SAFETY, REHABILITATION AND COMPENSATION COMMISSION

ANNUAL REPORT 2003–2004
Commission members at 30 June 2004
Mr Les Taylor, Chairman
Mr Simon Cocker
Ms Sharelle Herrington
Mr Rex Hoy
Mr Barry Leahy
Ms Elizabeth Percival AM
Mr Bill Scales AO
Vice Admiral Russ Shalders AO CSC
Mr Stephen Somogyi
Mr Robin Stewart-Crompton
Ms Cheryl Vardon

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This annual report of the Safety, Rehabilitation and Compensation Commission is available at the following web site address: http://www.comcare.gov.au.

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LETTER OF TRANSMISSION

The Hon Kevin Andrews MP
Minister for Employment and Workplace Relations
Parliament House
CANBERRA ACT 2600

Dear Minister

I have pleasure in submitting the annual report of the Safety, Rehabilitation and Compensation Commission for the financial year ending 30 June 2004.

This report is provided to you in accordance with the Safety, Rehabilitation and Compensation Act 1988 (the SRC Act) and the Occupational Health and Safety (Commonwealth Employment) Act 1991 (the OHS(CE) Act).

Section 898 of the SRC Act provides that the Chairman must give the Minister, for presentation to the parliament, a report of the Commission’s activities during the financial year. In addition, section 75 of the OHS(CE) Act requires the annual report of the Commission to contain a report on the operation of the OHS(CE) Act and the regulations. Following its tabling in parliament, the report will be placed on Conc ore’s web site at http://www.concare.gov.au.

In presenting you with this report on the Commission’s activities throughout 2003 – 2004, I would like to take this opportunity to express my appreciation to my fellow Commissioners and to Conc ore staff for the contribution that they have made towards meeting our objectives.

Yours sincerely

La Taylor
Chairman

October 2004

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THE COMMISSION’S OBJECTIVE

The Commission’s objective is to foster continuous improvement in occupational health and safety and workers’ compensation in the Commonwealth jurisdiction by

- seeking to ensure the health, safety and welfare of Commonwealth employees in the workplace
- providing adequate and appropriate compensation benefits, with a strong emphasis on return to work, including through rehabilitation, for employees who are injured in the course of, or as a result of, employment in the Commonwealth jurisdiction
- providing advice to the Minister on issues relating to improving occupational health and safety, rehabilitation and workers’ compensation.

The Commission is also strongly committed to improving Australia’s national occupational health and safety performance by contributing to the implementation of the National Occupational Health and Safety Strategy.

PRINCIPLES OF REGULATION

The Commission’s principles of regulation are

- a systems based approach directed to the attainment of desired outcomes, rather than meeting specified process requirements
- flexibility to achieve outcomes, including an integrated approach to OHS, rehabilitation and claims management
- less reliance on regulatory prescription
- recognition of the requirement for compliance with legislative provisions
- risk management
- management accountability for performance outcomes
- employee consultation
- continuous improvement.
As Chairman taking up my position part-way through the year, I have been impressed by the Commission’s high level of commitment towards its goal of fostering continuous improvement in injury prevention and management.

Many issues stood out for me during the year and I would like to comment on some of them.

One of the roles of the Commission is the regulation of licensed self insurers under the Safety, Rehabilitation and Compensation Act 1988. An important activity during the year was a further upgrade of the financial and prudential conditions for self insurers and the Commission’s approach to the financial monitoring of self insurers. These measures have been designed so that self insurers’ future obligations to injured workers will be met. In reviewing these conditions the Commission took into account advice from the Australian Government Actuary.

The National OHS Strategy is now firmly embedded as part of the Commission’s business plan. As advised in previous reports the strategy has a ten year time frame to 2012. The Commission went further than the strategy by setting a zero target for workplace fatalities and extending the commitment of reducing workplace injury to include disease and commuting injuries.

There are three years remaining before the scheme has to achieve its first milestone against the strategy’s target of at least a 20 per cent reduction in the incidence of workplace injury. Notably, the scheme has already achieved a significant reduction in the two years since the target was introduced. The incidence of death claims has also reduced; however, the results are still short of the Commission’s extended targets.

This effort has national importance because OHS failures carry costs that are hard to imagine let alone quantify. To put this into perspective, it is estimated that over 2000 Australians die each year as a result of work-related causes. This is more than the national road toll. The cost of workplace injury is not just felt by individuals and their families, but by the organisations they work for and the community at large.

Within this jurisdiction, the Commission gives a high priority to positive proactive occupational health and safety practices. For instance, part of the Commission’s efforts I want to highlight is its awards program which supports the National Strategy, promoting best practice in injury prevention and management throughout the jurisdiction. The awards and their purpose are well established and the awards function is an important event on the Commission’s calendar. The 2004 awards were presented by the Hon Kevin Andrews MP, Minister for Employment and Workplace Relations and myself on 28 July 2004. On behalf of the Commission, I commend all those organisations that submitted applications for the 2004 awards and look forward to strong support for the next round of applications.
During the year, the Commission reviewed the performance of all determining authorities in the Commonwealth scheme against a range of performance indicators. At the scheme level, I am delighted to report that there has been an improvement in the frequency of lost time claims per million hours worked plus a small improvement in the incidence of injury claims involving incapacity of 5 or more days. Nevertheless, there has been some deterioration in the incidence of claims with incapacity of 30 or more days and 60 or more days. While there was an improvement in the number of return to work plans commenced, the percentage of cases achieving a return to work outcome on case closure remained constant.

Another area of interest for the Commission during the year was the average premium rate in the premium paying part of the jurisdiction, and the factors that drove it. While premium setting is not a Commission function because Comcare has the responsibility for this, the average premium rate is an indicator of the success of injury prevention and management strategies and the outcomes at a scheme level are important indicators the Commission takes into account. The Commission was regularly briefed on the comprehensive range of strategies that Comcare has in place to address premium cost drivers. This will continue to be an area for attention for the coming year.

As part of its role, the Commission also considered the performance of all licensed self insurers through its licence compliance evaluation program. This evaluation included prudential conditions (mentioned earlier), reporting against the Commission’s performance measures and audits of performance. It also required provision by each licensee of a Management Systems Review and Improvement Program (MSRIP) report designed to improve overall performance. Comcare and the Military Compensation and Rehabilitation Service, as determining authorities, also provided a MSRIP report on their operations. The Commission carefully considers all such reports when determining licence matters.

Last year this report flagged several legislative changes, one of which was the introduction into parliament of the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002. At 30 June 2004, this had reached the stage of consideration by a Senate committee. Also, the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2004 was introduced into the House of Representatives on 1 April 2004. Another initiative was amendments to regulations to give effect to a prohibition on the use of asbestos which came into effect from December 2003. These important changes are discussed in more detail elsewhere in this report.

