1988 modified sections 5, 6, 7, 8, 9, 15, 33, 50, 52 and 57 of the 1988 Act so that it applies to civilian employees of the Government of the United States at the communications facility authorised by the Naval Communications Station Act (North West Cape). The Commonwealth is reimbursed by the United States for any expenditure incurred.

**Housing Loans Insurance Corporation (Sale of Assets and Abolition) Act 1990**

16/1991     21.1.91 Amendments did not commence

This Act authorised the Commonwealth to sell the Corporation’s loan guarantee portfolio to a private company. On the sale day, the employees of the Corporation were to be compulsorily transferred to the purchaser and the Corporation abolished. Section 18 of the Housing Loans Insurance Corporation (Sale of Assets and Abolition) Act provided that the Commonwealth would continue to be liable for compensable injuries suffered by Corporation employees before the sale day “to the extent that the Corporation would have been liable if the Corporation Act had not been repealed”. The sale did not take place and a change of policy resulted in the repeal of the 1990 Act by the Housing Loan Insurance Corporation (Transfer of Assets and Abolition) Act 1996 (No 14/1996), assented to on 24 June 1996 - see below.

**Snowy Mountains Engineering Corporation Limited Sale Act 1993**

54/1993     27.10.93     9.11.93

Division 2 of Part 4 of the Snowy Mountains Engineering Corporation Limited Sale Act sets out transitional provisions which ensure that SMEC employees continue to be covered by the 1988 Act in respect of injuries suffered before the SMEC “sale day”, the day when SMEC ceased to be a Commonwealth authority as a result of its sale. The sale day was 9 November 1993.

**CSL Sale Act 1993**

88/1993     30.11.93     3.6.94

Division 2 of Part 6 of the CSL Sale Act sets out transitional provisions which ensure that CSL employees continue to be covered by the 1988 Act in respect of injuries suffered before CSL was privatised on 3 June 1994. See the discussion of CSL Ltd at [2.08].
Moomba-Sydney Pipeline System Sale Act 1994
70/1994  10.6.94  30.6.94

Division 3 of Part 3 of the Moomba-Sydney Pipeline System Sale Act sets out transitional provisions which ensure that employees who were transferred to AGL as part of the sale of the Moomba-Sydney pipeline continue to be covered by the 1988 Act for injuries suffered before the “sale day” on 30 June 1994.

Veterans’ Affairs Legislation Amendment and Repeal Act 1995
118/1995  17.10.95  7.4.94

Retrospective amendments of ss 11(2) and 17(1) of the Military Compensation Act 1994, in relation to the Veterans’ Entitlements Act 1986, which affected the 1988 Act during the period 7 April - 21 June 1994.

161/1995  16.12.95  19.7.96

Division 1 of Part 3 of the Commonwealth Bank Sale Act sets out transitional provisions which ensure that CBA employees continue to be covered by the 1988 Act in respect of injuries suffered before CBA was privatised. See the discussion of the Commonwealth Bank at [2.09] in Part I.

Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1996
14/1996  24.6.96  24.6.96

The Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1996 restructured the Housing Loans Insurance Corporation as a Commonwealth Government-owned company incorporated under the Corporations Law. After the transfer of assets, liabilities and employees to the new company has been completed, the Corporation will then be abolished on a date fixed by Proclamation. Division 3 of Part 4 of the Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act sets out transitional provisions which ensure that employees continue to be covered by the 1988 Act in respect of injuries suffered before the “transfer day”, a date fixed by notice published in the Gazette (5 pm, 12 December 1997, notified in Gazette S 512 of 9 December 1997).

Airports (Transitional) Act 1996
36/1996  9.10.96  9.10.96

Schedule 3 of the Airports (Transitional) Act sets out transitional provisions which take effect upon the long-term lease of certain airports to private companies. As part of the transfer of the airports from the Federal Airports Corporation, certain FAC employees were transferred into the private sector. They continued to be covered by the 1988 Act in respect of injuries suffered before each employee’s “transfer time”. See [2.10] in Part I.

