Safety, Rehabilitation and Compensation Regulations 2002

Statutory Rules 2002 No. 56 as amended

made under the

Safety, Rehabilitation and Compensation Act 1988

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Part 1 Preliminary

1 Name of Regulations [see Note 1]

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

2 Commencement

(1) Subject to subregulation (2), these Regulations commence on 1 April 2002.

(2) Regulation 19 commences on 1 July 2002.

3 *Safety, Rehabilitation and Compensation Regulations 1990* — repeal

The following Statutory Rules are repealed:

- 1990 No. 209
- 1994 No. 258
- 2001 No. 91.

4 Definitions

In these Regulations:

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

licensee includes a person who manages claims on behalf of the licensee.

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

suspension period means the period specified in a notice under paragraph 106 (1) (a) of the Act.

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Part 2 Compensation

5 Index — annual increase in normal weekly earnings after cessation of employment

For subsection 8 (9B) of the Act, the Wage Price Index, Australia (Total hourly rates of pay — excluding bonuses/all Australia/all industries/all occupations) published by the Australian Bureau of Statistics is prescribed.

6 Manner of calculating annual increase — indexation after cessation of employment

For subsection 8 (9B) of the Act, the further increase in normal weekly earnings mentioned in subsection 8 (9D) of the Act is the amount (if any) calculated, to 3 decimal places and rounded up to 2 decimal places, in accordance with the formula:

$$(F \times PE) - PE$$

where:

F is the greater of the following:

(a) the number calculated, to 4 decimal places and rounded up to 3 decimal places, by dividing the index number by the previous index number;

(b) 1.000.

index number is the index number of the index mentioned in regulation 5 for the quarter that ended on 31 December in the year immediately before the indexation date.

PE is the normal weekly earnings that applied immediately before the indexation date.

previous index number is the index number of the index mentioned in regulation 5 for the quarter that ended on 31 December in the previous year.

Note Under the formula above, there will be a further increase in normal weekly earnings only if ***F*** is greater than 1.000.

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6A Index — annual increase in normal weekly earnings in certain other cases

For subsection 8 (9F) of the Act, the Wage Price Index, Australia (Total hourly rates of pay — excluding bonuses/all Australia/all industries/all occupations) published by the Australian Bureau of Statistics is prescribed.

6B Manner of calculating annual increase — indexation in certain other cases

For subsection 8 (9G) of the Act, the further increase in normal weekly earnings mentioned in subsection 8 (9F) is the amount (if any) calculated, to 3 decimal places and rounded up to 2 decimal places, in accordance with the formula:

$$(F \times PE) - PE$$

where:

F is the greater of the following:

(a) the number calculated, to 4 decimal places and rounded up to 3 decimal places, by dividing the index number by the previous index number;

(b) 1.000.

index number is the index number of the index mentioned in regulation 6A for the quarter that ended on 31 December in the year immediately before the indexation date.

PE is the normal weekly earnings that applied immediately before the indexation date.

previous index number is the index number of the index mentioned in regulation 6A for the quarter that ended on 31 December in the previous year.

Note Under the formula above, there will be a further increase in normal weekly earnings only if ***F*** is greater than 1.000.

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Part 3 Approved rehabilitation program providers

7 Renewal date

For paragraph (b) of the definition of ***renewal date*** in section 34 of the Act, the following intervals are prescribed:

(a) 21 months after the first renewal date determined by the Minister under paragraph (a) of the definition of ***renewal date*** in section 34 of the Act;

(b) each period of 3 years after the interval mentioned in paragraph (a).

8 Processing fee for application for initial approval

For subsection 34C (2) of the Act, the prescribed fee for processing an application for initial approval of a person as a rehabilitation program provider is $2 000.

9 Processing fee for application for renewal of approval

For subsection 34K (2) of the Act, the prescribed fee for processing an application for renewal of a person as a rehabilitation program provider is:

(a) if the person provides a rehabilitation program in 1 State or Territory — $1 000; or

(b) if the person provides a rehabilitation program in 2 or 3 States or Territories — $3 000; or

(c) if the person provides a rehabilitation program in 4 or more States or Territories — $5 000.

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Part 4 Application for grant of a licence

10 Prescribed form

For paragraph 102 (1) (a) of the Act, Form 1 in Schedule 1 is prescribed.

11 Prescribed particulars

For paragraph 102 (1) (b) of the Act, the particulars mentioned in Schedule 2 are prescribed.