In developing priorities for the coming year, the Commission was aware of the need for flexibility to accommodate emerging issues. One of those issues is the report of the Productivity Commission inquiry into workers’ compensation and OHS frameworks which was provided to the Government in April 2004. The Government’s response has since been announced and the Commission will review it carefully for the many issues relevant to the Commonwealth scheme.
A new Military Rehabilitation and Compensation Scheme for members of the Australian Defence Force commenced from 1 July 2004 with the establishment of a Military Rehabilitation and Compensation Commission to manage those issues. ADF members will continue to be covered by the OHS(CE) Act. As there is much in common between the new military scheme and the current scheme, it will be important that there is effective liaison between the two Commissions, and arrangements have been put in place to ensure this happens.

Implementing the National OHS Strategy, improving rehabilitation and return to work outcomes, enhancing scheme and agency performance and addressing issues arising from the Productivity Commission and other related developments are expected to be the key priorities for the coming year. The past year has seen some improvements in an environment that is constantly changing. The future will no doubt bring more challenges and we must deal with these effectively if we are to continue to be one of the best performing OHS and workers’ compensation jurisdictions in Australia.

Finally I would like to acknowledge the significant contribution of the previous Chairman Peter Wilson and to thank all of my fellow Commissioners, the Chief Executive Officer and staff of Comcare for their professional support, guidance and assistance throughout this past year.

Les Taylor
Chairman
STRUCTURE OF THE REPORT

This report is structured in the following way.

A summary of the Commission’s achievements for the year is found in the Chairman’s report.

The section titled Commission overview provides a profile of the Commission including its role, functions, program structure and membership. This section also provides reports against issues such as legislation enacted during the year. It also refers to matters for which there are specific legislative reporting requirements.

An overview of the Commonwealth scheme is provided within the section titled Scheme trends and performance. This section provides details of organisations and employees covered by the SRC Act, statistical data for 2003 – 2004 and trend data for the Commonwealth scheme. Details of the Commission’s performance indicators for prevention, rehabilitation and claims management are also included in this section.

To increase management accountability for outcomes, this report publishes the performance of individual licensees and the larger Comcare premium payers for selected key indicators.

The section titled Occupational health and safety details achievements and performance in relation to occupational health and safety (OHS) program activities. This section outlines key strategies and major achievements in relation to OHS as well as providing details of the regulatory and advisory activities undertaken by the Commission.

The section on Workers’ compensation provides details of policy advice issued to determining authorities during the year and progress on regulatory reform.

The Rehabilitation/return to work section provides information on work undertaken to influence the behaviour of key stakeholders in the return to work process with a view to improving rehabilitation performance.

The Licensing section provides details of major achievements throughout the year, the licensing arrangements under the SRC Act and a list of current licence holders.

The Premiums and regulatory contributions section reports on the Commission’s role in approving changes to the model that Comcare uses to calculate premiums and as a review body for agency premiums and regulatory contributions.

The section titled Licensees’ and other determining authorities’ comments includes comments from those organisations on their key activities and achievements for 2003 – 2004.

The report includes eight appendices covering changes to legislation, reporting requirements under other legislation, licence conditions, statutory reporting requirements under the SRC and OHS(CE) Acts, and a list of accredited providers of training for health and safety representatives.
Enquiries

Further information on the content of this report is available by contacting the Secretariat, Comcare on (02) 6275 0081.

This report and further information on the Commission is available on the Comcare web site http://www.comcare.gov.au.
COMMISSION OVERVIEW
COMMISSION OVERVIEW

Introduction
The Safety, Rehabilitation and Compensation Commission (the Commission) is established under the Safety, Rehabilitation and Compensation Act 1988 (SRC Act). The Commission is a statutory body with regulatory functions in relation to Comcare and other authorities which determine workers’ compensation claims under the Commonwealth scheme. The Commission also has regulatory functions under the Occupational Health and Safety (Commonwealth Employment) Act 1991 (OHS(CE) Act).

The SRC Act also establishes Comcare which has its own regulatory functions as well as claims management functions.

While the Commission and Comcare each have regulatory roles, most of the regulatory functions in relation to workers’ compensation and occupational health and safety for Commonwealth employees rest with the Commission.

The Commission is required to produce an annual report under both the SRC Act and the OHS(CE) Act but does not employ its own staff. Under section 72A of the SRC Act, Comcare provides the Commission with such secretariat support, assistance and resources as are reasonably required to enable it to perform its functions. As the Commission does not have its own budget, financial statements are not included in this report.

Please refer to the 2003 – 2004 Comcare annual report for details of Comcare’s staffing profile, financial expenditure and other related matters.

Responsible Minister
The Commission operates within the Employment and Workplace Relations portfolio, reporting to the Minister for Employment and Workplace Relations. The Minister has the power to give directions to the Commission about the performance of its functions or the exercise of its powers under both the SRC Act and the OHS(CE) Act. The Minister has issued directions to the Commission in relation to its licensing functions under Part VIII of the SRC Act. Details were published in the Commission’s 2001 – 2002 annual report. These directions contain record keeping and reporting requirements which are detailed at Appendix 7.

Role
The Commission administers the regulatory functions of the SRC Act and the OHS(CE) Act, other than those functions ascribed to Comcare. The SRC Act establishes the workers’ compensation scheme covering Commonwealth employees. The scheme is characterised by an integrated and cost effective approach to injury prevention, workers’ compensation and occupational rehabilitation across the Commonwealth.

The OHS(CE) Act complements the SRC Act, providing a regulatory framework aimed at reducing occupational injury and disease. This framework includes advisory and enforcement functions, and a system of penalties and sanctions.
Functions

The major functions of the Commission are to

- provide advice to the Minister in relation to the SRC Act and the OHS(CE) Act
- determine applications by Commonwealth authorities and eligible corporations wishing to self insure or manage their own claims under licence
- provide strategic direction for occupational health and safety in the Commonwealth jurisdiction and ensure compliance with the OHS(CE) Act
- develop general policy direction for scheme administrators on the operation of the SRC Act
- ensure, as far as practicable, consistency in the administrative practices and procedures used by scheme administrators
- act as a review body for premiums and regulatory contributions.

Membership

The SRC Act provides for the Commission to have eleven members. Each member is appointed by the Governor-General. Members other than the Chairman and Comcare’s Chief Executive Officer (CEO) may appoint a deputy, subject to the Minister’s approval. A member, other than Comcare’s CEO, holds office on a part-time basis for a term, not longer than three years, specified in the instrument of appointment. Members are eligible for reappointment.

Mr Les Taylor, former Chief Solicitor and General Counsel, Commonwealth Bank of Australia, was appointed as Chairman of the Commission on 25 August 2003. Mr Peter Wilson served in this capacity until 24 August 2003.

