



Safety, Rehabilitation and Compensation Directions 2002

I, TONY ABBOTT, Minister for Employment and Workplace Relations, give these Directions to the Safety, Rehabilitation and Compensation Commission under sections 89D and 101 of the *Safety, Rehabilitation and Compensation Act 1988*.

Dated 2002

Minister for Employment and Workplace Relations

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Part 1 Preliminary

1 Name of Directions

These Directions are the *Safety, Rehabilitation and Compensation Directions 2002*.

2 Commencement

These Directions commence on 1 April 2002.

3 Definition

In these Directions:

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

Part 2 Criteria and procedures — grant of licences

4 Matters to be considered in deciding whether to grant a licence — Commonwealth authorities

For the Commission to be satisfied, under subsection 104 (1) of the Act, that it is appropriate to grant an applicant that is a Commonwealth authority the licence sought, the Commission must be satisfied that claims will be managed by employees of:

- (a) the applicant; or
- (b) Comcare; or
- (c) a Comcare subsidiary; or
- (d) another Commonwealth authority.

5 Matters to be considered in deciding whether to grant a licence — eligible corporations

For the Commission to be satisfied, under subsection 104 (1) of the Act, that it is appropriate to grant an applicant that is an eligible corporation the licence sought, the Commission must be satisfied, on reasonable grounds, that satisfactory arrangements have been made to ensure that payments that would be required to be made under the Act to, or in respect of, the applicant's employees will continue to be paid if the corporation is wound up.

6 Licence contents

If the Commission grants a licence, the licence must:

- (a) state the period for which the licence is granted; and
- (b) set out the scope of the licence; and
- (c) set out any conditions to which the grant of the licence is subject.

Part 3 Scope and conditions of licences

Division 3.1 Licences granted to Commonwealth authorities

7 Application

This Division applies if the Commission grants a licence to a Commonwealth authority.

8 Liability

- (1) This section applies if the Commission determines that the licensee will be authorised to accept liability to pay compensation and other amounts under the Act for a particular injury, loss or damage suffered by, or for the death of, some or all of its employees under the Act.
- (2) If, immediately before 1 April 2002, the licensee held a Class 3 licence under Part VIIIA of the Act or a Class A or B licence under Part VIIIB of the Act (the *previous licence*), the Commission may authorise the licensee to accept liability to pay compensation and other amounts under the Act for a particular injury, loss or damage suffered by, or for the death of, some or all of its employees for claims for an injury, loss, damage or death:
 - (a) that occurred during the period for which the previous licence was in force; or
 - (b) that occurs during the period specified in the licence.
- (3) If subsection (2) does not apply, the Commission may authorise the licensee to accept liability to pay compensation and other amounts under the Act for a particular injury, loss or damage suffered by, or for the death of, some or all of its employees only for claims for an injury, loss, damage or death that occurs during the period specified in the licence.

9 Claims management

If the Commission determines that the licensee, or a specified person acting on the licensee's behalf, will be authorised to manage some or all of the claims made by employees of the licensee under the Act, the Commission may authorise only the following persons to manage claims on behalf of the licensee:

- (a) Comcare;
- (b) a Comcare subsidiary;
- (c) employees of Comcare or of a Comcare subsidiary;
- (d) another Commonwealth authority;
- (e) employees of another Commonwealth authority.

Section T10T

10 Conditions

The licence must include a condition that the licensee must, if requested in writing by the Commission to do so, give to the Commission the information relating to the licensee's operations under the Act that is specified in the request.

Division 3.2 Licences granted to eligible corporations

11 Application

This Division applies if the Commission grants a licence to an eligible corporation.

12 Conditions

- (1) The licence may include the following conditions:
 - (a) if requested in writing by the Commission to do so, the licensee must give to the Commission the information relating to the licensee's operations under the Act that is specified in the request;
 - (b) the licensee must lodge with the Commission, within 120 days after the end of each accounting period (or, if the Commission allows a longer period, within that period), a copy of the accounts required under the law of the place of the licensee's incorporation for the accounting period;
 - (c) the licensee must include and identify in the accounts mentioned in paragraph (b) provision for meeting the licensee's accrued and contingent liability as at the end of the accounting period for claims made under the Act in the accounting period.
- (2) If the licence includes the condition mentioned in paragraph (1) (c), the licence must also include a condition that:
 - (a) the provision mentioned in that paragraph must be consistent with a written evaluation, by an actuary, of the licensee's accrued and contingent liability for the accounting period; and
 - (b) the evaluation mentioned in paragraph (a) must be lodged with the Commission.

Division 3.3 General

13 Application

This Division applies if the Commission grants a licence to an eligible corporation or a Commonwealth authority.

14 Conditions — claims management

If a licence authorises the licensee, or a specified person acting on the licensee's behalf, to manage some or all of the claims made by employees of the licensee under the Act, the licence must include a condition that the licensee or specified person, in managing claims:

- (a) must 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.

Section T17T

- (4) If the Commission is satisfied, on reasonable grounds, that the licensee has breached the condition, the Commission may, under section 106 of the Act:
- (a) if the licensee is a Commonwealth authority — suspend or revoke the licence; or
 - (b) if the licensee is an eligible corporation — revoke the licence.

17 Procedure — revocation of licence under section 107 of the Act

If the Commission decides to revoke a licence under section 107 of the Act, the Commission must give the licensee written notice, stating:

- (a) that the Commission has revoked the licence under section 107 of the Act; and
- (b) the date of effect of the revocation.

Part 5 Notices

18 Grant of licence

If the Commission grants a licence, the Commission must publish a notice in the *Gazette*, stating:

- (a) that the licence has been granted; and
- (b) the period for which the licence is granted; and
- (c) the scope of the licence; and
- (d) any conditions to which the grant of the licence is subject.

19 Variation of scope of licence or extension of term of licence

If, under subsection 105 (1) of the Act, the Commission varies the scope of a licence or extends the term of a licence, the Commission must publish a notice in the *Gazette* setting out the variation made to the scope of the licence or the extension of the term of the licence.

20 Variation of conditions

If, under subsection 108D (2) of the Act, the Commission varies a condition to which the grant of a licence is subject, the Commission must publish a notice in the *Gazette* setting out the variation made to the condition.

21 Revocation or suspension of licence under section 106 of the Act

If the Commission revokes or suspends a licence under section 106 of the Act, the Commission must publish a notice in the *Gazette*:

- (a) stating that the licence has been suspended or revoked under section 106 of the Act; and
- (b) stating the date of effect of the suspension or revocation; and
- (c) for a notice relating to a suspension — state the period of suspension.

22 Revocation of licence under section 107 of the Act

If the Commission revokes a licence under section 107 of the Act, the Commission must publish a notice in the *Gazette*:

- (a) stating that the licence has been revoked under section 107 of the Act; and
- (b) stating the date of effect of the revocation.

Part 6 Recordkeeping and reporting

23 Commission must keep records

The Commission must keep records of the following:

- (a) applications for licences;
- (b) refusals to grant licences;
- (c) grants of licences, including the scope of the licences and the conditions to which the licences are subject;
- (d) expiry of licences;
- (e) suspension of licences;
- (f) revocation of licences.

24 Reporting

The Commission must include details of the records mentioned in section 23 for a financial year in the Commission's annual report for that financial year under section 89S of the Act.