12 Prescribed documents and information

For paragraph 102 (1) (c) of the Act, the following information and documents are prescribed:

(a) the information and documents mentioned in Parts 1, 2, 3, 4 and 5 of Schedule 3;

(b) for an application for a licence to accept liability — the information and documents mentioned in Part 6 of Schedule 3;

(c) for an application for a licence in relation to only some of the applicant's employees — the information mentioned in Part 7 of Schedule 3;

(d) if the applicant will be responsible for managing claims by employees — the information mentioned in Part 8 of Schedule 3;

(e) for an application by a Commonwealth authority, and not for a licence to accept liability — a certificate of coverage of its employees from Comcare;

(f) for an application by a Commonwealth authority or a former Commonwealth authority — details of its consultation with the portfolio Minister about the applicant's intention to apply for a licence.

Part 5 Suspension and revocation of licences

Division 5.1 Definitions for Part 5

12A Definitions

In this Part:

guarantee means a guarantee for the due discharge of a licensee's liability to pay compensation and other amounts under the Act that is given by a bank or other body.

licensee includes a Commonwealth authority or eligible corporation that was a licensee immediately before its licence was suspended or revoked.

Division 5.2 Consequences of suspension or revocation of licence

12B Outline of Division

(1) For section 107A of the Act, this Division deals with:

(a) the consequences of the suspension of a licence under section 106 of the Act (Commonwealth authorities only); and

(b) the consequences of the revocation of a licence under section 106 or 107 of the Act (Commonwealth authorities or eligible corporations).

(2) Regulation 13 deals with the suspension of the licence of a Commonwealth authority.

(3) Regulation 13A deals with money payable under a guarantee in relation to a Commonwealth authority whose licence is suspended.

(4) Regulation 14 deals with the revocation of the licence of a Commonwealth authority.

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(5) Regulation 14A deals with money payable under a guarantee in relation to a Commonwealth authority whose licence is revoked.

(6) Regulation 14B deals with arrangements for a person to perform the employer functions of a Commonwealth authority whose licence is revoked, if Comcare decides to make such arrangements.

(7) Regulation 15 deals with the revocation of the licence of an eligible corporation.

(8) Regulation 15A deals with money payable under a guarantee in relation to an eligible corporation whose licence is revoked, including the use of that money for management of claims.

(9) Regulation 15B deals with arrangements for a person to perform the employer functions of an eligible corporation whose licence is revoked, if Comcare decides to make such arrangements.

(10) Regulation 15C deals with compensation for the acquisition of property.

13 Consequences of suspension of licence — Commonwealth authorities

(2) If the licence authorises the licensee to accept liability under the Act for payments in respect of injury, loss or damage suffered by, or the death of, any of its employees:

(a) that liability is not affected by the suspension of the licence; and

(b) during the suspension period, Comcare may discharge a liability mentioned in paragraph (a); and

(c) the licensee must pay to Comcare the full amount of any liability discharged under paragraph (b), unless regulation 13A applies.

(3) If the licence authorises the licensee to accept responsibility to manage claims made by its employees:

(a) during the suspension period:

(i) the licensee must not manage those claims; and

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(ii) Comcare must manage those claims in the name of the licensee; and

(iii) on receiving a claim, notice or other communication, or being served with any proceedings in relation to a claim, the licensee must give the claim, notice, communication or proceedings to Comcare; and

(iv) the licensee must give to Comcare all documents, information and assistance reasonably required for Comcare to manage those claims; and

(b) the licensee must pay to Comcare an amount determined by Comcare as the costs incurred by Comcare in managing claims under subparagraph (a) (ii), unless regulation 13A applies; and

(c) Comcare is not liable to the licensee for any act or omission in managing claims under subparagraph (a) (ii).

Note Under section 15 of the *Safety, Rehabilitation and Compensation Directions 2002*, the Commission may suspend a licence held by a Commonwealth authority, but may not suspend a licence held by an eligible corporation.

13A Money payable under guarantee — licence of Commonwealth authority suspended

(1) This regulation applies if the Commission makes a demand for payment under a guarantee that is in force relating to a Commonwealth authority whose licence is suspended.

(2) The money payable in response to the demand (***guarantee money***) must be paid to Comcare.

(3) Comcare must pay all guarantee money it receives into a separate bank account until the money can be dealt with in accordance with this regulation.

Note Surplus money may be invested: see subsection 18 (3) of the *Commonwealth Authorities and Companies Act 1997*.

(4) To avoid doubt, Comcare holds guarantee money on its own account and not on behalf of the Commission or the Commonwealth.