The Commission has the following other members

- the CEO of Comcare (Mr Barry Leahy)
- two people nominated by the Australian Council of Trade Unions (ACTU) – (Mr Simon Cocker, Tasmanian Regional Secretary, Community and Public Sector Union (CPSU) and Ms Sharelle Herrington, Divisional Assistant Secretary, Communications Division, Communication, Electrical, Electronic & Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU))
- a person who represents the licensees (Mr Bill Scales AO, Chief of Staff, Telstra Corporation Ltd). Mr David Barker served on the Commission in this capacity for part of the year
- a person who represents the Commonwealth and Commonwealth authorities (Mr Rex Hoy, Group Manager Workplace Relations Policy, Department of Employment and Workplace Relations). Mr John Rowling served on the Commission in this capacity for part of the year
· the Chief Executive of the National Occupational Health and Safety Commission (NOHSC) (Mr Robin Stewart-Crompton)
· a person who represents the interests of members and former members of the Defence Force (Vice Admiral Russ Shalders, AO CSC)
· two persons with qualifications or experience relevant to the Commission’s functions, or the exercise of its powers (Ms Elizabeth Percival AM and Mr Stephen Somogyi)
· a person who represents the interests of the Australian Capital Territory public sector employers (Ms Cheryl Vardon, Commissioner for Public Administration, ACT Chief Minister’s Department).

The significant contributions of Peter Wilson, David Barker and John Rowling, who left the Commission during the financial year, are acknowledged.

Operation of the Commission

The Commission is required to hold at least three meetings per calendar year. Five members constitute a quorum, as long as the following are present:

· at least one member nominated by the ACTU
· the member representing licensees
· the member representing the Commonwealth and Commonwealth authorities (other than licensed authorities).

In 2003 – 2004 the Commission held five meetings. Details of Commissioners’ attendance are at Table 1.

Decision making

Decisions made by the Commission under an Act are not subject to review by the Administrative Appeals Tribunal (AAT). They are, however, subject to review under the Administrative Decisions (Judicial Review) Act 1977.

Specific reporting requirements

Information about specific reporting requirements referred to in other legislation is included at Appendix 2 of this report.
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SCHEME TRENDS
AND PERFORMANCE
SCHEME TRENDS AND PERFORMANCE

Introduction

The SRC Act provides workers’ compensation coverage for employees of the Commonwealth public sector, Commonwealth authorities, government business enterprises, employees of the ACT Government, members of the Australian Defence Force (ADF) (until 30 June 2004) and certain other corporations declared eligible by the Minister. Coverage is through payment of a premium or self insurance arrangements approved under the SRC Act.

Self insurance arrangements, under a licence issued by the Commission, cover the following corporations and authorities

- ADI Limited (ADI)
- Australian air Express Pty Ltd (AaE)
- Australian Postal Corporation (Australia Post)
- CSL Limited (CSL)
- JRH Biosciences Pty Ltd (JRH)
- Pacific National (ACT) Limited (Pacific National)
- Reserve Bank of Australia (RBA)
- Telstra Corporation Ltd (Telstra1)
- Visionstream Pty Ltd (Visionstream).

Scheme level trends

Table 2 provides information on claims activity and costs during the year 2003 – 2004. This information has been provided by Comcare, the licensees and the ADF. Employee numbers are based on estimated full time equivalent (FTE) numbers as at 30 June 2004. Scheme totals for the last two years (2001 – 2002 and 2002 – 2003) have been provided for comparison.

Scheme performance measurement

The Commission has developed a system of outcome focused performance indicators (the Commission indicators) to encourage continuous improvement in achieving lower rates of injury (prevention), better return to work outcomes (rehabilitation), improved management of claims and efficient scheme administration.

Licensees’ performance against Commission indicators is part of the Commission’s licence compliance evaluation program. Comcare and the ADF also report against the Commission indicators.

1 From 1 July 2004 ADF members are covered by the Military Rehabilitation and Compensation Act 2004

2 Telstra comments under Licensees’ comments section also include information about NDC Ltd.
The Commission indicators provide a platform for benchmarking outcomes across the jurisdiction as well as enabling the Commission to compare year to year performance to identify any areas where performance is not meeting expectations.

The Commission evaluates Comcare, the ADF and licensees’ performance on an ongoing basis, with reports on performance being considered by the Commission twice yearly. Performance results against Commission indicators are used in making decisions on licence renewals, and in determining the licence compliance audit and management systems reporting requirements of licensees. The Commission also uses performance results to inform its business plan and activities.

Performance against targets

National OHS Strategy targets

The National OHS Strategy sets two national targets as a step towards achieving its national vision of Australian workplaces free from death, injury and disease. The first national target seeks a reduction in the incidence of work related fatalities with a reduction of at least 20 per cent by 30 June 2012. The second national target seeks to reduce the incidence of workplace injury by at least 40 per cent by 30 June 2012. In relation to these targets milestones were also agreed by WRMC which require specific progress to be achieved by 30 June 2007.

There are three years remaining before the scheme has to achieve its first milestones against the national targets. The incidence of death claims has fallen from 2.0 per 100,000 full-time equivalent employees during 2001 – 2002 to 0.4 per 100,000 full-time equivalent employees during 2003 – 2004. The scheme has also achieved a 20 per cent reduction in the incidence of workplace injury since the target was introduced.

Commission extended National OHS Strategy targets

The Commission adopted the National OHS Strategy targets and decided to extend both targets. The Commission extended the National OHS Strategy target requiring a 40 per cent reduction in the incidence of workplace injury by 30 June 2012, to include commuting injuries and work-related diseases. It also set a zero target for work related fatalities.

Little progress has been achieved to date against these extended targets. The scheme has recorded no measurable improvement against the target of a 40 per cent reduction in the incidence of workplace injury, disease and commuting by 30 June 2012. This performance reflects, in part, the increase in claims for psychological injuries (which are categorised as diseases) within the premium paying agencies. While there has been a slight reduction in the incidence of work related fatalities during 2003 – 2004, the scheme has failed to achieve the Commission’s zero target for fatalities.
Publication of performance measures

This annual report includes performance information about licensees, Comcare, the ADF and fifteen of the larger premium paying agencies.

Table 3 (a – b) details the performance of the determining authorities (Comcare, the ADF and licensees) against key Commission indicators. The scheme aggregate result (excluding the performance of the ADF) is included at the bottom of the table together with the aggregate result from last year (2002 – 2003).

At the scheme level, there has been an improvement in the frequency of lost time claims per million hours worked, and a small improvement in the incidence of injury claims involving incapacity of 5 or more days. However, there has been some deterioration in the incidence of claims with incapacity of 30 or more and 60 or more days. While there was an improvement in the number of return to work plans commenced, the percentage of cases achieving a RTW outcome on case closure remained constant.

