



# **Safety, Rehabilitation and Compensation Directions Amendment Instrument 2022**

*Safety, Rehabilitation and Compensation Act 1988*

---

I, MICHAELIA CASH, Minister for Industrial Relations, make the following instrument.

Dated 6 April 2022

MICHAELIA CASH  
Minister for Industrial Relations

---



---

## Contents

1	Name.....	1
2	Commencement.....	1
3	Authority.....	1
4	Definitions.....	1
5	Schedules.....	1
<b>Schedule 1 – Amendments</b>		<b>2</b>
<i>Safety, Rehabilitation and Compensation Directions 2019</i>		<i>2</i>



---

## 1 Name

This instrument is the *Safety, Rehabilitation and Compensation Directions Amendment Instrument 2022*.

## 2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

## 3 Authority

This instrument is made under sections 89D and 101 of the *Safety, Rehabilitation and Compensation Act 1988*.

## 4 Definitions

In this instrument:

*Act* means the *Safety, Rehabilitation and Compensation Act 1988*.

## 5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

---

## Schedule 1—Amendments

### *Safety, Rehabilitation and Compensation Directions 2019*

#### 1 Section 4

Insert:

***outstanding tail liability*** means the indicative value of outstanding claim liabilities arising under the Act in relation to injury, loss, damage, or death suffered by employees of a Commonwealth authority in the period prior to the commencement of a licence during which the Commonwealth authority paid an annual premium under the Act, calculated by Comcare as at the date upon which the Commonwealth authority will, or proposes to, assume such liability.

#### 2 After section 6

Insert:

##### **6A Notification of proposed authorisation to accept tail liabilities**

- (1) This section applies if a Commonwealth authority has applied for, or the Commission proposes to grant, a licence that authorises a Commonwealth authority to accept any liability arising under the Act in relation to injury, loss, damage or death that has occurred at a time before the proposed licence will come into force.
- (2) The Commission must not grant a licence unless it has notified the Minister, in writing, of:
  - (a) the extent to which the Commonwealth authority would be authorised to accept liability under the Act in relation to injury, loss, damage or death that has occurred prior to the commencement of the licence; and
  - (b) the estimated amount of outstanding tail liability that would be assumed by the Commonwealth authorityunder the proposed licence.

#### 2 After section 11

Insert:

##### **11A Notification of request to accept tail liabilities**

- 
- (1) This section applies if a Commonwealth authority has requested in writing, a variation of licence that would, if granted, authorise the Commonwealth authority to accept any liability arising under the Act in relation to injury, loss, damage or death that has occurred at a time before the licence commenced.
- (2) The Commission must not vary the scope of the licence unless it has notified the Minister, in writing, of:
- (a) the extent to which the Commonwealth authority would be authorised to accept liability under the Act in relation to injury, loss, damage or death that has occurred prior to the commencement of the licence; and
  - (b) the estimated amount of outstanding tail liability that would be assumed by the Commonwealth authority
- under the requested variation of licence.