CFM Sale Act 1996
58/1996  20.11.96  20.11.96

The CFM Sale Act provided for the sale of Commonwealth Funds Management Limited (CFM) and its subsidiaries on a flexible basis to one or several private buyers. Section 22 in Part II of the CFM Sale Act provided that a “transferred body” (CFM subsidiaries) is taken to be a Commonwealth authority for the purposes of the 1988 Act until its sale day. Division 4 of Part 3 of the CFM Sale Act provided that the 1988 Act will continue to apply to employees in respect of injuries suffered before the sale day of a CFM body. The “sale day” for
Appendix 1

Commonwealth Funds Management Limited (ACN 052 289 442) and for Total Risk Management Pty Limited (ACN 008 644 353) was declared to be 23 December 1996 by Notice published in Gazette S 8 on 10 January 1997. CFM and its subsidiary were sold to the Commonwealth Bank of Australia.

**Snowy Hydro Corporatisation Act 1997**


The Snowy Hydro Corporatisation Act provides for the abolition of the Snowy Mountains Hydro-electric Authority and the transfer of its assets and liabilities (other than its electricity transmission undertaking) to a new corporation, Snowy Hydro Limited. The electricity transmission business will be transferred to TransGrid (New South Wales Electricity Transmission Authority). Division 3 of Part 4 of the Snowy Hydro Corporatisation Act provides that Snowy Hydro Limited assumes the workers compensation responsibilities of the abolished Authority. The transfer of responsibilities will occur on the “corporatisation date”, which is the date of abolition of the Authority. By s 2(3) of the Act, the Proclamation can not be made unless a public inquiry into water patterns in the Snowy Mountains has been completed satisfactorily and the Governments of New South Wales and Victoria have agreed to the date of commencement. Part 4 was proclaimed by the Minister to commence on 28 June 2002 by Proclamation published in Gazette S 216 of 26 June 2002.


207/1997   17.12.97   1.7.98 (Proclamation in Gazette GN 22, 3.6.98)

This Act made consequential repeals and amendments in respect of the Australian Meat and Live-stock Industry Act 1997. Division 2 of Part 4 of Schedule 5 of the Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act sets out transitional provisions in respect of employees of each statutory authority repealed by the Principal Act, namely:

- the Meat Industry Council;
- the Australian Meat and Live-stock Corporation;
- the Meat Research Corporation; and
- a body corporate which is a subsidiary of one of these authorities.

The provisions commence “on the same day as Part III of the Australian Meat and Live-stock Industry Act 1997 (s 2(4)). This date was set as 1 July 1998 by Proclamation in Gazette GN 22, 3 June 1998.

**Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000**

163/2000   21.12.00   “transfer day” 1.2.01 (Gazette GN 6, 14.2.01, pp 419)

The Principal Act replaced the Australian Horticultural Corporation, the Australian Dried Fruits Board and the Horticultural Research and Development Corporation with a new industry-controlled company limited by guarantee under the Corporations Law. Horticulture Australia Limited CAN 095 566 108 was declared to be the Industry Services Body with effect from 1 February 2001 (Gazette GN 6, 14.2.01). Subdivision B of Division 4 in Part 2 of the Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000 provided that the SRC Act continued to apply to injuries suffered by transferred employees before the “transfer day” (1 February 2001).

**Pig Industry Act 2001**

30/2001   28.4.01   “transfer time” 1.7.01 (Gazette GN 26, 4.7.01, p 1793)

The Pig Industry Act 2001 created a pig industry services body to take over the functions of the Australian Pork Corporation and the Pig Research and Development Corporation.
Subdivision B of Division 5 of Part 3 of the *Pig Industry Act 2001*, with effect from 1 July 2001, the “transfer time” declared by the Minister, provided that the SRC Act continues to apply to injuries suffered before the transfer time by employees of the abolished statutory authorities.

