COMMONWEALTH EMPLOYEES' REHABILITATION AND COMPENSATION AMENDMENT BILL 1992

TABLE OF PROVISIONS

Section
1. Short title etc.
2. Commencement
3. Amendment of title
4. Short title
5. Interpretation
6. Employees
7. Compensation in respect of medical expenses etc.
8. Compensation in respect of funeral expenses
9. Insertion of new section:
   21A. Compensation for injuries resulting in incapacity if employee is in receipt of a superannuation pension and a lump sum benefit
10. Compensation for injuries resulting in permanent impairment
11. Redemption of compensation
12. Interpretation
13. Reconsideration of determinations
14. Repeal of section 64 and substitution of new section:
   64. Applications to the Administrative Appeals Tribunal
15. Costs of proceedings before Administrative Appeals Tribunal
16. Insertion of new section:
   70B. Formation of subsidiaries
17. Guidelines by Commission
18. Establishment
19. Functions
20. Annual reports
21. Insertion of new Part:
TABLE OF PROVISIONS—continued

Section

PART VIIIB—LIABILITY OF CERTAIN CORPORATIONS TO PAY
COMPENSATION TO THEIR EMPLOYEES

108A. Object of Part
108B. Definitions
108C. Power of Minister to declare a corporation to be eligible to be
granted a licence
108D. Classes of licence
108E. Application for licence
108F. Consideration of application
108G. Criteria for grant of licences
108H. Conditions of licence
108J. Duration of licence
108K. Grant of licence
108L. Effect of grant of Class A Licence
108M. Effect of grant of Class B Licence
108N. Functions of licensed corporation
108P. Manner in which claims are to be determined
108Q. Licence fees
108R. Directions by Commission
108S. Corporation holding Class B Licence may arrange for another person
to perform certain claims management functions on behalf of the
corporation
108T. Revocation of licence for breach of condition
108U. Revocation of licence at request of licensed corporation
108V. Date of effect of revocation
108W. Effect of revocation of licence
108X. Records
108Y. Comcare subsidiaries

22. Insertion of new sections:
   114A. Comcare may write off debt
   114B. Comcare may waive debt

23. Repeal of section and substitution of new sections:
   121. Disallowable instruments
   121A. Confidential commercial information not to be published

24. Repeal of section and substitution of new section:
   137. Redemption on request by former employee

25. Consequential amendments

SCHEDULE 1
Amendments consequential on the insertion of Part VIIIB in the Principal Act

SCHEDULE 2
Amendments consequential on insertion of section 21A in the Principal Act.
A BILL

FOR

An Act to amend the *Commonwealth Employees' Rehabilitation and Compensation Act 1988*

The Parliament of Australia enacts:

**Short title etc.**

1. (1) This Act may be cited as the *Commonwealth Employees' Rehabilitation and Compensation Amendment Act 1992*.

(2) In this Act, "Principal Act" means the *Commonwealth Employees' Rehabilitation and Compensation Act 1988*.  

**Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

**Amendment of title**

3. The title of the Principal Act is amended by omitting "Commonwealth employees" and substituting "employees of the Commonwealth and certain corporations".

(Minister for Finance)
Short title

4. Section 1 of the Principal Act is amended by omitting "Commonwealth Employees’" and substituting "Safety".

Interpretation

5. Section 4 of the Principal Act is amended:

(a) by adding “and” at the end of paragraph (a) of the definition of “rehabilitation authority” in subsection (1);

(b) by inserting after paragraph (b) of the definition of “rehabilitation authority” in subsection (1) the following paragraph:

“(ba) if the employee is employed by a licensed corporation—
the principal officer of that corporation; and”;

(c) by inserting after paragraph (a) of the definition of “relevant authority” in subsection (1) the following paragraph:

“(aa) in relation to an employee who is employed by a licensed corporation:

(i) if the corporation holds a Class A licence—the
relevant Comcare subsidiary referred to in subsection 108L(3); or

(ii) if the corporation holds a Class B licence—the

 corporation;”;

(d) by omitting from paragraph (a) of the definition of “superannuation amount” in subsection (1) “or Commonwealth authority” and substituting “, Commonwealth authority or licensed corporation”;

(e) by omitting from the definition of “superannuation scheme” in subsection (1) “or a Commonwealth authority” (wherever occurring) and substituting “, a Commonwealth authority or a licensed corporation”;

(f) by omitting from subsection (1) the definitions of “Commission” and “licence” and substituting respectively the following definitions:

“‘Commission’ means the Safety, Rehabilitation and Compensation Commission established by section 89A;
‘licence’ means a licence under Part VIII A or VIII B;”;

(g) by inserting the following definitions:

“‘Comcare subsidiary’ means an incorporated company formed by Comcare.
‘corporation’, in Part VIII B, means:

(a) a foreign corporation within the meaning of paragraph 51(xx) of the Constitution; or

(b) a body corporate that is, for the purposes of paragraph
Commonwealth Employees' Rehabilitation and Compensation Amendment No. 51(xx), 1992

51(xx) of the Constitution, a financial corporation formed within the limits of the Commonwealth; or

c) a body corporate that is, for the purposes of paragraph 51(xx) of the Constitution, a trading corporation formed within the limits of the Commonwealth; or

d) a body corporate that is incorporated in a Territory; but does not include a Commonwealth authority;

'eligible corporation', in Part VIIIB, means a corporation in respect of which a declaration is in force under section 108C;

'excluded injury' means an injury that arose out of, or in the course of, or was incidental to:

(a) State banking not extending beyond the limits of the State concerned; or

(b) State insurance not extending beyond the limits of the State concerned;

'licensed corporation' means a corporation that is the holder of a licence that is in force under Part VIIIB;

'principal officer', in relation to a licensed corporation, means the principal executive officer of the corporation;"

(h) by inserting after subsection (10) the following subsection:

"(10A) For the purposes of the application of this Act in relation to an employee employed by a licensed corporation, or a dependant of such a person, a reference in this Act (except in section 28 or Part III, V, VI, VII or VIII) to Comcare is, unless the contrary intention appears, a reference to that corporation.".

Employees

6. Section 5 of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsections:

"(1) In this Act, unless the contrary intention appears:

'employee' means:

(a) a person who is employed by the Commonwealth or by a Commonwealth authority, whether the person is so employed under a law of the Commonwealth or of a Territory or under a contract of service or apprenticeship; or

(b) a person who is employed by a licensed corporation.

