

# Reconsiderations on request and reconsiderations of own motion

## Reconsiderations on request and reconsiderations of own motion

The SRC Act has a three tiered decision making process:

1. First tier: a determination, decision or requirement made under a specific section or division of the SRC Act, which can be reviewed under [subsection 38\(2\)](#) or [section 60](#) of the Act.
2. Second tier: Comcare decides (of their own motion), or a request is received from an employee or Commonwealth employer, to reconsider a first tier decision. These are reconsiderations. Decisions made at this tier are called 'reviewable decisions.' This is because they can be reviewed by the Administrative Appeals Tribunal (AAT). The pages in this section offer guidance on this tier of decision making.
3. Third tier: the Administrative Appeals Tribunal (AAT) conducts an independent merits review of an administrative decision. The AAT has jurisdiction to consider reviewable decisions made under [subsection 38\(4\)](#) or [section 62](#) of the SRC Act.

Either the employee or the employer can apply for a review of a reviewable decision.

### Roles and responsibilities

A [request for reconsideration](#) is considered by the **Reconsiderations and Appeals team**. The Review Officer considers all available and relevant information to ascertain whether the correct decision has been made. Once the delegate (Director) issues a reviewable decision, the Review Officer will notify all stakeholders including the Claims Manager.

[Reconsiderations of own motion](#) are decisions that are issued by the claims team, usually the relevant **Claims Manager**.

If the reconsideration has to do with incapacity entitlements, the **Claims Administration and Income Support (CAIS) team** will issue the reconsideration of own motion, in consultation with the Claims Manager.

Following both types of reconsideration, the **Claims Manager** is responsible for determining any benefits that may be payable.

## Relevant sections of the SRC Act

The following sections of the SRC Act are relevant to reconsiderations:

- [Section 38](#) – Review of certain determinations by Comcare
- [Section 60](#) – Interpretation
- [Section 61](#) – Determinations to be notified in writing
- [Section 62](#) – Reconsideration of determinations
- [Section 63](#) – Reviewable decision to be notified in writing

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## Reconsiderations

This page provides guidance on undertaking a reconsideration of a decision at the request of an employee or employer. It includes information on:

- [requirements under the SRC Act](#)
- [decisions that cannot be reconsidered](#)
- [reconsiderations when the claim is subject to AAT proceedings](#)
- [service standards](#)
- [procedure to register a new reconsideration](#)
- [procedure to assess a reconsideration](#)
- [procedure to action a request for extension of time to submit a reconsideration request](#)
- [procedure to withdraw a request for reconsideration.](#)

## Reconsiderations on own motion

This page provides guidance on undertaking a review of a decision without a request from an employee or employer. It includes information on:

- [when a reconsideration of own motion can be undertaken](#)
- [when a reconsideration of own motion should not be undertaken](#)
- [reconsiderations of own motion where incapacity is involved](#)
- [procedure to undertake a reconsideration of own motion.](#)