

## EXPLANATORY STATEMENT

Issued by the authority of the  
Minister for Employment and Workplace Relations  
*Safety, Rehabilitation and Compensation Act 1988*

### **‘Specified Law’**

The *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) establishes the Commonwealth workers’ compensation and rehabilitation scheme.

Section 119 of the SRC Act is an offsetting provision. It provides that if an employee receives a payment under a specified law, then the compensation payable under the SRC Act is so much that would exceed the amount paid under the specified law. Alternatively, if compensation has been paid under the SRC Act and the employee then receives payment under a specified law, the compensation paid may be recovered up to the amount paid under the specified law.

Subsection 119(7), provides that a “specified law” means a law of a State or Territory that provides for the payment of compensation, other than workers’ compensation, and is declared by the Minister to be a specified law.

The laws were originally specified in the Notice published in *Gazette* S365 (30 November 1988). The specified laws in the instrument cover laws dealing with victims of crime compensation and transport injury compensation. Specifying these laws means that if an employee receives workers’ compensation for the injury; then any payment under these laws that are for the same injury may be recovered or offset. If the employee establishes that the payment under a specified law was for an injury, loss or damage that did not relate to a loss for which compensation was payable, then there will be no offset or recovery.

Following the commencement of the *Legislative Instruments Act 2003*, there is a requirement for all pre 2000 legislative instruments to be backcaptured or remade and placed on the Federal Register of Legislative Instruments by 31 December 2007, or they will cease to have effect.

Since there is now a need to amend one of the items in the legislative instrument published on 30 November 1988, it has been decided to remake the original instrument. This instrument remakes the relevant part of the 1988 instrument, including updating any relevant references, but there is no substantive change. The *Motor Accidents Compensation Act 1999* (NSW) and the *Criminal Offence Victims Act 1995* (Qld) have been added to the list. The NSW Act deals with transport injuries compensation and the Qld Act with compensation to victims of crimes

Consultation was not undertaken as there is no substantive change but rather the list has been updated.

An assessment was made under the new guidelines issued by the Office of Best Practice Regulation, which indicated that a Regulation Impact Statement was not required for this declaration.

This Notice is a legislative instrument for the purposes of the LI Act and takes effect from 1 July 2007.