"(1A) For the purposes of paragraph (b) of the definition of 'employee' in subsection (1), a person is taken to be employed by a licensed corporation if, and only if:

(a) a person performs work for that corporation under a law or a contract; and
(b) pursuant to that law or pursuant to the law that is the proper law of that contract, as the case may be, the person would, if that corporation were not a licensed corporation, be entitled to compensation in respect of injury, loss or damage suffered by, or in respect of the death of, the person in connection with that work.”;  
(b) by omitting from paragraph (4)(b) “or a Commonwealth authority or a licensed corporation”;  
(c) by omitting from subsection (4) “or that authority” and substituting “that authority or that corporation”;  
(d) by adding at the end of subparagraph (6)(a)(ii) “or a licensed corporation”;  
(e) by inserting in paragraph (6)(a) “or corporation” after “that authority”;  
(f) by omitting from subsection (9) “or a licensed authority” and substituting “a licensed authority or a licensed corporation”.

Compensation in respect of medical expenses etc.

7.(1) Section 16 of the Principal Act is amended by omitting subsections (6) and (7) and substituting the following subsections:

“(6) Subject to subsection (7), if:
(a) compensation in respect of the cost of medical treatment is payable; and
(b) the employee reasonably incurs expenditure in doing either or both of the following:
(i) making a necessary journey for the purpose of obtaining that medical treatment;
(ii) remaining, for the purpose of obtaining that medical treatment, at a place to which the employee has made a journey for that purpose;
Comcare is liable to pay compensation to the employee:
(c) in respect of the journey—of an amount worked out using the formula:  
specified rate per kilometre × number of kilometres travelled
where:
’specified rate per kilometre’ means such rate per kilometre as the Minister specifies by notice under this subsection in respect of journeys to which this subsection applies;
‘numbers of kilometres travelled’ means the number of whole kilometres Comcare determines to have been the reasonable length of such a journey as it was necessary for the employee to make (including the return part of the journey);
(d) in respect of the employee remaining for the purpose of
obtaining the treatment—of an amount equal to the expenditure so reasonably incurred in remaining for that purpose.

“(7) Comcare is not liable to pay compensation under subsection (6) unless:

(a) the reasonable length of such a journey as it was necessary for the employee to make (including the return part of the journey) exceeded 50 kilometres; or

(b) if the journey made by the employee involved the use of public transport or ambulance services—the employee’s injury reasonably required the use of such transport or services regardless of the distance involved.”.

(2) The amendments made by subsection (1) apply only in respect of journeys made after the commencement of this section.

Compensation in respect of funeral expenses

8.(1) Section 18 of the Principal Act is amended by omitting from subsection (2) “$1,500” and substituting “$3,500”.

(2) The amendment made by subsection (1) applies only in respect of a funeral that takes place after the commencement of this section.

(3) In relation to the amount of $3,500 inserted in the Principal Act by subsection (1), the first relevant year for the purposes of the application of section 13 of the Principal Act, as that Act is amended by this Act, is the period of 12 months commencing on 1 July 1993.

9. After section 21 of the Principal Act the following section is inserted:

Compensation for injuries resulting in incapacity if employee is in receipt of a superannuation pension and a lump sum benefit

“21A.(1) This section applies to an employee who, being incapacitated for work as a result of an injury, retires voluntarily, or is compulsorily retired, from his or her employment at any time after the commencement of this section and, as a result of the retirement, receives both a pension, and a lump sum benefit, under a superannuation scheme.

“(2) Comcare is liable to pay compensation to the employee, in respect of the injury, in accordance with this section for each week after the date of the retirement during which the employee is incapacitated.
“(3) The amount of compensation in respect of a week (‘the relevant week’) is an amount worked out using the formula:

\[
\text{Compensation otherwise payable} = \text{Weekly superannuation amount} - \text{Superannuation lump sum benefit} + \frac{\text{Notional superannuation contributions}}{520}
\]

“(4) For the purposes of the formula in subsection (3):

‘Compensation otherwise payable’ means the amount of compensation that would have been payable to the employee for the relevant week if:

(a) section 19, other than subsection 19(6), had applied to the employee; and

(b) the relevant week were a week referred to in subsection 19(3);

‘Weekly superannuation amount’ means the superannuation amount in relation to the pension received by the employee in respect of the relevant week;

‘Superannuation lump sum benefit’ means the superannuation amount in relation to the lump sum benefit received by the employee;

‘Notional superannuation contributions’ means the amount of superannuation contributions that would have been required to be paid by the employee in the relevant week if he or she were still contributing to the superannuation scheme.”.

Compensation for injuries resulting in permanent impairment

10.(1) Section 24 of the Principal Act is amended by omitting subsection (8) and substituting the following subsection:

“(8) Subsection (7) does not apply to any one or more of the following:

(a) the impairment constituted by the loss, or the loss of the use, of a finger;

(b) the impairment constituted by the loss, or the loss of the use, of a toe;

(c) the impairment constituted by the loss of the sense of taste;

(d) the impairment constituted by the loss of the sense of smell.”.

(2) Subsection 24(8) of the Principal Act as amended by subsection (1) of this section, in so far as it has effect in relation to an impairment constituted by the loss of the sense of taste or the sense of smell, applies for the purposes of:

(a) any determination, made after the commencement of this section, of a claim, whether the claim was made before or after that commencement; or
(b) any consideration or review, made after that commencement, of a determination, made before that commencement, of a claim.

Redemption of compensation

11.(1) Section 30 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:

“(2) The amount of the lump sum is the amount worked out using the formula:

\[ 52 \times \text{amount per week} \times [(\text{specified number} + 1)^n - 1]. \]

\[ \text{specified number} \times [(\text{specified number} + 1)^n] \]

“(3) For the purposes of subsection (2):

‘\text{amount per week}’ means the amount per week payable to the employee under section 19, 20, 21 or 21A, as the case may be, at the date of the determination;

‘\text{specified number}’ means the number specified by the Minister;

‘\text{n}’ means the number worked out using the formula:

\[ \frac{\text{number of days}}{365} \]

where:

‘\text{number of days}’ means the number of days in the period beginning on the day after the day on which the determination is made and ending on the day immediately before the day on which the employee reaches 65 years of age.

“(4) The Minister may, from time to time, by notice in writing, specify a number (being a specification of the number in decimal notation) for the purposes of subsection (2).”.

(2) The amendment made by subsection (1) applies only to determinations by Comcare made after the commencement of this section.