Table 4 details the performance of the fifteen largest premium paying agencies (in order of employee numbers) against those Commission indicators where performance is attributable to the agency (rather than Comcare, which manages its claims). Last year’s performance is also provided for comparison.

National Return to Work Monitor

Each year, Comcare participates in a national survey of return to work outcomes. The National Return to Work Monitor benchmarks rehabilitation outcomes and compares the performance of the premium paying agencies to all other jurisdictions in Australia and New Zealand.

The survey is conducted by an independent research company in May and November each year. The sample of employees is drawn from those employees who lodged a compensation claim seven to nine months previously and who have spent at least ten days away from the workplace on compensation. The results of the survey are used to target areas of rehabilitation management for improvement.

The 2003 – 2004 RTW Monitor showed that of the injured employees covered by the SRC Act

- 90 per cent of employees achieved a return to work at some time following injury, compared to a national average of 87 per cent
- 96 per cent of employees who had returned to work, had returned to their original employer, compared to a national average of 84 per cent
- 61 per cent of employees reported they had a RTW plan developed compared to a national average of 45 per cent and those employees were more likely to be involved in the development of a RTW plan (89 per cent) compared to the national average (80 per cent)
- 53 per cent of employees reported having contact with their insurer in the last three months compared to the national average of 36 per cent.
<table>
<thead>
<tr>
<th>Determining authority/group</th>
<th>Full-time equivalent employees (FTE)</th>
<th>Claims received</th>
<th>Claims accepted</th>
<th>Claims accepted per 100 FTE</th>
<th>Reconsiderations decided</th>
<th>AAT appeals received</th>
<th>Paid to claimant ($m)</th>
<th>Medical &amp; rehabilitation ($m)</th>
<th>Legal, administration and regulatory costs ($m)</th>
<th>Total ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comcare / Premium paying agencies</td>
<td>178,170</td>
<td>6,644</td>
<td>5,749</td>
<td>3.3</td>
<td>1,768</td>
<td>6/93</td>
<td>13.39</td>
<td>44.98</td>
<td>55.68</td>
<td>236.05</td>
</tr>
<tr>
<td>Telstra</td>
<td>3,402</td>
<td>1,670</td>
<td>1,631</td>
<td>4.9</td>
<td>461</td>
<td>2/32</td>
<td>21.10</td>
<td>11.24</td>
<td>13.94</td>
<td>46.27</td>
</tr>
<tr>
<td>ADI</td>
<td>2,252</td>
<td>138</td>
<td>122</td>
<td>4.8</td>
<td>21</td>
<td>1/6</td>
<td>0.49</td>
<td>0.42</td>
<td>0.90</td>
<td>1.81</td>
</tr>
<tr>
<td>Aust</td>
<td>1,231</td>
<td>86</td>
<td>89</td>
<td>7.2</td>
<td>11</td>
<td>5</td>
<td>0.50</td>
<td>0.47</td>
<td>0.65</td>
<td>1.62</td>
</tr>
<tr>
<td>Visionstream</td>
<td>26.7</td>
<td>20</td>
<td>19</td>
<td>7.1</td>
<td>2</td>
<td>1</td>
<td>0.30</td>
<td>0.03</td>
<td>0.36</td>
<td>0.49</td>
</tr>
<tr>
<td>Reserve Bank</td>
<td>1820</td>
<td>22</td>
<td>22</td>
<td>2.7</td>
<td>0 cases</td>
<td>0.02</td>
<td>0.03</td>
<td>0.20</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>Pacific National</td>
<td>1,401</td>
<td>194</td>
<td>253</td>
<td>18.1</td>
<td>1</td>
<td>0 cases</td>
<td>0.50</td>
<td>0.50</td>
<td>0.42</td>
<td>1.42</td>
</tr>
<tr>
<td>ADF</td>
<td>56,518</td>
<td>6,858</td>
<td>5,046</td>
<td>9.0</td>
<td>1,610</td>
<td>300</td>
<td>101.93</td>
<td>27.90</td>
<td>20.51</td>
<td>158.33</td>
</tr>
<tr>
<td>Totals</td>
<td>305,353</td>
<td>18,902</td>
<td>15,600</td>
<td>5.1</td>
<td>4,723</td>
<td>1,667</td>
<td>2,843</td>
<td>95.49</td>
<td>105.91</td>
<td>406.23</td>
</tr>
<tr>
<td>2002 – 2003 Totals</td>
<td>305,918</td>
<td>18,121</td>
<td>15,032</td>
<td>4.9</td>
<td>4,918</td>
<td>1,951</td>
<td>2,829</td>
<td>81.93</td>
<td>112.04</td>
<td>406.09</td>
</tr>
<tr>
<td>% Increase/Decrease (%)</td>
<td>0.1</td>
<td>4.3</td>
<td>3.8</td>
<td>-4.0</td>
<td>-14.6</td>
<td>0.7</td>
<td>16.6</td>
<td>-5.5</td>
<td>20</td>
<td></td>
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</tbody>
</table>

See explanatory notes for tables
### Table 3a: Performance against selected Commission Indicators: 2001 – 2002 to 2003 – 2004

<table>
<thead>
<tr>
<th>Determining authority/group</th>
<th>Prevention indicators</th>
<th>Rehabilitation indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5 or more days lost time per 1,000 FTE employees</td>
<td>30 or more days lost time per 1,000 FTE employees</td>
</tr>
<tr>
<td>All premium payers</td>
<td>13.9</td>
<td>14.7</td>
</tr>
<tr>
<td>Telstra</td>
<td>10.5</td>
<td>9.8</td>
</tr>
<tr>
<td>Australia Post</td>
<td>25.4</td>
<td>23.6</td>
</tr>
<tr>
<td>ADI</td>
<td>9.0</td>
<td>4.9</td>
</tr>
<tr>
<td>AAE</td>
<td>28.8</td>
<td>31.0</td>
</tr>
<tr>
<td>Visionstream</td>
<td>0</td>
<td>12.9</td>
</tr>
<tr>
<td>Reserve Bank</td>
<td>6.4</td>
<td>8.5</td>
</tr>
<tr>
<td>Pacific National</td>
<td>27.5</td>
<td>15.5</td>
</tr>
<tr>
<td>ADF</td>
<td>Data not applicable</td>
<td>Data not applicable</td>
</tr>
<tr>
<td>Scheme performance</td>
<td>14.9</td>
<td>15.2</td>
</tr>
</tbody>
</table>

N/A – not applicable

Also see explanatory notes for tables
Table 3b: Performance against selected Commission indicators: 2001 – 2002 to 2003 – 2004