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(5) Comcare may use guarantee money to do any of the following:

(a) discharge a liability mentioned in subregulation 13 (2);

(b) meet a cost mentioned in paragraph 13 (3) (b);

(c) reimburse itself if it has discharged a liability of that kind or met a cost of that kind without using guarantee money.

(6) If, after the end of the suspension period, Comcare determines that:

(a) there are unlikely to be any further outgoings of guarantee money under subregulation (5); and

(b) there is any guarantee money remaining;

Comcare must deal with the remaining money in the way provided for in the guarantee.

(7) However, if the guarantee does not make any provision about how the remaining money is to be dealt with, Comcare must pay the remaining money:

(a) to the Commonwealth authority; or

(b) if the Commonwealth authority no longer exists:

(i) in accordance with any legislation that makes provision about the distribution of the assets of the former Commonwealth authority; or

(ii) in any other case — to the bank or other body that paid the money to Comcare.

14 Consequences of revocation of licence — Commonwealth authorities

(2) If the licence authorised the licensee to accept liability under the Act for payments in respect of injury, loss or damage suffered by, or the death of, any of its employees:

(a) the licensee ceases to be liable under the Act for payments in respect of any injury, loss or damage suffered by, or death of, an employee occurring on or after the date when the licence is revoked; and

(b) the licensee remains liable under the Act for payments in respect of injury, loss or damage suffered by, or the death of, an employee occurring before the licence was revoked; and

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(c) Comcare may discharge a liability mentioned in paragraph (b); and

(d) the licensee must pay to Comcare the full amount of any liability discharged by Comcare under paragraph (c), unless regulation 14A applies.

(3) If the licence authorised the licensee to manage claims:

(a) the licensee must not manage a claim in respect of an injury, loss or damage suffered by, or the death of, any of its employees, whenever occurring; and

(b) Comcare must manage any claims mentioned in paragraph (a); and

(c) the licensee must:

(i) on receiving a claim or a notice or communication about a claim — give the claim, notice or communication to Comcare; and

(ii) give Comcare all documents, information and assistance reasonably required for Comcare to manage claims by employees of the licensee; and

(d) the licensee must pay to Comcare an amount determined by Comcare as the costs incurred by Comcare in managing claims in respect of an injury, loss or damage suffered by, or the death of, any of its employees that occurred while the licensee held a licence, unless regulation 14A applies.

(4) An act done, decision made or notice or communication given, received or made by the licensee in managing a claim is taken to have been done, made, given or received by Comcare.

(5) If the licensee was a party to a proceedings on a matter arising under the Act that had not been completed on the date of revocation, Comcare is taken for all purposes to be the party to those proceedings in place of the licensee.

(6) The Act continues to apply to the licensee and its employees.

(7) Comcare is liable under the Act for payments in respect of injury, loss or damage suffered by, or the death of, an employee of the licensee occurring on or after the date of revocation.

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(8) The licensee is liable to pay premiums under the Act in respect of liability mentioned in subregulation (7).

14A Money payable under guarantee — licence of Commonwealth authority revoked

(1) This regulation applies if the Commission makes a demand for payment under a guarantee that is in force relating to a Commonwealth authority whose licence is revoked.

(2) The money payable in response to the demand (***guarantee money***) must be paid to Comcare.

(3) Comcare must pay all guarantee money it receives into a separate bank account until the money can be dealt with in accordance with this regulation.

Note Surplus money may be invested: see subsection 18 (3) of the *Commonwealth Authorities and Companies Act 1997*.

(4) To avoid doubt, Comcare holds guarantee money on its own account and not on behalf of the Commission or the Commonwealth.

(5) Comcare may use guarantee money to do any of the following:

(a) discharge a liability mentioned in paragraph 14 (2) (b);

(b) meet a cost mentioned in paragraph 14 (3) (d);

(c) reimburse itself if it has discharged a liability of that kind or met a cost of that kind without using guarantee money;

(d) reimburse itself for the cost of any arrangements made by it under subregulation 14B (1) that is not paid directly to Comcare by the Commonwealth authority.

(6) If Comcare has received an actuarial report assessing the total value of any amounts of a kind mentioned in paragraph (5) (a), (b) or (d) that are likely to become payable in the future, Comcare may take from the guarantee money an amount equal to the assessment.

(7) If Comcare determines that:

(a) there are unlikely to be any further outgoings of guarantee money under subregulations (5) and (6); and

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(b) there is any guarantee money remaining;

Comcare must deal with the remaining money in the way provided for in the guarantee.