Interpretation

12. Section 60 of the Principal Act is amended:

(a) by omitting “by Comcare or a licensed authority” from the definition of “determination” in subsection (1);

(b) by omitting the definition of “determining authority” in subsection (1) and substituting the following definition:

‘\text{determining authority}', in relation to a determination, means the person who made the determination;”;

(c) by adding “and” at the end of paragraph (2)(a);

(d) by omitting paragraph (2)(c) and substituting the following paragraphs:
"(c) if the claimant is or was employed by the Commonwealth, by a Commonwealth authority other than a licensed authority, or by a licensed authority that holds a Class 1 Licence under Part VIIIA—Comcare; and

(d) if the claimant is or was employed by a licensed authority that holds a Class 2 Licence or a Class 3 Licence under Part VIIIA—that authority; and

(e) if the claimant is or was employed by a licensed corporation that holds a Class A Licence under Part VIIIB—the relevant Comcare subsidiary; and

(f) if the claimant is or was employed by a licensed corporation that holds a Class B Licence under Part VIIIB—that corporation;"

(e) by adding at the end the following subsection:

“(3) Subsection (2) has effect subject to Parts VIIIA and VIIIB.”.

Reconsideration of determinations

13. Section 62 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) A request to a determining authority to reconsider a determination made by it may be made by:

(a) the claimant; or

(b) if the determination affects the Commonwealth—the Commonwealth; or

(c) if the determination affects a Commonwealth authority that is not a licensed authority—the Commonwealth or that authority; or

(d) if the determination affects a licensed authority that holds a Class 1 Licence under Part VIIIA—the licensed authority; or

(e) if the determination affects a licensed authority that holds a Class 2 Licence under Part VIIIA—the Commonwealth; or

(f) if the determination affects a licensed corporation that holds a Class A licence under Part VIIIB—the licensed corporation.”.

14. Section 64 of the Principal Act is repealed and the following section is substituted:

Applications to the Administrative Appeals Tribunal

“64.(1) Application to the Administrative Appeals Tribunal for review of a reviewable decision may be made by:

(a) the claimant; or

(b) if the decision affects the Commonwealth—the Commonwealth; or
(c) if the determination affects a Commonwealth authority that is not a licensed authority—the Commonwealth or that authority; or

(d) if the determination affects a licensed authority that holds a Class 1 Licence under Part VIIIA—the licensed authority; or

(e) if the determination affects a licensed authority that holds a Class 2 Licence under Part VIIIA:
   (i) the Commonwealth; and
   (ii) in the circumstances mentioned in subsection (2)—the licensed authority; or

(f) if the determination affects a licensed authority that holds a Class 3 Licence under Part VIIIA and the circumstances mentioned in subsection (2) apply—the licensed authority; or

(g) if the determination affects a licensed corporation that holds a Class A Licence under Part VIIIB—the licensed corporation; or

(h) if the determination affects a licensed corporation that holds a Class B Licence under Part VIIIB and the circumstances mentioned in subsection (2) apply—the licensed corporation.

“(2) The circumstances mentioned in subparagraph (1)(e)(ii) and paragraphs (1)(f) and (h) are that the licence is subject to a condition referred to in subparagraph 107G(3)(d)(ii) or paragraph 108H(4)(d), as the case may be.

“(3) Despite section 27 of the Administrative Appeals Tribunal Act 1975, a person may not make an application to the Administrative Appeals Tribunal for a review of a reviewable decision except as provided by subsection (1) of this section.”.

Costs of proceedings before Administrative Appeals Tribunal

15. Section 67 of the Principal Act is amended:

(a) by inserting before subsection (1) the following subsection:

“(1A) In this section, ‘responsible authority’, in relation to a determination, means:

(a) if the determination affected the Commonwealth, a Commonwealth authority other than a licensed authority, or a licensed authority that holds a Class 2 Licence under Part VIIIA—Comcare; or

(b) if the determination affected a licensed authority that holds a Class 1 Licence or a Class 3 Licence under Part VIIIA—that authority; or

(c) if the determination affected a licensed corporation—that corporation.”;

(b) by omitting from subsections (2), (8) and (13) “determining” and substituting “responsible”;
(c) by inserting in paragraph (3)(h) "responsible" before "authority";
(d) by inserting in subsection (3) "determining" before "authority" (last occurring);
(e) by inserting in paragraph (4)(h) "responsible" before "authority";
(f) by inserting in subsection (4) "determining" before "authority" (last occurring);
(g) by omitting from paragraph (8A)(a) "the determining authority" and substituting "Comcare";
(h) by inserting after subsection (8A) the following subsection:
"(8B) Subject to this section, if in any proceedings instituted by a licensed authority or a licensed corporation, the Tribunal affirms the reviewable decision or varies that decision in a manner more favourable to the claimant, or sets aside the relevant reviewable decision and substitutes a decision that is more favourable to the claimant, the Administrative Appeals Tribunal may order that the costs of the proceedings incurred by the claimant be paid by the responsible authority."
(i) by inserting in subsection (9) "responsible" before "authority" (last occurring);
(j) by omitting from subsection (10) "determining authority" and substituting "person".

16. After section 70A of the Principal Act the following section is inserted:

Formation of subsidiaries

"70B. Without limiting the generality of section 70, Comcare may form incorporated companies for the purposes of the performance of its functions or for the performance of functions under this Act that may be performed by subsidiaries of Comcare."

Guidelines by Commission

17. Section 73A of the Principal Act is amended:
(a) by inserting after subsection (2) the following subsection:
"(2A) The Commission may prepare and issue to:
(a) the principal executive officer of the Comcare subsidiary with which a licensed corporation that holds a Class A Licence has entered into a contract as mentioned in subsection 108L(3); or
(b) the principal officer of a licensed corporation that holds a Class B Licence;
written general policy guidelines in relation to the operation of this Act to the extent that the Act confers functions or powers on the Comcare subsidiary or the licensed corporation, as the case may be.";
(b) by adding at the end the following subsections:

"(7) A Comcare subsidiary must comply with any guidelines issued to its principal executive officer and in force under subsection (2A).

"(8) If any guidelines issued to the principal officer of a licensed corporation under subsection (2A) are in force, the corporation and any person acting on its behalf (including any Comcare subsidiary with which the corporation has entered into a contract to perform functions on behalf of the corporation in respect of the corporation's responsibility under subsection 108M(3)) must comply with those guidelines."

Establishment

18. Section 89A of the Principal Act is amended by omitting "Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees" and substituting "Safety, Rehabilitation and Compensation Commission".

Functions

19. Section 89B of the Principal Act is amended by omitting from paragraph (a) "and a licensed authority" and substituting ", a licensed authority and a licensed corporation".

Annual reports

20. Section 89S of the Principal Act is amended by inserting in paragraph (2)(c) "and licensed corporation" after "authority".

21. After Part VIII A of the Principal Act the following Part is inserted:

"PART VIIIIB—LIABILITY OF CERTAIN CORPORATIONS TO PAY COMPENSATION TO THEIR EMPLOYEES

Object of Part

"108A. The object of this Part is to enable certain corporations to seek to have this Act apply in relation to their employees. The Minister is empowered to declare a corporation to be an eligible corporation for the purposes of this Part. If the Minister makes such a declaration, the corporation concerned may apply to the Commission for a licence under this Part.