<table>
<thead>
<tr>
<th>Determining authority/group</th>
<th>Claims management</th>
<th>Scheme administration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average time taken in calendar days to determine new claims (from date of receipt)</td>
<td>Outstanding liabilities for workers’ compensation as at 30 June ($m)</td>
</tr>
<tr>
<td></td>
<td>2001-02</td>
<td>2002-03</td>
</tr>
<tr>
<td>Comcare</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>Telstra</td>
<td>18</td>
<td>25</td>
</tr>
<tr>
<td>Australia Post</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>ADI</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>AWE</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>Visionstream</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Reserve Bank</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td>Pacific National</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td>ADIF</td>
<td>147</td>
<td>115</td>
</tr>
<tr>
<td>Scheme performance</td>
<td>17</td>
<td>17</td>
</tr>
</tbody>
</table>

See explanatory notes for tables
<table>
<thead>
<tr>
<th>Agency</th>
<th>Prevention</th>
<th>Claims management</th>
<th>Rehabilitation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Incidence of injuries</td>
<td>Frequency of last time claims</td>
<td>Average time taken in calendar days from date of injury to claim lodgement with Comcare</td>
</tr>
<tr>
<td></td>
<td>5 or more days lost time per 1,000 FTE employees</td>
<td>30 or more days lost time per 1,000 FTE employees</td>
<td>60 or more days lost time per 1,000 FTE employees</td>
</tr>
<tr>
<td>Centrelink</td>
<td>14.9</td>
<td>19.3</td>
<td>7.2</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>12.7</td>
<td>13.3</td>
<td>5.4</td>
</tr>
<tr>
<td>Dept. of Defence (civilian)</td>
<td>12.7</td>
<td>11.3</td>
<td>4.4</td>
</tr>
<tr>
<td>Commonwealth Scientific &amp; Industrial Research Organisation</td>
<td>9.5</td>
<td>8.4</td>
<td>3.2</td>
</tr>
<tr>
<td>Dept. of Health &amp; Ageing</td>
<td>10.4</td>
<td>11.3</td>
<td>6.2</td>
</tr>
<tr>
<td>Australian Customs Service</td>
<td>13.3</td>
<td>19.0</td>
<td>4.9</td>
</tr>
<tr>
<td>Dept. of Immigration &amp; multicultural &amp; Indigenous Affairs</td>
<td>13.3</td>
<td>9.7</td>
<td>4.7</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>29.2</td>
<td>30.9</td>
<td>11.9</td>
</tr>
<tr>
<td>Dept. of Family &amp; Community Services</td>
<td>17.8</td>
<td>14.0</td>
<td>9.7</td>
</tr>
<tr>
<td>Australian Broadcasting Corporation</td>
<td>10.7</td>
<td>11.4</td>
<td>3.8</td>
</tr>
<tr>
<td>Health Insurance Commission</td>
<td>15.4</td>
<td>17.8</td>
<td>6.7</td>
</tr>
<tr>
<td>Dept. of Agriculture, Fisheries &amp; Forestry</td>
<td>27.9</td>
<td>22.7</td>
<td>10.7</td>
</tr>
<tr>
<td>Dept. of Foreign Affairs &amp; Trade</td>
<td>4.7</td>
<td>5.4</td>
<td>2.2</td>
</tr>
<tr>
<td>Australian National University</td>
<td>9.9</td>
<td>12.5</td>
<td>4.0</td>
</tr>
<tr>
<td>Australian Bureau of Statistics</td>
<td>13.2</td>
<td>19.3</td>
<td>3.9</td>
</tr>
<tr>
<td>All other premium paying agencies**</td>
<td>16.4</td>
<td>14.2</td>
<td>7.3</td>
</tr>
<tr>
<td>All premium paying agencies***</td>
<td>14.7</td>
<td>14.8</td>
<td>6.4</td>
</tr>
</tbody>
</table>

*Based on the number of full time equivalent (FTE) employees during 2003–04 (ie > 3,000 FTE). Sorted by FTE. **Includes the ACT Government. ***Also see explanatory notes for tables.
EXPLANATORY NOTES FOR TABLES

Table 2
1. CSL/JRH Biosciences figures are included in Comcare’s data.

2. Some small determining authorities may record more claims accepted than claims received due to processing of backlogs.

Table 3a & 3b
3. In calculating the scheme performance, a relative weighting is applied based on each determining authority’s contribution to the total figure for each relevant data element. ADF is not included in the overall scheme performance data.

Table 3a
4. In relation to the frequency of lost time claims per 1,000,000 hours worked, most determining authorities count lost time claims cumulatively, for example, two half days count as one lost time shift. However, Australia Post, Visionstream, Pacific National and ADF interpret lost time as at least one discrete day/shift, for example, two half days do not count.

5. It should be noted that it is possible to record performance above 100 per cent against the indicator that measures the percentage of claimants with 10 or more days incapacity payments determined with a return to work (RTW) plan. This is possible because the numerator has a wider scope than the denominator by including claimants who had a 10th day of incapacity outside the current period. Therefore, a percentage greater than 100 shows that the determining authority (or group) had previously fallen behind in implementing RTW plans but is currently processing some past claims.

6. The indicator measuring the percentage of claimants with 10 or more days incapacity payments determined with a return to work plan was amended in 2002–2003 and therefore the 2002–2003 data is not directly comparable to the 2001–2002 data. Previously, this indicator only counted the number of claimants with 10 or more days of incapacity who commenced a RTW plan within the period. The new indicator measures the number of claimants who had their 10th day of incapacity determined prior to the period and commenced a RTW plan within the period plus those claimants who had their 10th day incapacity determined within the period and had at any time prior to or within the period commenced a RTW plan.

Table 3b
7. Caution should be exercised when comparing performance against the scheme administration indicator as different accounting treatments may have been used in collecting financial data among determining authorities.

8. The indicator measuring outstanding liabilities for workers’ compensation includes the value of the current 12 months provision for compensation and the value of the non-current (long-term) provision for compensation.
Safety awards

These awards have been in place for some years and are a significant event on the Commission’s annual calendar. They are a demonstration of the Commission’s commitment to the promotion of safe and healthy workplaces and to improved approaches to rehabilitation.

Applications were open to Australian Government organisations and licensed self insurers covered by the SRC Act and/or the OHS(CE) Act and ACT Government organisations covered by the SRC Act.

Applications were invited in the following award categories

- leadership in injury prevention and management
- workplace safety innovative solutions
- rehabilitation and return to work.

The Commission agreed upon award winners at its June 2004 meeting. Awards were presented by the Minister for Employment and Workplace Relations, the Hon Kevin Andrews MP and Chairman of the Commission, Les Taylor on 28 July 2004 at a luncheon attended by about 180 senior managers from a wide range of Government agencies.

