EXPLANATORY STATEMENT

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

Safety, Rehabilitation and Compensation Act 1988
Section 100

Safety, Rehabilitation and Compensation (License Eligibility) Notice 2007 (No. 11)

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

Under Part VIII of the Act, an ‘eligible corporation’ may apply to the Safety, Rehabilitation and Compensation Commission (the Commission) for a licence to:

(a) accept liability to pay workers’ compensation in respect of its employees in accordance with the Act; and

(b) manage the claims of its employees in accordance with 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 that 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.

If the Commission subsequently decides to grant an eligible corporation a licence, State and Territory workers’ compensation legislation will cease to apply to that corporation from the date the licence comes into force, and the licensee will be covered by the Commonwealth’s occupational health and safety legislation. Any liability or obligation incurred by the corporation under a State or Territory law in relation to the injury or death of an employee, or any loss or damage suffered by an employee, before the licence comes into force is not affected.

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.

Transpacific Industries Pty Ltd (ACN 010 745 383) is a corporation carrying on business in competition with a Commonwealth authority or a former Commonwealth authority.

Transpacific Industries Pty Ltd 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.

Having assessed the applications against the principles, the Minister is satisfied that it would be desirable for the Act to apply to the employees of Transpacific Industries Pty Ltd.

The notice declares that Transpacific Industries Pty Ltd is eligible to be granted a licence under Part VIII of the Act.

Wider consultation was not undertaken as this declaration was made at the request of the applicant corporation and it is not likely to have a direct, or substantial indirect, effect on business or restrict competition.

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.

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