If a licence is granted, this Act applies, subject to the conditions (if any) to which the licence is subject, to employees of the corporation in a similar way to the way in which it applies to employees of the Commonwealth and employees of Commonwealth authorities."
Definitions

"108B. In this Part, unless the contrary intention appears:

'claim' includes a request;

'determination' includes a decision or requirement;

'variation', in relation to the conditions to which a licence is subject, includes the addition of a new condition, an alteration to an existing condition or the omission of an existing condition.

Power of Minister to declare a corporation to be eligible to be granted a licence

"108C. If the Minister is satisfied that it would be desirable for this 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 this Part.

Classes of licence

"108D. There are to be 2 classes of licences that may be granted for the purposes of this Part, namely Class A Licences and Class B Licences.

Application for licence

"108E. (1) An eligible corporation may apply to the Commission for a licence under this Part.

“(2) The application must:

(a) be in writing in such form as the Commission approves; and

(b) specify the class of licence applied for; and

(c) be signed by the principal officer of the corporation; and

(d) be accompanied by such documents and information as the Commission directs; and

(e) be lodged with the Commission.

“(3) The corporation is liable to pay to the Commonwealth in respect of the application an application fee equal to the amount estimated by the Commission to be the cost of considering the application.

“(4) The Commission is to give written notice to the corporation of the amount of the application fee and;

(a) if the notice is given before the application is made—the application fee is to accompany the application; or
(b) otherwise—the application fee is to be paid by the corporation as soon as practicable after the notice is given and in any event before the licence is granted.

“(5) If an application fee referred to in paragraph (4)(b) is not paid as mentioned in that paragraph, the amount of the fee may be recovered by the Commonwealth, as a debt due to the Commonwealth, by action against the corporation.

“(6) The corporation may withdraw the application at any time before the licence is granted and, if the application is so withdrawn:

(a) the Commission may reduce the application fee by such amount (if any) as it considers reasonable having regard to the extent of the consideration given by the Commission to the application before it was withdrawn; and

(b) if the application fee is so reduced after the fee was paid, the Commission must refund to the corporation the amount by which the fee has been reduced.

“(7) An amount that is required to be refunded to a corporation under paragraph (6)(b) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Consideration of application

“108F.(1) The Commission must consider the application in accordance with the criteria applicable in respect of the class of licence applied for and must give written notice to the corporation of the Commission’s decision on the application.

“(2) A notice given to a corporation is to include brief particulars of the reasons for the Commission’s decision.

Criteria for grant of licences

“108G.(1) This section sets out the criteria to be considered by the Commission in deciding an application by an eligible corporation for a licence.

“(2) The criteria for a Class A Licence are:

(a) whether the corporation is likely to have sufficient financial resources to discharge its liability to pay compensation in respect of its employees; and

(b) whether the corporation has entered into, or proposes to enter into, a contract with a Comcare subsidiary in relation to the performance by the subsidiary of functions in respect of the subsidiary’s responsibility in relation to the corporation under subsection 108L(3); and

(c) whether satisfactory arrangements have been made to ensure that payments that would be required to be made under this
Commonwealth Employees' Rehabilitation
and Compensation Amendment No. 1992

Act to or in respect of employees of the corporation will continue
to be paid if the corporation is wound up; and
(d) any other matters that the Commission considers relevant.

"(3) The criteria for a Class B Licence are:
(a) whether the corporation is likely to have sufficient financial
resources to discharge its liability to pay compensation in respect
of its employees; and
(b) whether the corporation is likely to be able to meet the standards
set by the Commission for the management of claims for
compensation and the rehabilitation of employees; and
(c) the likely attitude of employees of the corporation to the grant
of such a licence; and
(d) whether satisfactory arrangements have been made to ensure
that payments that would be required to be made under this
Act to or in respect of employees of the corporation will continue
to be paid if the corporation is wound up; and
(e) any other matters that the Commission considers relevant.

Conditions of licence

"108H.(1) A licence is subject to:
(a) a condition that the corporation and any person acting on its
behalf will comply with the requirements of this Act (including
any directions given by the Commission) that are applicable to
it; and
(b) without limiting the generality of paragraph (a), a condition
that the corporation will pay any fees referred to in section
108Q that are applicable to it; and
(c) a condition that the corporation will obtain such bank or other
guarantees or other securities as the Commission directs for the
due discharge of the corporation’s liability in respect of claims,
or particular classes of claims, under this Act or in respect of
so much of that liability as exceeds a specified amount; and
(d) a condition that the corporation will comply with all the
requirements of any applicable laws of the Commonwealth, of
a State or of a Territory with respect to the safety, health and
rehabilitation of employees; and
(e) such other conditions as the Commission determines when
granting the licence.

"(2) In giving a direction for the purpose of paragraph (1)(c), the
Commission must have regard to the corporation’s liability referred to
in that paragraph as estimated by the Commission.
“(3) At any time while a licence is in force the Commission may vary the conditions to which the licence is subject under paragraph (1)(e).

“(4) Without limiting the conditions to which a licence may be subject, a licence may be subject to any one or more of the following conditions:

(a) a condition that the corporation will:

(i) on the written request of the Commission, give to the Commission such information relating to the operations of the corporation under this Act as is specified in the request; and

(ii) lodge with the Commission, within such period after each accounting period of the corporation as the Commission determines, a copy of the accounts in relation to the corporation that are required to be made out in respect of that period under the law of its place of incorporation; and

(iii) include, and separately disclose, in those accounts provision to meet the corporation’s accrued and contingent liability as at the end of that period in respect of claims made under this Act before the end of that period, being provision consistent with a written evaluation of that liability made by an actuary and lodged with the Commission;

(b) a condition that, if both the corporation and Comcare are parties to any proceedings (including proceedings under Part VI) in relation to a matter arising under this Act, the corporation will not cause or permit to be made on its behalf to the court or tribunal concerned any submission that the Commission has requested the corporation not to make;

(c) a condition that the corporation will maintain such funds, and in such form, as the Commission directs for the purpose of enabling the due discharge of the corporation’s liability in respect of claims, or particular classes of claims, under this Act or in respect of so much of that liability as exceeds a specified amount;

(d) a condition that the reconsideration of determinations made by or on behalf of the corporation is to be carried out by employees of the Commonwealth, of a Commonwealth authority or of a Comcare subsidiary;

(e) in the case of a Class B Licence—that the functions of the corporation in carrying out its responsibility under subsection 108M(3), or such of those functions as are stated in the condition, may be performed on behalf of
the corporation by another person (who may be a Comcare subsidiary) named in the condition.