The award winners were

Leadership in injury prevention and management category

Joint Winners

Department of Defence – Training Authority-Submarines
– HMAS Stirling, WA

ACT Government – Chief Minister’s Department
– ACT Safety First

L to R: Commander Stuart Wheeler RAN and Minister Andrews

L to R: Minister Andrews, Mr Mark McCabe

L to R: Minister Andrews, Mr Barry Leahy (CEO, Comcare)
Highly Commended: there were no awards in this category.

Encouragement:
- Australian air Express (AaE) – The Challenge – Doing ordinary things extraordinarily well
- CSIRO Plant Industry ACT – Leadership in injury prevention and management
- CSIRO Minerals Victoria – Systematic approach to injury prevention and management
- Centrelink – Bendigo Call Centre, Victoria
- Australian Electoral Commission (AEC) – Commitment to injury prevention and management
Workplace safety innovative solutions category

Joint Winners  Australia Post NSW/ACT – Motorcycle safety system

L to R: Mr Graham Goodwin, Mr Glen Lidgard, Mr Sam Russo, Minister Andrews, Mr Peter Frede and Dr Michael Barbour.

Australian Nuclear Science & Technology Organisation (ANSTO) – The Journey to Contractor Safety

L to R: Mr Mark Winnell, Ms Karen Thornton, Ms Kara Braithwaite, Minister Andrews, Ms Karen White, Ms Samantha Alkupsas, Ms Celia Raisier, Mr Greg James.
Highly Commended  Australian Institute of Marine Science (AIMS)  
– Safety Induction Series

L to R: Ms Leone Gregory, Minister Andrews and Mr Liam Dev.

Encouragement  Therapeutic Goods Administration (TGA)  
– TGA Risk Assessment Tool

L to R: Mr Phil Burge (TGA) and Mr Lex Taylor (Commission Chairman)
Rehabilitation and return to work category

Winner  ACT Department of Urban Services – CityScape Services
- best practice return to work program

Highly commended  Bureau of Meteorology
- Rehabilitation and return to work program

Further information
Information about these applications is available on Comcare’s website at www.comcare.gov.au. Applications for the next awards will be called late in 2004.
OCCUPATIONAL HEALTH AND SAFETY

Introduction

The Occupational Health and Safety (Commonwealth Employment) Act 1991 (OHS(CE) Act), and associated regulations and codes of practice, provide for the protection of the health and safety at work of all Commonwealth employees, including employees of Commonwealth authorities, and members of the ADF. There were 284,490 employees (FTE) covered by the OHS (CE) Act in 2003 – 2004.

In broad terms the legislation requires employers to take all reasonably practicable steps to protect the health and safety at work of their employees. The OHS(CE) Act encourages a cooperative, consultative approach to the management of occupational health and safety by providing for the establishment of specific workplace arrangements underpinned by effective communication between employers and employees.

National Occupational Health and Safety Strategy

In May 2002 the Workplace Relations Ministers’ Council endorsed the National OHS Strategy (2002 – 2012), encompassing the targets previously discussed and the following five national priorities:

1. reduce high incidence/severity risks
2. improve the capacity of business operators and workers to manage OHS effectively
3. prevent occupational disease more effectively
4. eliminate hazards at the design stage
5. strengthen the capacity of Government to influence OHS outcomes.

The Commission and Comcare are undertaking a range of projects to implement the strategy in the Commonwealth jurisdiction. Full details of these projects are provided in Comcare’s annual report 2003 – 2004.

Legislative reform

The Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 (the Bill) was introduced into the House of Representatives on 26 June 2002 and as at 30 June 2004 was before the Senate.

The Bill seeks to amend the OHS(CE) Act to provide a greater choice for employees in terms of representation on OHS matters, to ensure a strong and effective compliance regime and to implement other measures of a minor policy or technical nature.
The Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2004 was introduced into the House of Representatives on 1 April 2004. It seeks to exclude the ACT industrial manslaughter law from Commonwealth workplaces.

Appendix 1 outlines legislative instruments made during the year. Appendix 3 outlines statutory reporting requirements.

Regulations and codes of practice

Work on the development of regulations for the storage and handling of dangerous goods and the control of major hazard facilities (MHF) in the Australian Government employment sector has continued throughout the year. The drafting of these regulations is expected to be completed in the coming year. The Commission has established a working group of employers and unions to assist it with the implementation of the MHF regulatory framework.

Amendments to Part 4 (Plant) of the Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994 are expected to come into effect by mid to late 2004. These amendments include:

- changes to the referencing of Australian Standards
- amendments to plant licensing arrangements for short term hired plant and special licences for the Department of Defence.

Amendments to Part 6 (Hazardous substances) of the Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994 which gave effect to the prohibition on the workplace use of chrysotile and other forms of asbestos took effect from 31 December 2003.

There is a specific exemption for the Australian Defence Organisation (ADO) that applies to items that are mission-critical and where no reasonable non-chrysotile alternatives exist. The Commission is taking a strict approach to administering this exemption to ensure that the intent of the prohibition in ensuring health and safety is maintained.

The Commission has to date received two applications for exemption from the prohibition. Exemptions have been granted for a total of 687 mission critical items containing chrysotile. The conditions of these exemptions include providing the Commission with information relating to the research being undertaken by the ADO to find alternative non-chrysotile products.

The Commission approved guidance material and an application form for employers seeking an exemption from the prohibition of a scheduled hazardous substance, including exemptions from the chrysotile asbestos prohibition.
The Commission has recommended to the Minister for Employment and Workplace Relations that he approve the Code of Practice for the Control of Work-related Exposure to Hepatitis and HIV Viruses in Australian Government Employment, which is based on the National Code of Practice for the Control of Work Related Exposure to Hepatitis and HIV (blood borne) Viruses, declared by NOHSC on 3 December 2003.

This Code replaces the Approved Code of Practice for Health Care Workers and Other People at Risk of the Transmission of Human Immunodeficiency Virus and Hepatitis B in the Workplace, which was based on a 1993 National Code of Practice that is no longer in force.

The Prevention Program

One of the Commission’s goals is to promote prevention as the primary means of reducing the human and financial costs of work related injury in the Commonwealth jurisdiction. The Prevention Program is a key strategy for achieving this goal and improving scheme performance.

Activities under the program during the year included

- providing direct assistance and working closely with two major agencies to identify and implement specific prevention activities and return to work strategies for psychological injuries
- the development of an OHS Training Provider Register, available on Comcare’s website. The register incorporates a search facility, which enables users to easily search for relevant OHS training courses Australia-wide
- the OHS page on Comcare’s website has been redesigned to be more user-friendly and accessible. The new page provides quick access menus to OHS legislation, plant and HSR information, OHS fact sheets, incident notifications and the Training Provider Register
- promotion of targeted prevention activities including effective OHS management systems, psychological injury, body stressing and OHS risk management.

