

2004-2005-2006

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Safety, Rehabilitation and Compensation
and Other Legislation Amendment Bill
2006**

No. , 2006

(Employment and Workplace Relations)

**A Bill for an Act to amend legislation relating to
safety, rehabilitation and compensation, and for
related purposes**

Contents

1	Short title	1
2	Commencement	1
3	Schedule(s)	2
Schedule 1—Main amendments		4
Part 1—Amendments		4
<i>Military Rehabilitation and Compensation Act 2004</i>		4
<i>Safety, Rehabilitation and Compensation Act 1988</i>		4
Part 2—Application, saving and transitional provisions		16
Schedule 2—Technical amendments relating to legislative instruments		18
<i>Safety, Rehabilitation and Compensation Act 1988</i>		18

1 **A Bill for an Act to amend legislation relating to**
2 **safety, rehabilitation and compensation, and for**
3 **related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Safety, Rehabilitation and*
7 *Compensation and Other Legislation Amendment Act 2006.*

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.

13

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1, items 1 to 21	The day after this Act receives the Royal Assent.	
3. Schedule 1, item 22	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	
4. Schedule 1, item 23	The day after this Act receives the Royal Assent.	
5. Schedule 1, item 24	At the same time as the provision(s) covered by table item 3.	
6. Schedule 1, item 25	The day after this Act receives the Royal Assent.	
7. Schedule 1, items 26 and 27	At the same time as the provision(s) covered by table item 3.	
8. Schedule 1, items 28 to 48	The day after this Act receives the Royal Assent.	
9. Schedule 2	The day after this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by both Houses of the Parliament and assented to. It will not be
3 expanded to deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule

1
2

concerned, and any other item in a Schedule to this Act has effect according to its terms.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Schedule 1—Main amendments

Part 1—Amendments

Military Rehabilitation and Compensation Act 2004

1 Subsection 267(1)

Omit “exceed \$4,600”, substitute “exceed the amount determined in accordance with subsection (3)”.

2 Subsection 267(1) (note)

Repeal the note.

3 At the end of section 267

Add:

(3) The maximum amount of compensation under subsection (1) is:

(a) \$9,000; or

(b) if the regulations prescribe a higher amount—that amount.

Note: The amount of \$9,000 is indexed under section 404.

4 Paragraph 404(1)(m)

Repeal the paragraph, substitute:

(m) paragraph 267(3)(a).

Safety, Rehabilitation and Compensation Act 1988

5 Subsection 4(1) (definition of *disease*)

Repeal the definition, substitute:

disease has the meaning given by section 5B.

6 Subsection 4(1) (definition of *injury*)

Repeal the definition, substitute:

injury has the meaning given by section 5A.

7 Subsection 4(1)

1 but does not include a disease, injury or aggravation suffered as a
2 result of reasonable administrative action taken in a reasonable
3 manner in respect of the employee's employment.

- 4 (2) For the purposes of subsection (1) and without limiting that
5 subsection, *reasonable administrative action* is taken to include
6 the following:
- 7 (a) a reasonable appraisal of the employee's performance;
 - 8 (b) a reasonable counselling action (whether formal or informal)
9 taken in respect of the employee's employment;
 - 10 (c) a reasonable suspension action in respect of the employee's
11 employment;
 - 12 (d) a reasonable disciplinary action (whether formal or informal)
13 taken in respect of the employee's employment;
 - 14 (e) anything reasonable done in connection with an action
15 mentioned in paragraph (a), (b), (c) or (d);
 - 16 (f) anything reasonable done in connection with the employee's
17 failure to obtain a promotion, reclassification, transfer or
18 benefit, or to retain a benefit, in connection with his or her
19 employment.

20 **5B Definition of *disease***

- 21 (1) In this Act:

22 *disease* means:

- 23 (a) an ailment suffered by an employee; or
- 24 (b) an aggravation of such an ailment;

25 that was contributed to, to a significant degree, by the employee's
26 employment by the Commonwealth or a licensee.

