EXPLANATORY STATEMENT

Issued by the authority of the
Minister for Employment and Workplace Relations

Safety, Rehabilitation and Compensation Act 1988

Section 100

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

The Commonwealth workers’ compensation scheme applies to the Commonwealth, Commonwealth authorities and eligible corporations. Commonwealth authorities and eligible corporations are eligible to apply the Safety, Rehabilitation and Compensation Commission (the Commission) to become licensed to self-insure under the Act.

An ‘eligible corporation’ is a corporation that has been declared to be such by the Minister for Employment and Workplace Relations under section 100 of the Act.

Section 100 of the Act provides that if the Minister is satisfied it would be desirable for the Act to apply to employees of a corporation that:

(a) is, but is about to cease to be, a Commonwealth authority; or
(b) was previously a Commonwealth authority; or
(c) is carrying on business in competition with a Commonwealth authority or with another corporation that was previously a Commonwealth authority;

the Minister may, by notice in writing, declare the corporation to be eligible to be granted a licence under Part VIII.

The Commonwealth Bank of Australia Limited (ACN 123 123 124) (CBA) was declared a ‘Commonwealth authority’ under the Safety, Rehabilitation and Compensation Act 1988 on 17 April 1991. This declaration ceased to have effect on 19 July 1996 as a result of s.11 of the Commonwealth Bank Sale Act 1995. Accordingly, the CBA, is a former Commonwealth authority for the purposes of the Act.

The CBA has requested that the Minister declare it to be an eligible corporation under section 100 of the Act to enable it to self insure its workers’ compensation liabilities under the Act.

Applications for declarations under section 100 of the Act are assessed against the following principles:

(a) the likely impact on employees of the applicant;
(b) the likely impact on the applicant;
(c) the likely impact on the operation of the Commonwealth workers’ compensation scheme; and
(d) the likely impact on the operation of the States and Territory schemes.

Having assessed the application against the principles, the Minister is satisfied that it would be desirable for the Act to apply to the employees of the CBA.

The notice declares that the CBA is eligible to be granted a licence under Part VIII of the Act.
Wider consultation was not undertaken as the CBA itself is the only body affected by the declaration and the declaration was made at the request of the CBA.

An assessment was made under 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 *Legislative Instruments Act 2003* by virtue of being a disallowable instrument under section 121 of the *Safety, Rehabilitation and Compensation Act 1988*.

This declaration takes effect on the day after registration on the Federal Register of Legislative Instruments.