

COMCARE

STATEMENT OF EXPECTATIONS – 2024

Ministerial Statements of Expectations provide greater clarity about government policies and objectives relevant to the regulator in carrying out its statutory objectives. As the Australian Government Minister responsible for Employment and Workplace Relations, my responsibilities include *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) and the *Work Health and Safety Act 2011* (WHS Act). This statement sets out my expectations of Comcare.

Overview

Comcare is a statutory authority that has regulatory functions and responsibilities under the SRC Act and the WHS Act. Comcare also has non-regulatory responsibilities under the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*, *Parliamentary Injury Compensation Scheme Instrument 2016* and the *Seafarers Rehabilitation and Compensation Act 1992*.

Comcare's purpose is to promote and enable safe and healthy work. Comcare is the Commonwealth work health and safety regulator, a workers' compensation scheme administrator and an insurer and claims manager. It works with employees and employers to minimise the incidence and impact of harm in the workplace, improve recovery and return to work outcomes, and support engagement and better practice approaches to health and safety across the Comcare scheme.

Comcare has a range of functions under the SRC Act, including to:

- advise the Minister of matters relating to Comcare's functions and powers;
- make timely and accurate determinations of workers' compensation claims;
- co-operate with other bodies or persons with the aim of reducing the incidence of injury to employees;
- conduct and promote research into the rehabilitation of employees and the incidence and prevention of injury to employees;
- promote the adoption in Australia and elsewhere of effective strategies and procedures for the rehabilitation of injured workers;
- prepare and issue guidelines to rehabilitation authorities in relation to the performance or exercise by those authorities of their functions and powers under Part III and ensure compliance with such guidelines;
- maintain contact with rehabilitation authorities to the extent necessary to ensure compliance with guidelines issued under the SRC Act;
- determine the amounts of premiums and regulatory contributions payable by entities and Commonwealth authorities to meet the cost of workers' compensation liabilities and maintain the financial viability of the workers' compensation scheme;
- determine and apply exit contributions paid under the Comcare scheme by body corporates and by Commonwealth authorities and collect such contributions; and
- apply the premiums received to meet the cost of compensation liabilities in respect of injuries suffered, damages or costs awarded, claims for non-economic loss and Comcare's management of such claims.

Comcare also has a range of functions under the WHS Act, including to:

- advise and make recommendations to the Minister and report on the operation and effectiveness of the WHS Act;
- monitor and enforce compliance with the WHS Act;
- provide advice and information on work health and safety to duty holders under the WHS Act and to the community;
- collect, analyse and publish statistics relating to work health and safety;
- foster a cooperative, consultative relationship between duty holders and the persons to whom they owe duties and their representatives in relation to work health and safety matters;
- promote and support education and training on matters relating to work health and safety;
- engage in, promote and coordinate the sharing of information to achieve the object of the WHS Act, including the sharing of information with corresponding regulators;
- conduct and defend proceedings under the WHS Act before a court or tribunal; and
- undertake any other functions conferred on the regulator by the WHS Act.

The Government recognises and respects the independence of the Chief Executive Officer (CEO) of Comcare and the CEO's responsibility for regulating Commonwealth work health and safety and workers' compensation arrangements. I expect Comcare to exercise its functions and powers in good faith and to the best of its ability.

Principles of regulator best practice

Under the Regulator Performance (RMG 128), the principles of regulator best practice are:

1. **Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability, and culture to build trust and confidence in Australia's regulatory settings.
2. **Risk-based and data-driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
3. **Collaboration and engagement:** regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

Consequently, I expect Comcare to:

- engage and genuinely consult with stakeholders – including government agencies, employers and their representatives, employees and their representatives, rehabilitation providers, the Safety, Rehabilitation and Compensation Commission, and the Seafarers Safety, Rehabilitation and Compensation Authority – with critical information shared promptly;
- be receptive to feedback and diverse stakeholder views;
- clearly communicate regulatory processes and seek to increase transparency in decision-making processes;
- provide up-to-date, clear and accessible guidance and information to assist government agencies and self-insured licensees to continuously improve their work health and safety, prevention, rehabilitation and claims management performance outcomes, with the ultimate aim of supporting employers and workers to create and maintain physically and mentally healthy workplaces; and
- work collaboratively with government agencies and self-insured licensees to secure compliance with the SRC Act and WHS Act.

I expect Comcare to embed and act in accordance with the Government's principles of regulator best practice when conducting its operations, as well as strive for continuous improvement against these principles.

In exercising its functions and powers in accordance with these principles, I expect Comcare to:

- be a responsive, intelligence-led and risk based regulator;
- remain committed to continuous improvement in its processes and capabilities;
- continue building public confidence in Australia's regulatory settings;
- publish data and insights, and encourage positive conduct by highlighting good behaviours and sharing proven practices with other stakeholders;
- remain flexible and responsive to changed circumstances in exercising its powers and delivering legislated functions;
- continue adopting a risk-based and transparent approach to regulation and decision-making;
- leverage data and digital technology to inform its approach to compliance and enforcement;
- improve efficiency by prioritising resources on areas of greatest risk;
- have accountability processes encouraging procedural fairness, accessibility and responsiveness that build public trust; and
- assess risks that may compromise its ability to administer its functions under the SRC Act and WHS Act and respond in a proportionate way.

Innovation and regulatory change

I expect Comcare to continually monitor the environment in which it operates to ensure that regulatory approaches keep pace with changes in technology, industry practices and community expectations. I also expect Comcare to regularly review and, where necessary, adjust policies, protocols and operating procedures, to ensure it can respond to the changing social, technological and commercial context in which it operates.

The Government's policy priorities and objectives

In addition to the core functions noted above, the Government expects Comcare to observe and contribute to the following Government priorities and objectives.

Regulatory reform agenda

The Government's regulatory reform agenda is a key component of the Government's plan to support economic recovery by working with states and territories to effect regulatory reform to reduce duplication and boost productivity, and to account for impacts of regulation on individuals (not just businesses). Ensuring our regulatory settings are the best they can be helps boost productivity and competitiveness and supports well-functioning markets, business investment, job creation and growth.

Under the regulatory reform agenda, the Australian Government is also focusing on improving regulator performance, capability, and culture through regulatory stewardship. This supports the Government's commitment to Australian Public Service reform by building trust in government and its institutions and by putting business and community at the centre of policy and services.

I expect Comcare to contribute to the regulatory reform process by:

- seeking opportunities to remove duplication and streamline processes in order to improve efficiency and lift productivity;
- acting in accordance with regulator best practice in its decision-making, policies, processes and communication practices, in order to maximise transparency and minimise compliance costs;
- applying the Regulator Performance (RMG 128) to its regulatory functions to assess its performance and engagement with stakeholders; and
- incorporating regulator performance reporting into its reporting processes to support greater transparency and accountability of regulator performance.

Relationship with Minister and portfolio

Comcare plays an essential role in ensuring that the Australian Government and I, as Minister for Employment and Workplace Relations, are well placed to respond promptly to work health and safety and workers' compensation matters. The Department of Employment and Workplace Relations (the department) also supports and advises me by providing advice on policy development and the performance of the portfolio's regulatory systems. The department takes into account the knowledge and expertise of Comcare when considering changes to policy and legislation that affect Commonwealth work health and safety and workers' compensation arrangements.

Accordingly, I expect Comcare to work collaboratively with the department on significant issues relating to strengthening work health and safety and workers' compensation arrangements.

As the responsible Minister, I will provide an enabling environment for Comcare to consistently implement best practice by ensuring it is well informed of the Government's policy direction, as specific initiatives and strategies are being considered.

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