

## Recent changes to the Safety, Rehabilitation and Compensation Act 1988 (Cth)

In the last few weeks, there have been some amendments to the SRC Act discussed briefly below.

If you would like a more in-depth explanation of any of the amendments, please get in touch.

### **Minimum interval between section 57 appointments**

The *Safety, Rehabilitation and Compensation (Specification of Medical Examination Interval) Instrument 2019* (available [here](#)) provides that there must now be a minimum of one month between medical examinations that an employee is required to attend under section 57 of the SRC Act. The interval applies only to examinations by the same legally qualified medical practitioner, nominated by the relevant authority.

The possibility of a restriction on the frequency of medical examinations under section 57 has always been flagged by section 57(6) and, at the time of the SRC Act's inception in 1988 there was a legislative instrument specifying a minimum interval of one month between examinations. That instrument was repealed in 2007, but the effect of it is mirrored by this recent amendment.

Our assessment is that the impact of the amendment is minor, given it only applies to examinations by the same legally qualified medical practitioner.

### **Section 119 now applies to the Motor Accident Injuries Act 2017 (NSW)**

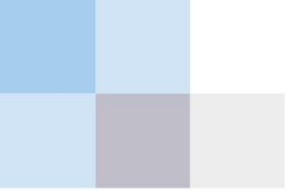
The *Safety, Rehabilitation and Compensation (Specified Laws) Declaration 2017* (available [here](#)) has been amended by the *Safety, Rehabilitation and Compensation (Specified Laws) Amendment Declaration 2019* (available [here](#)).

The amendment applies to section 119 of the SRC Act, which provides for compensation paid under specified pieces of State legislation to be set off against compensation payable under the SRC Act for the same injury, or alternatively, for compensation already paid under the SRC Act to be recovered from a State-based entity.

The amendment adds the *Motor Accident Injuries Act 2017 (NSW)* to the list of specified State laws to which the section applies.

### **Specified diseases under section 7(1)**

Section 7(1) of the SRC Act provides that where an employee suffers a disease of a kind specified by the Minister, and the employee has worked for the Commonwealth or a licensee, the employment will be taken to have significantly contributed to the contraction of the disease, unless the contrary is established. Essentially, the section reverses the onus of proof for particular diseases.



The *Safety, Rehabilitation and Compensation (Specified Diseases and Employment) Instrument 2017* (available [here](#)) has been amended by the [Safety, Rehabilitation and Compensation \(Specified Diseases and Employment\) Amendment Instrument 2019](#) (available [here](#)). The amendments are very minor – the substitution of the word “pressure” instead of “friction” in the employment requirements for bursitis, and a small change to the name of a plant based irritant which can induce occupational asthma.

### **“Specified number” in section 30(2) redemption calculation remains the same**

The *Safety, Rehabilitation and Compensation (Specified Number for Redemption of Compensation) Instrument 2019* prescribes that the “specified number” defined in section 30(3) of the SRC Act and used in the formula for calculating a lump sum redemption is 0.03.

The specified number has not changed – only the legislative instrument declaring it has.

### **Additions to deemed employees under section 5(6)**

Section 5(6) allows the Minister to specify persons as being employees for the purposes of the SRC Act.

The *Safety, Rehabilitation and Compensation (Specified Persons and Acts) Declaration 2019* (available [here](#)) declares that volunteers at the Australian War Memorial and the Great Barrier Reef Marine Park Authority are deemed employees.

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