“(5) The Commission must not make a Class B Licence subject to a condition referred to in paragraph (4)(e) that names a person other than a Comcare subsidiary to perform functions on behalf of a corporation unless the Commission is satisfied that the person named in the condition:

(a) will be able to meet the standards set by the Commission for the management of claims for compensation and the rehabilitation of employees; and

(b) will perform the functions concerned in a manner consistent with the requirements of this Act (including any directions given by the Commission) and in conformity with the licence and the other conditions to which the licence is subject.

“(6) If the Commission varies any of the conditions to which a licence is subject:

(a) the Commission must give to the holder of the licence, and cause to be published in the Gazette, a notice setting out the variations; and

(b) it is not necessary for the licence to be amended to include the variations.

“(7) A variation of a condition to which a licence is subject takes effect when the notice referred to in paragraph (6)(a) is published in the Gazette.

Duration of licence

“108J.(1) A licence comes into force:

(a) in the case of a corporation that has not ceased to be a Commonwealth authority—on the date on which the corporation ceases to be such an authority or the date of publication in the Gazette of the notice referred to in paragraph 108K(1)(a), whichever is the later; or

(b) otherwise—on the date of publication in the Gazette of the notice referred to in paragraph 108K(1)(a);

and continues in force for such period as the Commission determines.

“(2) The Commission may extend a licence for such period or periods as the Commission determines.

Grant of licence

“108K.(1) If the Commission decides to grant a licence to an eligible corporation, the Commission must:

(a) cause to be published in the Gazette a notice:
(i) stating that the licence has been granted to the corporation; and
(ii) specifying the period of the licence; and
(iii) setting out any conditions to which the licence is subject under paragraph 108H(1)(e); and
(b) issue the licence to the corporation.

"(2) The licence must:
(a) be in such form as the Commission determines; and
(b) specify the class of licence; and
(c) specify the date of commencement of the licence and the period of the licence; and
(d) set out any conditions to which the licence is subject under paragraph 108H(1)(e).

Effect of grant of Class A Licence

"108L.(1) If an eligible corporation is granted a Class A Licence, the following provisions have effect in respect of employees of the corporation.

"(2) While the licence is in force:
(a) the corporation is liable to pay compensation, or make any other payments, under this Act in respect of any injury (other than an excluded injury) suffered or sustained by an employee of the corporation after the licence comes into force; and
(b) no law of a State or Territory relating to workers compensation applies to the corporation in respect of such an injury.

"(3) The corporation does not have the responsibility for determining claims for compensation or for other payments referred to in paragraph (2)(a) and the determination of such claims is to be the responsibility of a Comcare subsidiary with which the corporation has entered into a contract in relation to the performance by the subsidiary on behalf of the corporation of functions in respect of that responsibility.

"(4) Any proceedings (including proceedings under Part VI) that may be brought in relation to a determination in respect of an injury, loss or damage suffered by, or in respect of the death of, an employee of the corporation are to be brought against the corporation and, in the case of proceedings under Part VI, against the relevant Comcare subsidiary but, if proceedings are so brought:
(a) the corporation must tell Comcare as soon as practicable that the proceedings have been brought; and
(b) Comcare is entitled to become a party to the proceedings.
“(5) Comcare becomes a party to the proceedings by filing a notice in the registry of the court or tribunal concerned stating that it wishes to become a party.

“(6) Comcare must serve a copy of the notice on the corporation and on the other party, or each other party, to the proceedings.

“(7) This section does not affect any liability or obligation of the corporation under a law of a State or Territory in respect of an injury suffered or sustained by an employee of the corporation before the licence came into force.

**Effect of grant of Class B Licence**

“108M.(1) If an eligible corporation is granted a Class B Licence, the following provisions have effect in respect of employees of the corporation.

“(2) While the licence is in force:

(a) the corporation is liable to pay compensation, or make any other payments, under this Act in respect of an injury (other than an excluded injury) suffered or sustained by an employee of the corporation after the licence comes into force; and

(b) no law of a State or Territory relating to workers compensation applies to the corporation in respect of such injury.

“(3) The corporation has the responsibility for determining claims for compensation or for other payments referred to in paragraph (2)(a).

“(4) Any proceedings (including proceedings under Part VI) that may be brought in relation to a determination by the corporation in respect of an injury, loss or damage suffered by, or in respect of the death of, an employee of the corporation are to be brought against the corporation but, if proceedings are so brought:

(a) the corporation must tell Comcare as soon as practicable that the proceedings have been brought; and

(b) Comcare is entitled to become a party to the proceedings.

“(5) Comcare becomes a party to the proceedings by filing a notice in the registry of the court or tribunal concerned stating that it wishes to become a party.

“(6) Comcare must serve a copy of the notice on the corporation and on the other party, or each other party, to the proceedings.

“(7) This section does not affect any liability or obligation of the corporation under a law of a State or Territory in respect of an injury suffered or sustained by an employee of the corporation before the licence came into force.
Functions of licensed corporation

"108N.(1) The functions of a corporation that holds a Class A Licence are:

(a) in discharge of its liability under paragraph 108L(2)(a), to make payments accurately and quickly in accordance with determinations made by the relevant Comcare subsidiary; and

(b) to comply with any conditions to which the licence is subject.

(2) The functions of a corporation that holds a Class B Licence are:

(a) to make determinations accurately and quickly in relation to claims that it is required to determine under this Act; and

(b) in discharge of its liability under paragraph 108M(2)(a), to make payments accurately and quickly in accordance with determinations made in respect of claims for compensation or other payments referred to in that paragraph; and

(c) to maintain contact with the Commission and with Comcare to the extent necessary to ensure that, as far as practicable, there is no inconsistency in the administrative practices and procedures used by Comcare and the corporation in the performance of their respective functions; and

(d) to comply with any conditions to which the licence is subject.

Manner in which claims are to be determined

"108P. In performing a function referred to in subsection 108L(3) or subsection 108M(3), a Comcare subsidiary or a licensed corporation:

(a) is to be guided by equity, good conscience and the substantial merits of the case, without regard to technicalities; and

(b) is not required to conduct a hearing; and

(c) is not bound by the rules of evidence.

Licence fees

"108Q.(1) At the date of commencement of a licence, and at each anniversary of that date while the licence is in force, the licensed corporation is liable to pay a fee in respect of the holding or continued holding of the licence.