- 27 (2) In determining whether an ailment or aggravation was contributed
28 to, to a significant degree, by an employee's employment by the
29 Commonwealth or a licensee, the following matters may be taken
30 into account:
- 31 (a) the duration of the employment;
 - 32 (b) the nature of, and particular tasks involved in, the
33 employment;
 - 34 (c) any predisposition of the employee to the ailment or
35 aggravation;
 - 36 (d) any activities of the employee not related to the employment;

1 (e) any other matters affecting the employee's health.
2 This subsection does not limit the matters that may be taken into
3 account.

4 (3) In this Act:

5 *significant degree* means a degree that is substantially more than
6 material.

7 **12 Paragraph 6(1)(b)**

8 Repeal the paragraph, substitute:

- 9 (b) while the employee was at the employee's place of work,
10 including during an ordinary recess, for the purposes of that
11 employment; or
12 (c) while the employee was temporarily absent from the
13 employee's place of work undertaking an activity:
14 (i) associated with the employee's employment; or
15 (ii) at the direction or request of the Commonwealth or a
16 licensee; or
17 (d) while the employee was, at the direction or request of the
18 Commonwealth or a licensee, travelling for the purpose of
19 that employment; or
20 (e) while the employee was at a place of education, except while
21 on leave without pay, in accordance with:
22 (i) a condition of the employee's employment by the
23 Commonwealth or a licensee; or
24 (ii) a request or direction of the Commonwealth or a
25 licensee; or
26 (iii) the approval of the Commonwealth or a licensee; or
27 (f) while the employee was at a place for the purpose of:
28 (i) obtaining a medical certificate for the purposes of this
29 Act; or
30 (ii) receiving medical treatment for an injury; or
31 (iii) undergoing a rehabilitation program provided under this
32 Act; or
33 (iv) receiving a payment of compensation under this Act; or
34 (v) undergoing a medical examination or rehabilitation
35 assessment in accordance with a requirement made
36 under this Act; or

- 1 (vi) receiving money due to the employee under the terms of
2 his or her employment, being money that, under the
3 terms of that employment or any agreement or
4 arrangement between the employee and the
5 Commonwealth or a licensee, is available, or reasonably
6 expected by the employee to be available, for collection
7 at that place.

8 **13 Subsection 6(2)**

9 Repeal the subsection, substitute:

10 (1C) For the purposes of paragraph (1)(d), travel between the
11 employee's residence and the employee's usual place of work is
12 taken not to be at the direction or request of the Commonwealth or
13 a licensee.

14 (2) In paragraph (1)(d), the reference to the employee travelling does
15 not include a reference to travelling to or from a place mentioned
16 in paragraph (1)(e) or (f).

17 **14 Subsections 7(1), (2) and (3)**

18 Omit "in a material degree", substitute " , to a significant degree,".

19 **15 After subsection 8(9D)**

20 Insert:

21 (9E) The normal weekly earnings of an employee before an injury, as
22 calculated under the preceding subsections, must, with effect from
23 1 July in each year, be further increased by the amount under
24 subsection (9F) if, in the 12 months immediately preceding that
25 1 July:

- 26 (a) there was no increase in those earnings under subsection (6),
27 (7) or (9); and
28 (b) there was no reduction in those earnings under
29 subsection (9).

30 (9F) If the normal weekly earnings of an employee before an injury
31 must be increased because of subsection (9E), the amount by which
32 they are increased is the percentage of increase (if any) in the index
33 prescribed by the regulations for the purposes of this subsection
34 over the period of 12 months ending on the 31 December
35 immediately before the relevant 1 July.

1 (9G) For the purposes of subsection (9F), the regulations may specify
2 the manner of calculating the further increase mentioned in that
3 subsection by reference to the movement of the index that is
4 prescribed for the purposes of that subsection.

5 **16 Subsection 13(1) (definition of *relevant amount*)**

6 Omit “18(2),”, substitute “paragraph 18(4)(a), subsection”.

7 **17 Paragraph 16(4)(a)**

8 Repeal the paragraph, substitute:

- 9 (a) if the employee has paid the cost of the medical treatment—
10 to, or in accordance with the directions of, the employee; or

11 **18 Paragraph 16(4)(c)**

12 Repeal the paragraph, substitute:

- 13 (c) in any other case—to the person to whom the cost is payable.

14 **19 Subsection 18(2)**

15 Omit “such amount, not exceeding \$3,500, as”, substitute “the amount,
16 not exceeding the amount determined in accordance with subsection (4),
17 that”.