A highlight for the year was a two day conference "Towards Australia’s Safest Workplaces II" held in Canberra on 17-18 March 2004. Through keynote addresses, case studies and a number of practical workshops, delegates explored emerging OHS issues relating to leadership, injury prevention and health and wellbeing.

Over 200 delegates attended the conference. Their feedback confirmed that the mix of practical and theoretical sessions provided them with useful and relevant information, which could be applied back in their workplaces.

Seminars were also held nationally aimed at providing health and safety representatives (HSRs) with information on the support available to them to more effectively represent their designated work groups. Almost 600 HSRs attended these seminars which were well received.
In conjunction with the Australian Public Service Commission (APSC) a workshop on “Preventing bullying and harassment in the workplace” was held in March 2004. Subject experts were engaged to work with delegates on identifying and exploring strategies to promote a workplace that was free from bullying and harassment. Following the success of the initial workshop, further workshops were conducted.

The Commission has agreed a Prevention Program for 2004 – 2007 which is designed to:

- introduce a three year cycle (with annual review) to provide for the assessment of risks, implementation of strategies, evaluation and review
- include a range of activities to assist employers and employees to prevent work related injury and disease.

The Commission will continue to give priority to assisting agencies to prevent psychological injuries and effectively manage the return to work of employees who have suffered such injuries. A focus is also being placed on high incidence injuries within the jurisdiction including body stressing, falls at the same level and motor vehicle accidents.

The Prevention Program will also include:

- targeted prevention activities in specific agencies
- improving and maintaining the Commission’s OHS publications available on Comcare’s website
- facilitating communication and the sharing of better practice through the annual conference Towards Australia’s Safest Workplaces and related seminars
- liaison with specific agencies to promote integration of OHS into other business activities, including the Department of Finance and Administration, Comcover, the Australian Public Service Commission (APSC) and the Australian National Audit Office
- working with the APSC to incorporate OHS considerations and issues into guidance being developed on bullying and harassment
- improving the range and accessibility of OHS training available
- monitoring and responding to escalating and emerging risks (e.g. psychological injury).
Regulation and enforcement

During the year targeted investigations were conducted to assess compliance by employers with Part 4 (Plant) and Part 5 (Manual Handling) of the Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994.

Investigations in relation to plant were conducted at a total of 30 sites across 14 Australian Government agencies whilst investigations in relation to manual handling were conducted at 12 sites across six Australian Government agencies. The Commission will consider the outcomes of these investigations in the coming financial year.

One hundred and seventy six investigations were commenced during 2003 – 2004, including 27 planned investigations, 99 reactive investigations, 42 targeted investigations and eight self audit investigations. Sixty nine reviews of previous investigations were commenced to ensure that action had been taken by employers in response to recommendations previously made by investigators.

One hundred and forty investigations were commenced in 2002 – 2003.

Not all requests for investigations or incidents notified to Comcare result in a formal investigation. In a number of cases, Comcare will make a range of enquiries in order to inform a decision about whether or not an investigation is warranted. In 2003 – 2004, 371 such matters were resolved to Comcare’s satisfaction through informal processes, without the need for a formal investigation.

Evaluation of the Planned Investigation Program (PIP)

As part of its responsibility for administering the OHS(CE) Act and associated regulations, Comcare conducts an annual program of planned investigations. These investigations assess employers’ occupational health and safety policies and practices using the SafetyMAP OHS systems tool.

In July 2003, the Commission completed an evaluation of the PIP. Following that evaluation, the Commission endorsed

- the adoption of a modified form of SafetyMAP (Initial Level) version 4 for future planned investigations (use of this investigation tool will be reviewed after 12 months)

- a future evaluation of the appropriateness and cost effectiveness of planned investigations as a method for assessing employers’ OHS management systems and compliance with the legislation.

OHS self audit

The Commission continued to offer agencies the opportunity to self audit their OHS performance in 2003 – 2004. Agencies approved to self audit must be able to demonstrate commitment to OHS and have well developed OHS management systems. As at 30 June 2004 six agencies held self audit status.
The Department of Employment and Workplace Relations holds self audit status until 1 December 2004. Australia Post, Telstra, the Australian Nuclear Science and Technology Organisation and the Royal Australian Mint have self audit status until 30 June 2005 and Note Printing Australia has self audit status to 30 June 2004. Note Printing Australia has decided not to renew its OHS self audit status. One new application for OHS self audit status was received from the Reserve Bank of Australia during May 2004. This application will be considered by the Commission in the coming year.

The Commission’s self audit program requires that all agencies approved to self audit be subject to a verification investigation during the period that they are approved to self audit. During 2003 – 2004, the Commission undertook an investigation to verify the self audit outcomes achieved by Australia Post and the Royal Australian Mint.

Accreditation of health and safety representatives (HSR) training courses

The Commission accredited five HSR training courses under subsection 12(1) of the OHS(CE) Act during 2003 – 2004. Two new courses were accredited and three previously accredited courses were again accredited. The total number of accredited HSR training courses is now ten. See Appendix 8 for a list of accredited HSR training courses as at 30 June 2004.

A report of a review of the effectiveness of HSR training courses was considered by the Commission during the year. The Commission has agreed to consider in 2004 – 2005 aspects of HSR training identified for improvement by the review.

Future directions

In 2004 – 2005 priority areas for the Commission include implementing the National OHS Strategy, improving the OHS regulatory framework and strengthening prevention and enforcement efforts.

Specifically, the implementation of the regulations on major hazard facilities and dangerous goods will be key activities.

The Commission will also continue the prevention program focus on psychological injuries in addition to other high incidence injuries within the jurisdiction.
WORKERS’ COMPENSATION

Introduction

The Commission is committed to providing adequate compensation benefits, with prompt, fair and efficient handling of claims within the Commonwealth workers’ compensation scheme.

Under the auspices of the Commission, Comcare provides policy advice on workers’ compensation matters to all determining authorities. In 2003 – 2004 Comcare issued policy advice in the following areas:

- Average Weekly Ordinary Time Earnings Full-time Adults (AWOTEFA) updates under ss19(5)
- interest rate to apply to late compensation payments for injuries resulting from permanent impairment
- adjustment to Commonwealth funded superannuation pensions for ex-employees (including those on compensation benefits)
- indexation of benefits under s13
- use of Calderbank offers.

In 2003 – 2004 Comcare also convened three Jurisdictional Consultative Group meetings with determining authorities to discuss policy directions and other workers’ compensation matters.

Legislative reform

During the year the Commission also monitored progress on consideration of a number of possible amendments to the SRC Act.

A number of technical amendments have been identified for inclusion in a forthcoming Bill to amend the Act.

Appendix 1 outlines legislative instruments made during the year.