(2) The amount of the fee is the amount notified in writing to the corporation by the Commission, being the amount estimated by the Commission to represent:

(a) the costs of the Commission in monitoring during the relevant period the performance by the corporation of its obligations under the licence; and

(b) so much of the costs of Comcare in giving assistance, and making available services and resources, to the Commission
under section 72A during the relevant period as are reasonably attributable to the performance or exercise by the Commission of its functions and powers in relation to the corporation.

"(3) For the purposes of subsection (2), the relevant period is:

(a) in the case of a fee payable at the date of commencement of the licence—the period commencing on that date and ending immediately before the first anniversary of that date; or

(b) in the case of a fee payable at an anniversary of that date—the period commencing on that anniversary and ending immediately before the next anniversary of that date.

“(4) The fee is a debt due to the Commonwealth and payable to Comcare within such period after it is notified to the corporation as the Commission determines.

Directions by Commission

"108R.(1) The Commission may, by written notice given to:

(a) the principal executive officer of the Comcare subsidiary with which a licensed corporation that holds a Class A Licence has entered into a contract as mentioned in subsection 108L(3); or

(b) the principal officer of a licensed corporation that holds a Class B Licence;

give a direction to the Comcare subsidiary or the corporation, as the case may be, with respect to the performance of its functions or the exercise of its powers under this Act, either generally or in respect of a particular matter or a particular class of matters.

“(2) Without limiting the generality of subsection (1), if such a Comcare subsidiary or licensed corporation has failed to comply with a condition to which the licence is subject, the power of the Commission under subsection (1) extends to giving a direction to the Comcare subsidiary or corporation to comply with the condition by doing, or refraining from doing, anything specified in the direction.

“(3) A Comcare subsidiary or licensed corporation, and any person acting on its behalf, must comply with a direction given to the Comcare subsidiary or corporation, as the case may be, under this section.

Corporation holding Class B Licence may arrange for another person to perform certain claims management functions on behalf of the corporation

"108S.(1) Subject to subsection (2), a corporation that is the holder of a Class B Licence may enter into a contract with another person for the performance by that person on behalf of the corporation of the corporation's functions in carrying out its responsibility under subsection 108M(3), or such of those functions as are stated in the condition.
“(2) A contract entered into by the corporation with another person under subsection (1) is subject to this Part and does not come into force unless and until the Commission has made the licence subject to a condition referred to in paragraph 108H(4)(e) that names that person.

5 Revocation of licence for breach of condition

“108T.(1) If it appears to the Commission that a licensed corporation may have failed to comply with a condition to which the licence is subject, the Commission may give written notice to the corporation:

(a) stating that it appears to the Commission that the corporation may have failed to comply with the condition; and

(b) giving particulars of the matters that the Commission considers may constitute such a failure; and

(c) stating that, if the Commission is satisfied that a failure has occurred, it may revoke the licence; and

(d) inviting the corporation, within 30 days after receiving the notice, to make written submissions in relation to the matter.

“(2) At the end of the period referred to in paragraph (1)(d), if the Commission, after considering any submissions made by the licensed corporation, is satisfied that the failure occurred, the Commission may revoke the licence.

“(3) If the Commission decides to revoke a licence under this section, the Commission must:

(a) give written notice to the licensed corporation:

(i) stating that it has revoked the licence under this section; and

(ii) specifying the date of effect of the revocation; and

(iii) setting out the reasons for the revocation; and

(b) cause to be published in the Gazette a notice:

(i) stating that it has revoked the licence under this section; and

(ii) specifying the date of effect of the revocation.

Revocation of licence at request of licensed corporation

“108U.(1) The Commission may, at the request of a licensed corporation, revoke the licence.

“(2) If the Commission so revokes a licence, the Commission must:

(a) give written notice to the licensed corporation:

(i) stating that it has revoked the licence pursuant to the request: and

(ii) specifying the date of effect of the revocation; and

(b) cause to be published in the Gazette a notice:
Date of effect of revocation

"108V. The revocation of a licence takes effect on such date as the Commission determines, being a date not earlier than the date of publication in the Gazette of notice of the revocation.

Effect of revocation of licence

"108W.(1) If a licence granted to a eligible corporation is revoked, the following provisions have effect in respect of employees of the corporation.

"(2) The corporation does not have any liability under this Act in respect of an injury suffered or sustained by an employee on or after the day on which the revocation takes effect.

"(3) Any liability of the corporation under section 108L or 108M in respect of an injury suffered or sustained by an employee before the day on which the revocation takes effect is not affected and proceedings may, subject to subsections (4) to (6), be instituted under this Act in respect of that liability as if the licence had not been revoked.

"(4) Subject to subsections (5) and (6), the making of determinations as to the liability of the corporation under subsection (3) in relation to claims for compensation or for other payments under this Act in respect of employees of the corporation continues to be the responsibility of:

(a) if the licence was a Class A Licence—the relevant Comcare subsidiary; or

(b) if the licence was a Class B licence—the corporation.

"(5) If the licence was a Class A Licence, the Commission may determine that a person other than the relevant Comcare subsidiary is to have the responsibility for making determinations referred to in subsection (4).

"(6) If the licence was a Class B Licence that was subject to a condition referred to in paragraph 108H(4)(e), the Commission may determine that the person named in the condition is no longer to have the responsibility for making determinations referred to in subsection (4) of this section and may determine that the corporation itself or another person named by the Commission is to have that responsibility.

"(7) Any proceedings to which the corporation was a party, being proceedings relating to any matter arising under this Act (including proceedings under Part VI) in respect of an injury suffered or sustained by an employee in respect of which the corporation continues to be
liable that had been brought but not completed before the day on which the revocation takes effect, may be continued on and after that day.

Records

"108X. The Commission must:

(a) keep records of the following:

(i) applications made for licences;
(ii) refusals of such applications;
(iii) licences granted;
(iv) conditions to which licences are subject;
(v) expiration of licences;
(vi) revocation of licences; and
(b) cause particulars of matters of which records are so required to be kept to be included in the annual report of the Commission’s activities for the financial year to which the matters relate that is given to the Minister under section 89S.

Comcare subsidiaries

"108Y.(1) A Comcare subsidiary that has entered into a contract with a corporation:

(a) in relation to the performance by the subsidiary of functions in respect of the subsidiary’s responsibility in relation to the corporation under subsection 108L(3); or
(b) to perform functions on behalf of the corporation in respect of the corporation’s responsibility under subsection 108M(3);

must do such of the following as are relevant to the performance of those functions:

(c) make determinations quickly and accurately in relation to claims made under this Act by or in respect of employees of the corporation;
(d) in the case of such of those employees as are injured—minimise the duration and severity of their injuries by arranging quickly for their rehabilitation;
(e) cooperate with, and provide services to, the corporation or any other relevant persons or organisations for the purpose of reducing the incidence of injury to employees of the corporation and ensuring that determinations are made quickly and accurately in relation to claims made under this Act by or in respect of those employees;
(f) publish information relating to the performance of its functions.