18 **20 At the end of section 18**

19 Add:

- 20 (4) The maximum amount of compensation under subsection (2) is:
21 (a) \$9,000; or
22 (b) if the regulations prescribe a higher amount—that amount.

23 Note: The amount of \$9,000 is indexed under section 13.

24 **21 Subsection 20(1)**

25 Repeal the subsection, substitute:

- 26 (1) Compensation payable to an employee who is incapacitated for
27 work as a result of an injury is determined in accordance with this
28 section if:
29 (a) the employee is retired from his or her employment (whether
30 the employee retired voluntarily or was compulsorily retired);
31 and

- 1 (b) the employee receives a pension under a superannuation
2 scheme as a result of the employee's retirement.

3 **22 Subsection 20(3)**

4 Repeal the subsection, substitute:

- 5 (3) The amount of compensation is the amount worked out using this
6 formula:

7
$$\text{Amount of compensation} - \left(\text{Superannuation amount} + \text{5\% of the employee's normal weekly earnings} \right)$$

8 where:

9 ***amount of compensation*** means the amount of compensation that
10 would have been payable to the employee for a week if:

- 11 (a) section 19, other than subsection 19(6), had applied to the
12 employee; and
13 (b) in the case of an employee who was not a member of the
14 Defence Force immediately before retirement—the week
15 were a week referred to in subsection 19(3).

- 16 (4) In using the formula in subsection (3) to calculate an amount of
17 compensation for an employee who retired before the day on which
18 item 22 of Schedule 1 to the *Safety, Rehabilitation and*
19 *Compensation and Other Legislation Amendment Act 2006*
20 commenced, use “SC” instead of “5% of the employee's normal
21 weekly earnings”. For this purpose:

22 **SC** means the amount of superannuation contributions that the
23 employee would have been required to pay in that week if he or she
24 were still contributing to the superannuation scheme.

25 **23 Subsection 21(1)**

26 Repeal the subsection, substitute:

- 27 (1) Compensation payable to an employee who is incapacitated for
28 work as a result of an injury is determined in accordance with this
29 section if:
30 (a) the employee is retired from his or her employment (whether
31 the employee retired voluntarily or was compulsorily retired);
32 and

1 (b) the employee receives a lump sum benefit under a
2 superannuation scheme as a result of the employee's
3 retirement.

4 **24 Subsection 21(3)**

5 Repeal the subsection, substitute:

6 (3) The amount of compensation is the amount worked out using this
7 formula:

8
$$\text{Amount of compensation} = \left(\begin{array}{l} \text{Weekly interest} \\ \text{on the lump sum} \end{array} + \begin{array}{l} 5\% \text{ of the} \\ \text{employee's normal} \\ \text{weekly earnings} \end{array} \right)$$

9 where:

10 ***amount of compensation*** means the amount of compensation that
11 would have been payable to the employee for a week if:

- 12 (a) section 19, other than subsection 19(6), had applied to the
13 employee; and
14 (b) in the case of an employee who was not a member of the
15 Defence Force immediately before retirement—the week
16 were a week referred to in subsection 19(3).

17 ***weekly interest on the lump sum*** means the amount worked out
18 by:

- 19 (a) multiplying the superannuation amount in relation to the
20 lump sum benefit received by the employee by the rate
21 specified in an instrument made under subsection (5); and
22 (b) dividing the result of paragraph (a) by 52.

23 (4) In using the formula in subsection (3) to calculate an amount of
24 compensation for an employee who retired before the day on which
25 item 22 of Schedule 1 to the *Safety, Rehabilitation and*
26 *Compensation and Other Legislation Amendment Act 2006*
27 commenced, use “SC” instead of “5% of the employee’s normal
28 weekly earnings”. For this purpose:

29 **SC** means the amount of superannuation contributions that the
30 employee would have been required to pay in that week if he or she
31 were still contributing to the superannuation scheme.

1 (5) For the purposes of the definition of *weekly interest on the lump*
2 *sum* in subsection (3) of this section and subsection 21A(3), the
3 Minister may, by legislative instrument, specify a rate that applies
4 for the period of 12 months commencing on 1 July in any year.