(8) However, if the guarantee does not make any provision about how the remaining money is to be dealt with, Comcare must pay the remaining money:

(a) to the Commonwealth authority; or

(b) if the Commonwealth authority no longer exists:

(i) in accordance with any legislation that makes provision about the distribution of the assets of the former Commonwealth authority; or

(ii) in any other case — to the bank or other body that paid the money to Comcare.

14B Performance of employer functions following revocation of licence — Commonwealth authorities

(1) If:

(a) the Commission revokes the licence of a Commonwealth authority; and

(b) Comcare considers that it would be appropriate to do so;

Comcare may arrange for the employer functions of the Commonwealth authority in relation to affected employees to be performed by a person:

(c) whom it considers suitable to perform those functions; and

(d) who is willing to enter into an arrangement with Comcare for the performance of the functions.

(2) In this regulation:

affected employee means an employee to whom a liability mentioned in paragraph 14 (2) (b) relates.

employer functions, in relation to an affected employee, are the following:

(a) acting as the rehabilitation authority for the employee;

(b) acting as the relevant employer, within the meaning of subsection 40 (2) of the Act, of the employee;

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(c) acting for the Commonwealth authority in making:

(i) a request for reconsideration of a determination under paragraph 62 (2) (c) of the Act; or

(ii) an application for review of a reviewable decision under paragraph 64 (1) (c) of the Act.

15 Consequences of revocation of licence — eligible corporations

(2) If the licence authorised the licensee to accept liability under the Act for payments in respect of injury, loss or damage suffered by, or the death of, any of its employees:

(a) the licensee ceases to be liable under the Act for payments in respect of any injury, loss or damage suffered by, or death of, an employee occurring on or after the date when the licence is revoked; and

(b) the licensee remains liable under the Act for payments in respect of injury, loss or damage suffered by, or the death of, an employee occurring before the licence was revoked.

(3) If the licence authorised the licensee to accept responsibility to manage claims:

(a) the licensee must manage a claim in respect of an injury, loss or damage suffered by, or the death of, an employee occurring before the revocation; and

(b) the licensee must not manage a claim in respect of any injury, loss, damage or death occurring on or after the date of revocation; and

(c) the licensee remains a party to proceedings in respect of any matter arising under the Act that had not been completed on the date of revocation.

(4) Except as provided by subregulations (2) and (3):

(a) the Act ceases to apply to the licensee and its employees; and

(b) the laws of the States and Territories providing for workers' compensation apply to the licensee.

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15A Money payable under guarantee — eligible corporations

(1) This regulation applies if:

(a) the Commission makes a demand for payment under a guarantee that is in force relating to an eligible corporation; and

(b) the licence of the eligible corporation is revoked:

(i) at the initiative of the Commission under paragraph 106 (1) (b) of the Act; or

(ii) at the request of the eligible corporation under section 107 of the Act.

(2) The money payable in response to the demand (***guarantee money***) must be paid to Comcare.

(3) Comcare must pay all guarantee money it receives into a separate bank account until the money can be dealt with in accordance with this regulation.

Note Surplus money may be invested: see subsection 18 (3) of the *Commonwealth Authorities and Companies Act 1997*.

(4) To avoid doubt, Comcare holds guarantee money on its own account and not on behalf of the Commission or the Commonwealth.

(5) Comcare may take from the guarantee money:

(a) any amounts needed:

(i) to discharge any liability mentioned in paragraph 15 (2) (b) that it decides to discharge; and

(ii) to meet claims management costs, for any claims mentioned in paragraph 15 (3) (a) (***relevant claims***) that it decides to manage or arrange to be managed, that are not paid directly to Comcare by the eligible corporation; and

(iii) to enable Comcare to meet the cost of any arrangement mentioned in subregulation 15B (1) that it decides to make; and

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(b) if Comcare has received an actuarial report assessing the total value of any amounts needed for a purpose mentioned in paragraph (a) that are likely to become payable in the future — an amount equal to the assessment.

(6) If Comcare determines that:

(a) there are unlikely to be any further outgoings of guarantee money under subregulation (5); and

(b) there is any guarantee money remaining;

Comcare must deal with the remaining money in the way provided for in the guarantee.

(7) However, if the guarantee does not make any provision about how the remaining money is to be dealt with, Comcare must pay the remaining money:

(a) to the eligible corporation; or

(b) if the eligible corporation no longer exists:

(i) in accordance with any legislation that makes provision about the distribution of the assets of the former eligible corporation; or

(ii) in any other case — to the bank or other body that paid the money to Comcare.