**Dairy Industry Service Reform Act 2003**

32/2003 15.4.03 1 July 2003 "conversion time" (*Gazette* S 228, 26.6.03)

The *Dairy Industry Service Reform Act 2003* privatised Australian Dairy Corporation and the Dairy Research and Development Corporation, with effect from 1 July 2003, a date fixed by Proclamation, being the "conversion time" when the two Commonwealth agencies were transferred into new Dairy Australia Limited. Subdivision B of Division 4 of the *Dairy Industry Service Reform Act 2003* provided that the SRC Act continued to apply to injuries suffered by employees before the conversion time.

**Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004**

52/2004 27.04.04 1.7.04

Schedule 2 of this Act made consequential and transitional amendments associated with the introduction of a new Military Rehabilitation and Compensation Scheme by the *Military Rehabilitation and Compensation Act 2004* (No 51/2004), including the insertion of new Part XI into the SRC Act. The substantive provisions of the Principal Act and of this Act commenced on 1 July 2004 by Proclamation in *Gazette* GN 22, 2 June 2004, p 1396. New Part XI of the SRC Act modifies various provisions of the SRC Act in respect of its application to Defence Force personnel, particularly to substitute the Military Rehabilitation and Compensation Commission (MRCC) for Comcare in relation to most of Comcare’s functions. See the discussion at [147.01] in Part XI.

The following Bills, proposing modifications to the 1988 Act, were before the Parliament as at 1 May 2009:

NIL

**[LH.04] Regulations made under the 1988 Act**

Statutory Rule Made Commencement (*Gazette* or FRLI)

**Commonwealth Employees’ Rehabilitation and Compensation Regulations**

SR 1990, No 209 26.6.90 4.7.90 [Repealed 1.4.02]

Regulation 3 prescribed a fee of $10.00 for the cost of the Permanent Impairment Guide made under s 28(8) of the Act.

**Commonwealth Employees’ Rehabilitation and Compensation Regulations (Amendment)**

SR 1994, No 258 21.7.94 28.7.94

This amending Regulation changed the name of the Regulations and added new reg 4 prescribing the Chief of the Defence Force and the Commissioner of the Australian Federal Police for the purposes of s 114A(2)(b).

**Safety, Rehabilitation and Compensation Amendment Regulations 2001 (No 1)**
Appendix 1

SR 2001, No 91 16.5.01 17.5.01 (Gazette S 174)

These Regulations inserted new reg 2A and a Schedule prescribing organisations for the purpose of para (c) of the definition of "Entity" in s 4(1).

Safety, Rehabilitation and Compensation Regulations 2002
SR 2002, No 56 27.3.02 1.4.02

These Regulations repealed and substituted the previous Regulations and included new regulations dealing with the index for increases in normal weekly earnings, approval of rehabilitation program providers, licence arrangements and forms of medical treatment.

Safety, Rehabilitation and Compensation Amendment Regulations 2005 (No 1)
SR 2005, No 233 20.10.05 25.10.2005

Regulation 18 was amended to change the fee for a copy of the Approved Guide from $10 to $30.

Safety, Rehabilitation and Compensation Amendment Regulations 2006 (No 1)
SR 2006, No 297 16.11.06 1.12.06 (F2006L03691, registered 17.11.06)

Regulations 8 and 9 were amended to change the application processing fees for initial approval and renewal of approval as a rehabilitation program provider. The new fee levels are $480 and $360 respectively.

Safety, Rehabilitation and Compensation Amendment Regulations 2008 (No 1)
SR 2008, No 87 30.5.08 4.6.08

These regulations extensively amended Part 5 of the Regulations to provide for the consequences of suspending or revoking a licence under Part VIII of the Act.

Safety, Rehabilitation and Compensation Amendment Regulations 2008 (No 2)
SR 2008, No 126 24.6.08 27.6.08

These regulations made amendments concerning indexation of NWE after cessation of employment and certain other circumstances (ss 8(9F) and (9G) of the Act).