

## EXPLANATORY STATEMENT

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

### **‘Commonwealth authority’ and subsection 57(6)**

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

Paragraph 4(1)(c) of SRC Act defines ‘Commonwealth authority’ to mean:

a body corporate:

(i) that is incorporated under a law of the Commonwealth or a law in force in a State or Territory;

(ii) in which:

(A) the Commonwealth has a controlling or substantial interest; or

(B) ....; and

(iii) that is declared by the Minister, by legislative instrument, to be a body corporate to which this Act applies.

Aboriginal Hostels Ltd and Australian River Co Ltd (previously ANL Limited) were originally declared in the Notice published in *Gazette* No GN 32 of 23 August 1989 which amended *Gazette* S365 (30 November 1988).

Section 57 of the SRC Act deals with the power of Comcare or a licensee to require an employee, who has lodged a notice of injury or made a claim, to undergo a medical examination by a medical practitioner nominated by the employer. If an employee refuses or fails, without reasonable excuse, to undergo an examination, rights to compensation are suspended. Subsection 57(6) provides that:

An employee shall not be required to undergo an examination under this section at more frequent intervals than are specified by the Minister by legislative instrument.

The specification that the intervals between examinations under section 57 by the same practitioner shall not be less than one month was originally in the Notice published in *Gazette* S365 (30 November 1988).

Following the commencement of the *Legislative Instruments Act 2003* (LI Act), 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 relevant parts of the 1988 instrument. There is no substantive change, although there has been some updating of references. Some references to Commonwealth authority no longer appear as their status has changed since the original notification in 1988.

Consultation was not undertaken as there is no substantive change but rather the relevant part of the 1988 instrument is being remade.

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.