(8) Comcare may decide:

(a) to manage relevant claims; or

(b) to arrange for some, or all, relevant claims to be managed by a person:

(i) whom it considers suitable to manage the claims; and

(ii) who is willing to enter into an arrangement with Comcare for the management of the claims.

(9) If Comcare manages a relevant claim under paragraph (8) (a), Comcare must determine an amount as the costs incurred by Comcare in managing the claim.

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(10) Each of the following is a claims management cost:

(a) the cost of an arrangement mentioned in subparagraph (8) (b) (ii);

(b) the amount mentioned in subregulation (9).

(11) The eligible corporation must:

(a) on receiving a relevant claim or a notice or communication about a relevant claim — give the claim, notice or communication to Comcare; and

(b) give Comcare all documents, information and assistance reasonably required for Comcare to manage the relevant claim.

15B Performance of employer functions following revocation of licence — eligible corporations

(1) Comcare may arrange for the employer functions in relation to affected employees of an eligible corporation whose licence is revoked to be performed by a person:

(a) whom it considers suitable to perform those functions; and

(b) who is willing to enter into an arrangement with Comcare for the performance of the functions.

(2) In this regulation:

affected employee means an employee to whom a liability mentioned in paragraph 15 (2) (b) relates.

employer functions, in relation to an affected employee, are the following:

(a) acting as the rehabilitation authority for the employee;

(b) acting as the relevant employer, within the meaning of subsection 40 (2) of the Act, of the employee.

15C Compensation for acquisition of property

(1) If the payment of money by Comcare under subregulation 14A (7) or (8) or 15A (6) or (7) results in the acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

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(2) If the Commonwealth and the person do not agree on the amount of compensation, the person may start proceedings in a court of competent jurisdiction for recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In determining a reasonable amount of compensation under this regulation, regard must be had to any amount of compensation paid or payable to the person in relation to the acquisition by a person other than the Commonwealth.

(4) In this regulation:

acquisition of property has the same meaning as in paragraph 51 (xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51 (xxxi) of the Constitution.

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Part 6 Miscellaneous

16 Entities and principal officers

(1) For paragraph (c) of the definition of ***Entity*** in subsection 4 (1) of the Act, each person, body, organisation or group of persons mentioned in an item of Schedule 4 is prescribed.

(2) For paragraph (c) of the definition of ***principal officer***, in relation to an Entity, in subsection 4 (1) of the Act, the principal officer of an Entity mentioned in column 2 of Schedule 4 is the person from time to time holding or acting in the office mentioned in column 3 in relation to that Entity.

17 Forms of medical treatment

(1) For paragraph (i) of the definition of ***medical treatment*** in subsection 4 (1) of the Act, therapeutic treatment by, or under the supervision of, any of the following persons is prescribed:

(a) an occupational therapist;

(b) an optometrist;

(c) a podiatrist;

(d) a psychologist;

(e) a speech therapist.

(2) For subregulation (1), the person must be:

(a) registered under the law of a State or Territory providing for the registration of persons of that kind; or

(b) if there is no such law, a member of a relevant professional association.

18 Fee for approved guide

For subsection 28 (8) of the Act, the fee is $30.

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19 Prescribed day for providing information to Comcare

For the definition of ***prescribed day*** in subsection 97F (3) of the Act, 31 March is prescribed for 2003 and each subsequent year.

20 Appropriate officer — paragraph 114A (2) (b) of the Act

For paragraph 114A (2) (b) of the Act, the Chief of the Defence Force is the appropriate officer in relation to a member of the Defence Force.

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Schedule 1 Forms

(regulation 10)

Form 1 Licence application

Safety, Rehabilitation and Compensation Act 1988

Safety, Rehabilitation and Compensation Commission

APPLICATION FOR GRANT OF LICENCE

To: The Safety, Rehabilitation and Compensation Commission
GPO Box 9905
CANBERRA ACT 2601

I, ……
(principal officer)
of ……..……...……(the applicant)
(name of applicant)

apply to the Safety, Rehabilitation and Compensation Commission (the Commission) for the grant of a licence to the applicant under section 102 of the *Safety, Rehabilitation and Compensation Act 1988* (the ***Act***).