5 **25 Subsection 21A(1)**

6 Repeal the subsection, substitute:

7 (1) Compensation payable to an employee who is incapacitated for
8 work as a result of an injury is determined in accordance with this
9 section if:

- 10 (a) the employee is retired from his or her employment (whether
11 the employee retired voluntarily or was compulsorily retired);
12 and
13 (b) the employee receives:
14 (i) a pension; and
15 (ii) a lump sum benefit;
16 under a superannuation scheme as a result of the employee's
17 retirement.

18 **26 Subsection 21A(3)**

19 Repeal the subsection, substitute:

20 (3) The amount of compensation is the amount worked out using this
21 formula:

22
$$\text{Amount of compensation} - \left(\begin{array}{l} \text{Superannuation} \\ \text{amount in relation} \\ \text{to the pension} \end{array} + \begin{array}{l} \text{Weekly} \\ \text{interest on the} \\ \text{lump sum} \end{array} + \begin{array}{l} \text{5\% of the} \\ \text{employee's normal} \\ \text{weekly earnings} \end{array} \right)$$

23
24 where:

25 *amount of compensation* means the amount of compensation that
26 would have been payable to the employee for the relevant week if:

- 27 (a) section 19, other than subsection 19(6), had applied to the
28 employee; and
29 (b) in the case of an employee who was not a member of the
30 Defence Force immediately before retirement—the relevant
31 week were a week referred to in subsection 19(3).

1 *superannuation amount in relation to the pension* means the
2 superannuation amount in relation to the pension received by the
3 employee in respect of the relevant week.

4 *weekly interest on the lump sum* means the amount worked out
5 by:

- 6 (a) multiplying the superannuation amount in relation to the
7 lump sum benefit received by the employee by the rate
8 specified in an instrument made under subsection 21(5); and
9 (b) dividing the result of paragraph (a) by 52.

10 **27 Subsection 21A(4)**

11 Repeal the subsection, substitute:

- 12 (4) In using the formula in subsection (3) to calculate an amount of
13 compensation for an employee who retired before the day on which
14 item 22 of Schedule 1 to the *Safety, Rehabilitation and*
15 *Compensation and Other Legislation Amendment Act 2006*
16 commenced, use “SC” instead of “5% of the employee’s normal
17 weekly earnings”. For this purpose:

18 SC means the amount of superannuation contributions that the
19 employee would have been required to pay in that week if he or she
20 were still contributing to the superannuation scheme.

21 **28 Subsection 28(4)**

22 Omit “the licensed authority, the licensed corporation”, substitute “the
23 licensee”.

24 **29 Subsections 37(1) and (2)**

25 Repeal the subsections, substitute:

- 26 (1) A rehabilitation authority may make a determination that an
27 employee who has suffered an injury resulting in an incapacity for
28 work or an impairment should undertake a rehabilitation program.
- 29 (2) If a rehabilitation authority makes a determination under
30 subsection (1), the authority may:
- 31 (a) provide a rehabilitation program for the employee itself; or
32 (b) make arrangements with an approved program provider for
33 that provider to provide a rehabilitation program for the
34 employee.

1 **108H Delegation by licensed authority**

2 A licensed authority may, by writing signed by its principal officer,
3 delegate to an officer of, or a person employed by:

4 (a) that authority; or

5 (b) the Commonwealth; or

6 (c) any other Commonwealth authority;

7 all or any of the powers and functions of the licensed authority
8 under this Act.

9 **38 Section 121A**

10 Omit “licensed authority or a licensed corporation”, substitute
11 “licensee”.

12 **39 Section 122**

13 Repeal the section, substitute:

14 **122 Regulations**

15 The Governor-General may make regulations prescribing matters:

16 (a) required or permitted by this Act to be prescribed; or

17 (b) necessary or convenient to be prescribed for carrying out or
18 giving effect to this Act.

1

2

Part 2—Application, saving and transitional provisions

3

4

40 Maximum amount of funeral benefit under section 267

5

Section 267 of the *Military Rehabilitation and Compensation Act 2004*, as amended by this Schedule, applies to an amount of compensation in relation to a person who dies on or after the day after this Act receives the Royal Assent.