"(2) A contract between a Comcare subsidiary and a corporation mentioned in subsection (1) is to provide for the payment by the corporation to the subsidiary of fees agreed between them for the performance by the subsidiary of functions referred to in the contract.
"(3) The Auditor-General is to be the auditor of each Comcare subsidiary.

"(4) Comcare must, in each report prepared by it under section 63M of the Audit Act 1901 (as that section applies to it by virtue of section 90 of this Act) include a copy of the relevant accounts made up in relation to each Comcare subsidiary under the Corporations Law."

22. After section 114 of the Principal Act the following sections are inserted:

Comcare may write off debt

"104A.(1) Comcare may decide, in writing, to write off a debt due to Comcare.

"(2) A decision made under subsection (1) takes effect:

(a) if no day is set out in the decision—on the day on which the decision is made; or

(b) if a day is set out in the decision—on the day so set out (whether that day is before, on, or after, the day on which the decision is made).

Note: If Comcare writes off a debt, this means an administrative decision has been made that, in the circumstances, there is no point in trying to recover the debt. In law, however, the debt still exists and may later be pursued.

Comcare may waive debt

"104B.(1) Comcare may decide, in writing, to waive its right to recover from a person the whole or a part of a debt due to Comcare.

"(2) In exercising the power under subsection (1), Comcare must act in accordance with directions from time to time in force under subsection (3).

"(3) The Minister may, by written determination given to the Chief Executive Officer:

(a) give a direction to Comcare relating to the exercise of its power under subsection (1); and

(b) revoke or vary a direction so given.

"(4) The Minister is to cause a copy of a determination under subsection (3) to be laid before each House of the Parliament within 15 sitting days of that House after the making of the determination.

"(5) A decision of Comcare under subsection (1) takes effect:

(a) if no day is set out in the decision—on the day on which the decision is made; or

(b) if a day is set out in the decision—on the day so set out.
Commonwealth Employees’ Rehabilitation and Compensation Amendment No. 1, 1992

(whether that day is before, on, or after the day on which the decision is made).

Note: If Comcare waives its rights to recover, this is a permanent bar to recovery of the debt—the debt effectively ceases to exist.”.

23. Section 121 of the Principal Act is repealed and the following sections are substituted:

5 Disallowable instruments

“121. A notice in writing under paragraph (a), (b), (c) or (d) of the definition of ‘Commonwealth authority’ in subsection 4(1), subparagraph 5(2)(c)(i) or (ii), subsection 5(6), paragraph 7(1)(b) or 16(6)(c), subsection 26(3), 30(3), 57(6) or 101(1), section 108C or subsection 119(7) and a determination under subsection 114B(3) are disallowable instruments for the purposes of section 46A of the Acts Interpretation Act 1901.

Confidential commercial information not to be published

“121A. If a provision of this Act requires the publication of any matter relating to a licensed authority or a licensed corporation:

(a) the provision is not taken to require the publication of confidential commercial information; and

(b) it is a sufficient compliance with the requirement to publish a general description of the matter that does not disclose any confidential commercial information.”.

24.(1) Section 137 of the Principal Act is repealed and the following section is substituted:

Redemption on request by former employee

“137.(1) If:

(a) a relevant authority is liable to make weekly payments of compensation to a former employee in respect of an injury resulting in an incapacity; and

(b) the amount of those payments if $62.99 per week or less; and

(c) the relevant authority is satisfied that the degree of the former employee’s incapacity is unlikely to change;

the relevant authority must, on written request by the former employee, make a determination that its liability to make further payments to the former employee be redeemed by the payment to the former employee of a lump sum.

“(2) The amount of the lump sum is the sum of:

(a) the amount worked out using the formula in subsection (3); and

(b) the amount worked out using the formula in subsection (4).
"(3) The formula for the purposes of paragraph (2)(a) is:

\[ 52 \times \text{amount per week} \times \left[ (\text{specified number} + 1)^n - 1 \right] \]

\[ \text{specified number} \times \left[ (\text{specified number} + 1)^n \right]. \]

"(4) The formula for the purposes of paragraph (2)(b) is:

\[ 52 \times \text{reduced amount per week} \times \left[ (\text{specified number} + 1)^f - 1 \right] \]

\[ \text{specified number} \times \left[ (\text{specified number} + 1)^f \right]. \]

"(5) For the purposes of this section:

'amount per week' means the amount of compensation per week payable to the former employee;

'specified number' means the number specified by the Minister for the purposes of subsection 30(2);

'n' means the number worked out using the formula:

\[ \frac{\text{number of days}}{365} \]

where:

'number of days' means the number of days in the period beginning on the day after the day on which the determination is made and ending on the day immediately before the day on which the employee reaches 65 years of age;

'reduced amount per week' means the amount per week less the amount calculated under the formula in section 134;

'f' means the number worked out in using the formula:

\[ \text{expectation of life} - (65 - \text{age}); \]

'expectation of life' means the number of years in the complete expectation of life of the former employee at the date of the determination, as ascertained by reference to the latest Australian Life Tables published by the Australian Statistician;

'age' means the number of completed years in the age of the former employee at the date of the determination."

(2) The amendment made by subsection (1) applies to determinations made after the commencement of this section.

Consequential amendments

25.(1) The Principal Act is amended as set out in Schedule 1.