SCOPE OF LICENCE

The applicant applies for a licence with the following scope:
(delete whichever is not applicable)

(a) a licence to accept liability to pay compensation and other amounts under the Act in respect of particular injury, loss or damage suffered by, or in respect of the death of, some or all employees;

AND/OR

(b) a licence authorising the licensee to manage some or all of the claims by employees of the licensee.

Note An eligible corporation must apply to the Commission for a licence with scope for both acceptance of liability and acceptance of the management of claims — see subsection 98A (3) of the Act.

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The applicant applies for a licence to apply to:
(delete whichever is not applicable)

(a) some of its employees; OR

(b) all of its employees.

PARTICULARS AND INFORMATION

Insert here the particulars of the applicant and information to be contained in the application as prescribed by regulations 11 and 12 under paragraphs 102 (1) (b) and (c) of the Act.

Note The applicant must attach to this application the documents prescribed by regulations under paragraph 102 (1) (c) of the Act.

The applicant certifies that the particulars and information provided are correct and that any copies of documents provided are true copies of the originals of those documents.

UNDERTAKINGS

The applicant undertakes to pay to Comcare the application fee equal to the amount estimated by the Commission to be the cost of considering the application in accordance with subsection 102 (2) of the Act.

If a licence is granted to the applicant, the applicant undertakes to:
- comply with the requirements of the Act that apply to it; and
- comply with any conditions laid down in the Act and any conditions that may be determined from time to time by the Commission; and
- pay to Comcare the licence fee determined by the Commission; and
- comply with any Commission guidelines issued under the Act.

(signature of principal officer)

(signature of witness)

(date of application)

(date witnessed)

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Schedule 2 Particulars for application

(regulation 11)

Item	Detail
1	The full name of the applicant
2	The business name (if any) used by the applicant, and the date and place of registration of such business name
3	The applicant's ABN
4	The full street address and postal address of the applicant's principal office, and of any other registered office
5	The name, telephone number and facsimile number of an officer nominated by the applicant for communication relating to the application
6	If the applicant is a Commonwealth authority — the name of the Act by which it is established
7	If the applicant is an eligible corporation: (a) the date and place of incorporation; and (b) the names and shareholdings of: (i) if there are more than 10 shareholders — each of the 10 principal shareholders; or (ii) if there are 10 shareholders or less — each shareholder
8	The names of the directors or members of the governing body (if any) of the applicant
9	An organisational chart setting out: (a) the structure of the applicant; and (b) the subsidiaries (if any) of the applicant
10	The total number of employees, disaggregated by location and structure
11	The total salary and wage expenditure for the last financial year, disaggregated by location and structure

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Schedule 3 Documents and information for licence applications

(regulation 12)

Part 1 Financial and insurance details

Item	Document or information
1	A summary of financial statements: (a) if the applicant has been established for more than 5 years — for the last 5 years; or (b) if the applicant has been established for less than 5 years — for the period since the applicant was first established or incorporated
2	Copies of full annual reports and audited financial statements: (a) if the applicant has been established for more than 5 years — for the last 5 years; or (b) if the applicant has been established for less than 5 years — for the period since the applicant was first established or incorporated
3	A copy of the consolidated financial statements for the year to date
4	If employees are not currently covered under the Act — details of the applicant's current arrangements to meet workers' compensation liabilities
5	A statement by: (a) the directors or members of the governing body (if any); or (b) if there are no directors or governing body, the principal officer; of any event or likely event that may affect the applicant's suitability to hold a licence, including details of any likely change to the legal structure or ownership of the applicant and the effect of any such change on the workers' compensation entitlements of the applicant's employees
6	A statement by a Fellow of the Institute of Actuaries of Australia of the liabilities that the applicant is likely to incur over the first 12 months of the period of the licence

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Part 2 Consultation

Item	Information or document
1	Evidence of consulting employees about the applicant's intention to apply for a licence *Examples* any written notice to employees or employee representatives of that intention any written responses to the notices any minutes of any consultative meetings

Part 3 Rehabilitation management

Item	Information or document
1	The proposed arrangements for the rehabilitation and return to work of injured employees
2	A copy of the applicant's rehabilitation policy (if any)
3	The existing or proposed arrangements for ensuring that management and staff are aware of their rights and responsibilities in relation to rehabilitation
4	The proposed number, location, classification and expertise of staff with responsibility for rehabilitation case management
5	The proposed arrangements for training rehabilitation case managers
6	A copy of the applicant's policy (if any) in relation to the redeployment of injured employees
7	A report of the applicant's achievements in relation to injured employee rehabilitation and return to work programs during the 12 months before the date of the application