6

7

8

9

41 Application of amendment of the definition of *disease* (section 5B)

10

11

(1) The definition of *disease* in the *Safety, Rehabilitation and Compensation Act 1988*, as amended by this Schedule, applies in relation to:

12

13

14

(a) an ailment suffered by an employee; or

15

(b) an aggravation of such an ailment;

16

that the employee suffers on or after the day after this Act receives the Royal Assent.

17

18

(2) For the purposes of subitem (1), an employee *suffers* an ailment or aggravation on the day determined under subsection 7(4) of the *Safety, Rehabilitation and Compensation Act 1988*.

19

20

21

42 Application of amendment of the definition of *injury* (section 5A)

22

23

The definition of *injury* in the *Safety, Rehabilitation and Compensation Act 1988*, as amended by this Schedule, applies in relation to a disease, injury or aggravation that an employee sustains on or after the day after this Act receives the Royal Assent.

24

25

26

27

43 Application of amendment of definition of *suitable employment*

28

29

The definition of *suitable employment* in the *Safety, Rehabilitation and Compensation Act 1988*, as amended by this Schedule, applies to an amount of compensation worked out in relation to a period of incapacity that begins on or after the day after this Act receives the Royal Assent.

30

31

32

1 **44 Application of amendments relating to when an injury**
2 **arises out of or in the course of employment (section 6)**

3 Section 6 of the *Safety, Rehabilitation and Compensation Act 1988*, as
4 amended by this Schedule, applies in relation to an injury sustained on
5 or after the day after this Act receives the Royal Assent.

6 **45 Maximum amount of funeral benefit under section 18**

7 Section 18 of the *Safety, Rehabilitation and Compensation Act 1988*, as
8 amended by this Schedule, applies to an amount of compensation in
9 relation to a person who dies on or after the day after this Act receives
10 the Royal Assent.

11 **46 Application of amendments of sections 20, 21 and 21A**

12 (1) Subsections 20(1), 21(1) and 21A(1) of the *Safety, Rehabilitation and*
13 *Compensation Act 1988*, as amended by this Schedule, apply in relation
14 to an employee who retires on or after the day after this Act receives the
15 Royal Assent.

16 (2) The amendments of sections 20, 21 and 21A of the *Safety,*
17 *Rehabilitation and Compensation Act 1988* by this Schedule that are not
18 covered by subitem (1) apply in relation to any working out of an
19 amount of compensation for a week starting on or after the day on
20 which the amendments of those subsections commence.

21 **47 Transitional provision for specifying a rate under**
22 **subsection 21(5)**

23 The Minister may specify, in an instrument made under subsection
24 21(5) of the *Safety, Rehabilitation and Compensation Act 1988*, a rate
25 that applies for the period starting on the day after this Act receives the
26 Royal Assent and ending on the next 30 June.

27 **48 Saving provision for regulations in force under**
28 **section 122**

29 Regulations made under section 122 of the *Safety, Rehabilitation and*
30 *Compensation Act 1988* that were in force immediately before the day
31 after this Act received the Royal Assent continue in force on and after
32 that day as if they had been made under section 122 of that Act as
33 amended by this Schedule.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Schedule 2—Technical amendments relating to legislative instruments

Safety, Rehabilitation and Compensation Act 1988

1 Subsection 4(1) (paragraph (a) of the definition of *Commonwealth authority*)

Omit “notice in writing”, substitute “legislative instrument”.

2 Subsection 4(1) (at the end of paragraph (a) of the definition of *Commonwealth authority*)

Add “or”.

3 Subsection 4(1) (paragraph (b) of the definition of *Commonwealth authority*)

Omit “notice in writing”, substitute “legislative instrument”.

4 Subsection 4(1) (at the end of paragraph (b) of the definition of *Commonwealth authority*)

Add “or”.

5 Subsection 4(1) (subparagraph (c)(iii) of the definition of *Commonwealth authority*)

Omit “notice in writing”, substitute “legislative instrument”.

6 Subsection 4(1) (subparagraph (d)(ii) of the definition of *Commonwealth authority*)

Omit “notice in writing”, substitute “legislative instrument”.

7 Subparagraphs 5(2)(c)(i) and (ii)

Omit “notice in writing”, substitute “legislative instrument”.