(2) The Principal Act is amended as set out Schedule 2.
### SCHEDULE 1

#### Subsection 25(1)

**Amendments consequential on the insertion of Part VIIIB in the Principal Act**

<table>
<thead>
<tr>
<th>Provisions amended</th>
<th>Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsection (4)(1) (definition of “disease”)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Paragraph (4)(9)(b)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Sub-subparagraphs (6)(1)(b)(v)(A) and (B)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Subparagraph (6)(1)(b)(v)</td>
<td>After “Commonwealth” (last occurring), insert “or the licensed corporation, as the case may be”.</td>
</tr>
<tr>
<td>Sub-subparagraph (6)(1)(b)(vii)(F)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Subsections 7(1), (2), (3) and (7)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Subsection 8(3) (a)</td>
<td>After “Commonwealth” (first occurring), insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Subsection 8(3) (b)</td>
<td>After “Commonwealth” (last occurring), insert “or the licensed corporation”.</td>
</tr>
<tr>
<td>Subsections 8(4), (6) and (7)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Paragraph (8)(10)(a)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Paragraph (8)(10)(b)</td>
<td>After “Commonwealth” (first occurring), insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Subparagraphs 8(10)(b)(i) and (ii)</td>
<td>After “Commonwealth” (wherever occurring), insert “or the licensed corporation”.</td>
</tr>
<tr>
<td>Subsections 9(1), (2) and (3)</td>
<td>After “by the Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Paragraph 15(1)(a)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Subsection 28(4) (a)</td>
<td>After “licensed authority” (first occurring), insert “, a licensed corporation”.</td>
</tr>
<tr>
<td>Subsection 28(4) (b)</td>
<td>After “licensed authority” (second occurring), insert “, the licensed corporation”.</td>
</tr>
<tr>
<td>Subsection 33(1)</td>
<td>After “Commonwealth”, insert “or a licensed corporation”.</td>
</tr>
<tr>
<td>Provisions amended</td>
<td>Amendments</td>
</tr>
<tr>
<td>--------------------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| Subsection 33(2)   | (a) After “Commonwealth” (first occurring), insert “or a licensed corporation”.  
|                    | (b) After paragraph (b) insert:  
|                    | “(ba) an amount by way of pay in respect of a period of leave of absence, or in lieu of the grant of a period of leave of absence, in the nature of long service leave under a law of a State or Territory or an industrial award, determination, order or agreement;”.  
| Subsection 40(2)   | After paragraph (a), insert the following paragraph:  
|                    | “(aa) in relation to an employee employed by a licensed corporation—that corporation; and”.  
| Section 41A        | (a) After “Commonwealth authority” (first occurring), insert “, a licensed corporation”.  
|                    | (b) Omit “or Commonwealth authority”, substitute “, Commonwealth authority or licensed corporation”.  
| Subsection 44(1)   | After “Commonwealth authority” (first occurring), insert “, a licensed corporation”.  
| Paragraph 44(1)(a) | Omit “or Commonwealth authority”, substitute “, Commonwealth authority or licensed corporation”.  
| Paragraph 45(1)(b) | After “authority”, insert “, a licensed corporation”.  
| Subsection 45(1)   | After “authority” (last occurring), insert “, the licensed corporation”.  
| Paragraph 45(2)(a) | After “authority”, insert “, the licensed corporation”.  
| Paragraph 46(b)    | After “authority”, insert “, a licensed corporation”.  
| Paragraph 47(b)    | After “authority”, insert “, a licensed corporation”.  
| Subsection 50(9)   | After “authority”, insert “, a licensed corporation”.  
| Subsection 51(6)   | After “authority”, insert “, a licensed corporation”.  
| Subsection 52(6)   | (a) Omit “or order” (first occurring), substitute “, order or agreement”.  
|                    | (b) Omit paragraph (b), substitute:  
|                    | “(b) an award or order made, or agreement entered into, under a law of the Commonwealth relating to conciliation and arbitration; or  
|                    | (c) an award, determination or order made, or agreement entered into, under a law of a State or Territory.”.  
| Paragraph 54(4)(b) | After “authority”, insert “or licensed corporation”.  

SCHEDULE 1—continued
### SCHEDULE 1—continued

<table>
<thead>
<tr>
<th>Provisions amended</th>
<th>Amendments</th>
</tr>
</thead>
</table>
| Paragraph 59(1)(b) | Omit the paragraph, substitute:  
(b) on request by the Commonwealth in respect of a claim affecting the Commonwealth or a Commonwealth authority—give to the Commonwealth any document held by the relevant authority that relates to the claim; or  
(c) on request by a licensed corporation in respect of a claim affecting the corporation—give to the corporation any document held by the relevant authority that relates to the claim.”. |
| Subsection 71(1)   | After “Commonwealth authority”, insert “or of a licensed corporation”. |
| Subsection 111(2)  | Before “(3)”, insert (2A).” |
| Section 111        | After subsection (2), insert:  
(2A) Subsection (3) and (4) do not apply in relation to a relevant authority that is:  
(a) a licensed corporation; or  
(b) a Comcare subsidiary, in respect of the performance of functions under a contract with a licensed corporation.”. |
| Subsection 117(2)  | (a) After “Commonwealth” (first occurring), insert “or a licensed corporation”.  
(b) After “Commonwealth” (second and third occurring), insert “or the licensed corporation”. |
| Paragraph 117(3)(a)| After “Commonwealth”, insert “or a licensed corporation”. |
| Paragraph 117(3)(b)| After “Commonwealth” (wherever occurring), insert “or the licensed corporation”. |
| Subsection 117(3)  | After “Commonwealth” (second last and last occurring), insert “or a licensed corporation”. |
| Subsection 117(4)  | (a) After “Commonwealth” (first occurring), insert “or a licensed corporation”.  
(b) After “Commonwealth” (last occurring), insert “or the licensed corporation”.


SCHEDULE 2

Subsection 25(2)

Amendments consequential on insertion of section 21A in the Principal Act

<table>
<thead>
<tr>
<th>Provisions amended</th>
<th>Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsection 19(1)</td>
<td>Insert &quot;21A&quot; after &quot;21&quot;.</td>
</tr>
<tr>
<td>Subsection 22(1)</td>
<td>Omit &quot;or 21&quot; (wherever occurring), substitute &quot;21 or 21A&quot;.</td>
</tr>
<tr>
<td>Subsection 23(1)</td>
<td>Insert &quot;21A&quot; after &quot;21&quot;.</td>
</tr>
<tr>
<td>Subsections 23(2) and (3)</td>
<td>Omit &quot;or 21&quot;, substitute &quot;21 or 21A&quot;.</td>
</tr>
<tr>
<td>Paragraph 30(1(a)</td>
<td>Omit &quot;or 21&quot;, substitute &quot;21 or 21A&quot;.</td>
</tr>
<tr>
<td>Subsection 31(2)</td>
<td>Omit &quot;or 21&quot;, substitute &quot;21 or 21A&quot;.</td>
</tr>
<tr>
<td>Section 32</td>
<td>Omit &quot;or 21&quot;, (wherever occurring), substitute &quot;21 or 21A&quot;.</td>
</tr>
<tr>
<td>Subsection 33(1)</td>
<td>Insert &quot;21A&quot; after &quot;21&quot;.</td>
</tr>
<tr>
<td>Subsection 60(1)</td>
<td>Insert &quot;21A&quot; after &quot;21&quot;.</td>
</tr>
<tr>
<td>(definition of &quot;determination&quot;)</td>
<td></td>
</tr>
</tbody>
</table>

NOTE

1. No. 103, 1981, as amended. For previous amendments, see Nos. 26 and 80, 1982; No. 39, 1983; Nos. 10 and 119, 1986; No. 54, 1987; Nos. 28 and 145, 1988; No. 68, 1990; Nos. 70 and 122, 1991; and Nos. 7 and 95, 1992.