Part 4 Benefit delivery

Item	Information or document
1	The proposed procedures for paying compensation to injured employees, dependants of deceased employees, providers of medical treatment and other recipients

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Item	Information or document
2	How the timely processing of decisions will be assured
3	The administrative practices that will be put in place to maintain confidentiality of claims payment information and to restrict access to claims and payment information
4	Details of the data management system to be used and data to be kept
5	The proposed number, location, classification and expertise of staff who will perform the claims payment function

Part 5 Preventive measures

Item	Information or document
1	A copy of the applicant's occupational health and safety policy
2	Documentation of risk management strategies that address the applicant's duty of care to employees

Part 6 Proposed arrangements to secure liabilities

Item	Information or document
1	Whether, for the purpose of securing its liabilities under the Act, the applicant will: (a) arrange for a guarantee acceptable to the Commission to be provided and secure appropriate reinsurance; or (b) lodge securities guaranteed by the Commonwealth or a State or Territory and secure appropriate reinsurance; or (c) arrange for a guarantee acceptable to the Commission to be provided and lodge securities guaranteed by a Commonwealth or a State or Territory and secure appropriate reinsurance arrangements; or (d) establish a captive insurance company (as a wholly owned subsidiary), incorporated or to be incorporated in Australia

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Item	Information or document
2	If the applicant states that it will arrange for a guarantee acceptable to the Commission to be provided and secure appropriate reinsurance: (a) details of the proposed guarantee and reinsurance arrangements, including the name of the issuing body, name of the insurer and amounts of the guarantee and reinsurance; and (b) a copy of the proposed guarantee and reinsurance policy
3	If the applicant states that it will lodge securities guaranteed by the Commonwealth or a State or Territory and secure appropriate reinsurance: (a) details of the nature of the proposed securities and reinsurance arrangements, including the name of the insurer and face value of the securities and amount of reinsurance; and (b) a copy of the proposed reinsurance policy
4	If the applicant states that it will arrange for a guarantee acceptable to the Commission to be provided and lodge securities guaranteed by a Commonwealth or a State or Territory and secure appropriate reinsurance arrangements, the information and documents mentioned in items 2 and 3
5	If the applicant states that it will establish a captive insurance company: (a) the name or proposed name of the captive insurance company; and (b) the date and place when the captive insurance company was incorporated or is proposed to be incorporated; and (c) a copy of the proposed contract between the applicant and the captive insurance company.

Note A captive insurance company mentioned in items 1 and 5 will be subject to the *Insurance Act 1973* and to regulation by the Australian Prudential Regulation Authority under the *Australian Prudential Regulation Authority Act 1998* and the *Insurance Act 1973*.

Part 7 Employees to whom the licence will relate

Item	Information or document
1	A description of the employees to whom the licence will relate, disaggregated by location and structure
2	The number of employees to whom the licence will relate, disaggregated by location and structure

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Item	Information or document
3	Details of the workers' compensation arrangements that are to apply to its other employees

Part 8 Claims management

Item	Information or document
1	Whether the applicant proposes to manage claims by employees within the applicant, or by engaging another person for that purpose
2	If the applicant proposes to engage another person to manage claims: (a) the name of the person to be engaged; and (b) a statement of capacity and credentials of the person to manage claims and of the arrangements proposed for the management of claims by the person
3	The proposed number, location, classification and expertise of staff who will manage claims
4	The proposed administrative procedures for ensuring that employees are aware of their rights and of the process for lodging claims for compensation
5	The proposed procedures for lodging and deciding claims for compensation
6	The proposed administrative and financial limitations for each level of claim managers
7	The proposed arrangements for training claims management staff
8	Details of the system that will be used to manage and monitor claims and to provide management information on the performance of the claims management function
9	The proposed arrangements for developing and implementing policy, practices and procedures, including arrangements for consulting employees
10	The proposed arrangements for ensuring the confidentiality and security of claims management information in individual claims, including: (a) whether the applicant is subject to the information privacy principles, national privacy principles or any approved privacy code under the *Privacy Act 1988*; and (b) a copy of the applicant's personal information policy (if any)

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Item	Information or document
11	The proposed policy on the use of covert surveillance in claims management, with particular reference to Part 2 of the 'Covert surveillance in Commonwealth administration: Guidelines' (relating to the use of covert surveillance in the management of claims under the Act) published by the Federal Privacy Commissioner in February 1992
12	The proposed arrangements and procedures for the reconsideration and review of decisions, including: (a) the location, classification and expertise of persons who will have responsibility for those functions; and (b) the situation of those persons within the applicant or external agency in relation to the primary decision makers

Note The Guidelines mentioned in item 11 can be found on the Privacy Commissioner's website at http://www.privacy.gov.au/publications/covertsurveillance.doc.

