Safety, Rehabilitation and Compensation Directions 2002

made under the

Safety, Rehabilitation and Compensation Act 1988

Compilation No. 1

Compilation date: 21 June 2018

Includes amendments up to: Safety, Rehabilitation and Compensation Directions Amendment Instrument 2018 (F2018L00802)

Prepared by the Department of Jobs and Small Business, Canberra
About this compilation

This compilation

This is a compilation of the Safety, Rehabilitation and Compensation Directions 2002 that shows the text of the law as amended and in force on 21 June 2018 (the compilation date).

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
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 21 March 2002

TONY ABBOTT
Minister for Employment and Workplace Relations

---

**Contents**

**Safety, Rehabilitation and Compensation Directions 2002** 1

**Part 1** Preliminary

1. Name of Directions 1
2. Commencement 1
3. Definition 1

**Part 2** Criteria and procedures — grant of licences

4. Matters to be considered in deciding whether to grant a licence — Commonwealth authorities 2
5. Matters to be considered in deciding whether to grant a licence — eligible corporations 2
6. Licence contents 2

**Part 3** Scope and conditions of licence

**Division 3.1** Licences granted to Commonwealth authorities

7. Application 3
8. Liability 3
9. Claims management 3
10. Conditions 4

**Division 3.2** Licences granted to eligible corporations

11. Application 4
12. Conditions 4

---

*Safety, Rehabilitation and Compensation Directions 2002* i
### Division 3.3  General

13 Application 4  
14 Conditions — claims management 5

### Part 4  Criteria and procedures — suspension and revocation of licences

15 General — revocation or suspension of licence under section 106 of the Act 6  
16 Procedure — suspected breach of condition 6  
17 Procedure — revocation of licence under section 107 of the Act 7

### Part 5  Notices

18 Grant of licence 8  
19 Variation of scope of licence or extension of term of licence 8  
20 Variation of conditions 8  
21 Revocation or suspension of licence under section 106 of the Act 8  
22 Revocation of licence under section 107 of the Act 8

### Part 6  Recordkeeping and reporting

23 Commission must keep records 9  
24 Reporting 9

### Endnotes

Endnote 1 – About the endnotes 10  
Endnote 2 – Abbreviation key 11  
Endnote 3 – Legislation history 12  
Endnote 4 – Amendment history 13
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:

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, other than the Australian Capital Territory, 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, other than the Australian Capital Territory, 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.
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.
Part 4  Criteria and procedures — suspension and revocation of licences

15  General — revocation or suspension of licence under section 106 of the Act

(1) The Commission may, under section 106 of the Act, suspend or revoke a licence held by a Commonwealth authority.

(2) The Commission may, under section 106 of the Act, revoke, but may not suspend, a licence held by an eligible corporation.

(3) If the Commission suspends or revokes a licence under section 106 of the Act, the Commission must give the licensee written notice:
   (a) stating that the Commission has suspended or revoked the licence under section 106 of the Act; and
   (b) stating the date of effect of the suspension or revocation; and
   (c) for notices relating to a suspension — state the period for which the licence is suspended; and
   (d) setting out the reasons for the suspension or revocation.

16  Procedure — suspected breach of condition

(1) For subsection 106 (2) of the Act, the procedure set out in this section is a procedure preliminary to the suspension or revocation of a licence at the instance of the Commission.

(2) If the Commission believes, on reasonable grounds, that a licensee may have breached a condition to which the grant of the licence is subject, the Commission may give a written notice to the licensee:
   (a) stating that the Commission believes that the licensee may have breached a condition of its licence; and
   (b) giving details of the matters that the Commission considers may constitute the breach; and
   (c) stating that if the Commission is satisfied that a breach has occurred, the Commission may:
      (i) if the licensee is a Commonwealth authority — suspend or revoke the licence; or
      (ii) if the licensee is an eligible corporation — revoke the licence; and
   (d) inviting the licensee to make written submissions in relation to the matter to the Commission, within 30 days after receiving the notice.