8 Subsection 5(6)

Omit “notice in writing”, substitute “legislative instrument (the *notice*)”.

9 Subsection 5(6A)

1 Omit “notice in writing”, substitute “legislative instrument (the
2 *notice*)”.

3 **10 Subsection 5(12)**

4 Omit “make a written declaration”, substitute “, by legislative
5 instrument, declare”.

6 **11 After subsection 5(13)**

7 Insert:

8 (13A) A declaration under subsection (13) is not a legislative instrument.

9 **12 At the end of section 5**

10 Add:

11 (16) A declaration under subsection (15) is not a legislative instrument.

12 **13 Paragraph 7(1)(b)**

13 Omit “by notice in writing”, substitute “, by legislative instrument,”.

14 **14 Paragraph 7(1)(b)**

15 Omit “the notice”, substitute “the instrument”.

16 **15 Paragraph 16(6)(c) (definition of *specified rate per*
17 *kilometre*)**

18 Omit “by notice”, substitute “, by legislative instrument,”.

19 **16 Subsection 26(3)**

20 Omit “notice in writing”, substitute “legislative instrument”.

21 **17 Subsection 28(3)**

22 Repeal the subsection, substitute:

23 (3) A Guide prepared under subsection (1), and a variation or
24 revocation under subsection (2) of such a Guide, must be approved
25 by the Minister.

26 **18 After subsection 28(3)**

27 Insert:

1 (3A) A Guide prepared under subsection (1), and a variation or
2 revocation under subsection (2) of such a Guide, is a legislative
3 instrument made by the Minister on the day on which the Guide, or
4 variation or revocation, is approved by the Minister.

5 **19 Subsections 28(7), (9) and (10)**

6 Repeal the subsections.

7 **20 Subsection 30(4)**

8 Omit “notice in writing”, substitute “legislative instrument”.

9 **21 Subsection 34D(1)**

10 Omit “instrument in writing”, substitute “legislative instrument”.

11 **22 Subsection 34D(3)**

12 Repeal the subsection.

13 **23 Subsection 34E(1)**

14 Omit “instrument in writing”, substitute “legislative instrument”.

15 **24 Subsection 34E(3)**

16 Repeal the subsection.

17 **25 Subsection 34S(1)**

18 Omit “(1)”.

19 **26 Subsection 34S(1)**

20 Omit “instrument in writing”, substitute “legislative instrument”.

21 **27 Subsection 34S(2)**

22 Repeal the subsection.

23 **28 Subsection 57(6)**

24 Omit “notice in writing”, substitute “legislative instrument”.

25 **29 Section 97P**

26 Omit “notice in the *Gazette*”, substitute “legislative instrument”.

27 **30 Section 100**

1 Omit “notice in writing”, substitute “legislative instrument”.

2 **31 At the end of subsection 101(1)**

3 Add:

4 Note: Criteria for the grant of a licence may address issues relating not only
5 to the licence applied for but also to other licences that have been
6 granted or that are being sought.

7 **32 Subsection 101(2)**

8 Repeal the subsection (including the note), substitute:

9 (2) Directions given by the Minister to the Commission under
10 section 89D concerning licences are legislative instruments to
11 which section 42 of the *Legislative Instruments Act 2003* applies.

12 **33 Subsection 114D(3)**

13 Omit “written determination given to the Chief Executive Officer”,
14 substitute “legislative instrument”.

15 **34 Subsection 114D(4)**

16 Repeal the subsection, substitute:

17 (4) Section 42 of the *Legislative Instruments Act 2003* does not apply
18 to a direction given by the Minister under subsection (3).

19 **35 Subsection 119(7) (definition of *specified law*)**

20 Omit “notice in writing”, substitute “legislative instrument”.

21 **36 Section 121**

22 Repeal the section.

23 **37 Subsection 150(1)**

24 Omit “prepare and issue to the Chair of the MRCC written”, substitute
25 “, by legislative instrument, make”.

26 **38 Subsection 150(2)**

27 Omit “issue”, substitute “make”.

28 **39 Subsection 150(4)**

29 Omit “issued and in force”, substitute “made under”.

1 **40 Subsection 150(5)**

2 Repeal the subsection.