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Schedule 4 Entities and principal officers

(regulation 16)

Item	Entity	Principal officer
1	Australian Federal Police, comprising: (a) the Commissioner of Police; and (b) any Deputy Commissioner of Police; and (c) AFP employees; and (d) special members	Commissioner of Police
2	Australian Secret Intelligence Service, comprising: (a) the Director-General of the Australian Secret Intelligence Service; and (b) persons employed by the Director-General	Director-General
3	Australian Security Intelligence Organisation, comprising: (a) the Director-General of Security; and (b) persons employed under section 84 of the *Australian Security Intelligence Organisation Act 1979*	Director-General of Security
4	Commonwealth Bureau of Meteorology	Director
5	Commonwealth Grants Commission	Chairperson
6	Comsuper, comprising: (a) the Commissioner for Superannuation; and (b) the staff mentioned in section 26 of the *Superannuation Act 1976*	Commissioner for Superannuation
7	Alligator Rivers Region Research Institute (also known as the Environment Research Institute of the Supervising Scientist), established under section 23 of the *Environment Protection (Alligator Rivers Region) Act 1978*	Supervising Scientist

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Item	Entity	Principal officer
8	High Court of Australia, comprising: (a) the Chief Executive and Principal Registrar of the High Court; and (b) officers and employees engaged or appointed under section 26 of the *High Court of Australia Act 1979*	Chief Executive and Principal Registrar
9	Murray-Darling Basin Commission, comprising: (a) the President appointed under clause 20 of the Agreement in Schedule 1 to the *Murray-Darling Basin Commission Act 1993*; and (b) the Commissioners appointed under clause 20 of that Agreement	President
10	National Archives of Australia (also known as Australian Archives)	Director-General
11	Office of Official Secretary to the Governor-General, comprising: (a) the Official Secretary; and (b) persons employed under section 13 of the *Governor-General Act 1974* as members of the Governor-General's staff	Official Secretary

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Notes to the *Safety, Rehabilitation and Compensation Regulations 2002*

Note 1

The *Safety, Rehabilitation and Compensation Regulations 2002* (in force under the *Safety, Rehabilitation and Compensation Act 1988*) as shown in this compilation comprise Statutory Rules 2002 No. 56 amended as indicated in the Tables below.

Table of Instruments

Title	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
2002 No. 56	28 March 2002	R. 19: 1 July 2002 (*see* r. 2)) Remainder: 1 Apr 2002 (*see* r. 2)	
2005 No. 233	24 Oct 2005 (*see* F2005L03091)	25 Oct 2005	—
2006 No. 297	17 Nov 2006 (*see* F2006L03691)	1 Dec 2006	—
2008 No. 87	3 June 2008 (*see* F2008L01678)	4 June 2008	—
2008 No. 126	26 June 2008 (*see* F2008L02212)	27 June 2008	—
2009 No. 336	25 Nov 2009 (*see* F2009L04329)	26 Nov 2009	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 2	
Heading to r. 5	rs. 2008 No. 126
R. 5	am. 2008 No. 126
Heading to r. 6	rs. 2008 No. 126
R. 6A	ad. 2008 No. 126
R. 6B	ad. 2008 No. 126
Part 3	
R. 8	am. 2006 No. 297 rs. 2009 No. 336
R. 9	am. 2006 No. 297 rs. 2009 No. 336
Part 5	
Division 5.1	
Div. 5.1 of Part 5	ad. 2008 No. 87
R. 12A	ad. 2008 No. 87
Division 5.2	
Div. 5.2 of Part 5	ad. 2008 No. 87
R. 12B	ad. 2008 No. 87
R. 13	am. 2008 No. 87
Note to r. 13	am. 2008 No. 87
R. 13A	ad. 2008 No. 87
R. 14	am. 2008 No. 87
R. 14A	ad. 2008 No. 87
R. 14B	ad. 2008 No. 87
R. 15	am. 2008 No. 87
R. 15A	ad. 2008 No. 87
R. 15B	ad. 2008 No. 87
R. 15C	ad. 2008 No. 87
Part 6	
R. 18	am. 2005 No. 233
Schedule 3	
Schedule 3	am. 2008 No. 87

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