(3) If the licensee makes a submission within the period mentioned in paragraph (2) (d), the Commission must consider the submission.
(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.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.
The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.
The legislation history in endnote 3 provides information about each law that has amended (or
will amend) the compiled law. The information includes commencement details for amending
laws and details of any application, saving or transitional provisions that are not included in
this compilation.
The amendment history in endnote 4 provides information about amendments at the provision
(generally section or equivalent) level. It also includes information about any provision of the
compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the
amendment to be made. If, despite the misdescription, the amendment can be given effect as
intended, the amendment is incorporated into the compiled law and the abbreviation “(md)”
added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not
incorp)” is added to the details of the amendment included in the amendment history.
### Endnote 2—Abbreviation key

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ad</td>
<td>added or inserted</td>
</tr>
<tr>
<td>am</td>
<td>amended</td>
</tr>
<tr>
<td>amdt</td>
<td>amendment</td>
</tr>
<tr>
<td>c</td>
<td>clause(s)</td>
</tr>
<tr>
<td>C[x]</td>
<td>Compilation No. x</td>
</tr>
<tr>
<td>Ch</td>
<td>Chapter(s)</td>
</tr>
<tr>
<td>def</td>
<td>definition(s)</td>
</tr>
<tr>
<td>Dict</td>
<td>Dictionary</td>
</tr>
<tr>
<td>disallowed</td>
<td>disallowed by Parliament</td>
</tr>
<tr>
<td>Div</td>
<td>Division(s)</td>
</tr>
<tr>
<td>exp</td>
<td>expires/expired or ceases/ceased to have effect</td>
</tr>
<tr>
<td>F</td>
<td>Federal Register of Legislation</td>
</tr>
<tr>
<td>gaz</td>
<td>gazette</td>
</tr>
<tr>
<td>LA</td>
<td>Legislation Act 2003</td>
</tr>
<tr>
<td>LIA</td>
<td>Legislative Instruments Act 2003</td>
</tr>
<tr>
<td>(md)</td>
<td>misdescribed amendment can be given effect</td>
</tr>
<tr>
<td>(md not incorp)</td>
<td>misdescribed amendment cannot be given effect</td>
</tr>
<tr>
<td>mod</td>
<td>modified/modification</td>
</tr>
<tr>
<td>No.</td>
<td>Number(s)</td>
</tr>
<tr>
<td>o</td>
<td>order(s)</td>
</tr>
<tr>
<td>Ord</td>
<td>Ordinance</td>
</tr>
<tr>
<td>orig</td>
<td>original</td>
</tr>
<tr>
<td>par</td>
<td>paragraph(s)/subparagraph(s)</td>
</tr>
<tr>
<td>/sub</td>
<td>subparagraph(s)</td>
</tr>
<tr>
<td>pres</td>
<td>present</td>
</tr>
<tr>
<td>prev</td>
<td>previous</td>
</tr>
<tr>
<td>(prev…)</td>
<td>previously</td>
</tr>
<tr>
<td>Pt</td>
<td>Part(s)</td>
</tr>
<tr>
<td>r</td>
<td>regulation(s)/rule(s)</td>
</tr>
<tr>
<td>reloc</td>
<td>relocated</td>
</tr>
<tr>
<td>renum</td>
<td>renumbered</td>
</tr>
<tr>
<td>rep</td>
<td>repealed</td>
</tr>
<tr>
<td>rs</td>
<td>repealed and substituted</td>
</tr>
<tr>
<td>Sch</td>
<td>Schedule(s)</td>
</tr>
<tr>
<td>Sdiv</td>
<td>Subdivision(s)</td>
</tr>
<tr>
<td>SLI</td>
<td>Select Legislative Instrument</td>
</tr>
<tr>
<td>SR</td>
<td>Statutory Rules</td>
</tr>
<tr>
<td>Sub-Ch</td>
<td>Sub-Chapter(s)</td>
</tr>
<tr>
<td>SubPt</td>
<td>Subpart(s)</td>
</tr>
<tr>
<td>underlining</td>
<td>whole or part not commenced or to be commenced</td>
</tr>
</tbody>
</table>
Endnote 3—Legislation history

<table>
<thead>
<tr>
<th>Name</th>
<th>Registration or gazettal</th>
<th>Commencement</th>
<th>Application, saving and transitional provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety, Rehabilitation and Compensation Directions 2002</td>
<td>27 March 2002 (gaz 2002, No GN12)</td>
<td>1 April 2002</td>
<td>—</td>
</tr>
<tr>
<td>Safety, Rehabilitation and Compensation Directions Amendment Instrument 2018</td>
<td>20 June 2018 (F2018L00802)</td>
<td>21 June 2018</td>
<td>—</td>
</tr>
</tbody>
</table>
### Endnote 4—Amendment history

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 4</td>
<td>am F2018L00802</td>
</tr>
<tr>
<td>s 9</td>
<td>am F2018L00802</td>
</tr>
</tbody>
</table>