New military rehabilitation and compensation scheme


The MRC Scheme applies to injuries or diseases that are related to Australian Defence Force (ADF) service on or after 1 July 2004. The SRC Act will continue to apply to civilian Defence employees.
Under the MRC Scheme, a new Military Rehabilitation and Compensation Commission will take over the responsibilities and functions of Comcare and the Safety, Rehabilitation and Compensation Commission under the SRC Act, in relation to ADF members. Administration of the Act will rest with the Department of Veterans’ Affairs.

The ADF’s occupational health and safety responsibilities are not affected and will continue to be governed by the OHS(CE) Act.

Communicating with professionals

The Commission recognises the importance of the work of professionals such as doctors and other health professionals and lawyers in workers’ compensation matters. As such the Commission has requested that Comcare develop programs to educate and inform professionals about the Commonwealth workers’ compensation framework.

Comcare completed its seminar program, in conjunction with State and Territory Law Societies, to inform legal practitioners about the distinguishing features of the SRC Act. This year seminars were held in South Australia and Western Australia with seminars in the ACT, Victoria, Queensland and NSW having been held last year. The feedback from the seminars was very positive and another program will be conducted next year.

During 2003 – 2004 Comcare distributed material for general practitioners about the Commonwealth workers’ compensation system. The material is also available on Comcare’s web site and in booklet form. The fact sheets have been distributed to General Practitioners (GPs) in Canberra with the assistance of the ACT Division of General Practice. Comcare has also sent the fact sheets to those doctors across Australia with more than one Comcare client.

While the fact sheets are designed primarily for GPs, case managers and rehabilitation providers have also found them useful when talking to doctors about their role and about the Commonwealth workers’ compensation scheme more generally.

The fact sheets were distributed at Comcare customer forums and Comcare’s rehabilitation conference in November 2003. They are available on the Comcare web-site at www.comcare.gov.au.

Dispute prevention and resolution

In October 2003 the Commission met with the President and two senior members of the Administrative Appeals Tribunal (AAT) to discuss areas where determining authorities could improve their dispute management. One of the matters discussed was the use of Calderbank offers. The Calderbank provision is used to encourage AAT applicants to settle at a particular point in time or risk not having any additional legal costs paid at the finalisation of the matter (in circumstances where they receive the same or lesser outcome).

The Australian Law Reform Commission’s Report Number 89: Managing Justice – a review of the federal civil justice system, made several recommendations which are relevant to the Commonwealth’s workers’ compensation jurisdiction. In particular, recommendation 1.30 recommended that the AAT have regard to Calderbank offers when deciding costs.
Comcare issued a Jurisdictional Policy Advice (JPA) to determining authorities which discusses the use of Calderbank offers and sets out the policy approach to be adopted with regard to their application.

A limited trial, which commenced on 1 July 2004, is being conducted for Comcare and Australia Post matters in the NSW Registry of the AAT. The objectives of the trial are to establish the effectiveness of the JPA and to identify any issues in the use of Calderbank arrangements. An evaluation of the results of the trial will be undertaken in the coming financial year and consideration will be given to implementation of this approach at a national level.

Future directions

The Commission will continue to foster improvement in the Commonwealth workers’ compensation scheme.

The Commission will continue to focus attention on improving dispute resolution mechanisms. The Calderbank trial and progress of a number of other issues will be closely monitored by the Commission during 2004 – 2005.

The increasing incidence of psychological injury claims within the jurisdiction is an important issue for the Commission. A number of initiatives focused on the prevention and management of psychological injury are to be pursued as part of the Commission’s 2004 – 2005 business plan.
REHABILITATION/RETURN TO WORK
REHABILITATION/RETURN TO WORK

Introduction

The SRC Act emphasises the mutual responsibilities of employers and employees in achieving expeditious, safe and durable return to work outcomes. Under the SRC Act, rehabilitation authorities (i.e. all premium paying agencies and licensed self insurers) are responsible for determining access to rehabilitation assessments and rehabilitation programs. Employees are required to actively participate in the development and implementation of their rehabilitation programs and return to work plans.

Effective occupational rehabilitation is a managed process combining early intervention with appropriate, adequate and timely services based on the assessed needs of the individual. The aim of occupational rehabilitation is to ensure that individuals resume their pre-injury employment status as soon as possible following injury. This is the best possible outcome for both employees and employers.

Improving return to work performance

The Commission remains concerned at the time it is taking for injured employees to be returned to work. Comcare is working with the jurisdiction to improve rehabilitation performance and reduce the duration of claims. Comcare’s annual report provides details of strategies it is implementing to address these issues.

Performance measurement

Along with most workers’ compensation schemes the Commonwealth scheme participates in the National Return to Work Monitor. The Monitor benchmarks key return to work outcomes and enables interjurisdictional comparison. The representative sample for the Commonwealth includes premium paying agencies and licensed self insurers.

Improving performance of approved rehabilitation providers

Employers covered by the scheme are required to obtain rehabilitation services from providers approved by Comcare. During the year Comcare assessed applications by approved rehabilitation providers for renewal of their accreditation for the period 1 July 2004 – 30 June 2007. Details are provided in the Comcare annual report.

Improving agency injury management systems

Comcare presented a rehabilitation seminar for employers in conjunction with the Commission’s Safety Awards presentation function in July 2003. Comcare also coordinated a two day conference on this issue in November 2003. A total of 215 participants attended representing a range of agencies, state jurisdictions and professional groups. Details are provided in the Comcare annual report.
LICENSING
LICENSING

Introduction

Under the SRC Act, certain Commonwealth authorities and eligible corporations may apply to the Commission for a licence to self insure their workers’ compensation liabilities and/or manage claims. The Commission considers applicants against criteria designed to assess their capacity to meet relevant licence conditions.

Eligibility and applications

The Minister is able to declare certain corporations eligible to apply to the Commission for a licence. The SRC Act (section 100) enables the Minister to consider for declaration a corporation that

- is, but is about to cease to be, a Commonwealth authority
- was previously a Commonwealth authority
- is carrying on business in competition with a Commonwealth authority or with another corporation that was previously a Commonwealth authority.

No declarations were made in 2003 – 2004.

Self insurance licence application process

In making an application, the applicant must supply detailed information in relation to its structure, financial details, insurance arrangements, and the proposed arrangements for prevention, rehabilitation and workers’ compensation of its employees (as set out in the SRC Regulations 2002).

The principal officer of the applicant must also provide undertakings that the applicant will comply with the SRC Act, with licence conditions and any Commission guidelines, and will pay licence fees determined by the Commission.

Consideration of application

The Commission assesses the applicant’s capacity to meet applicable licence conditions. Subsection 104(2) of the SRC Act requires that before granting a licence the Commission must be satisfied that

(a) the applicant has sufficient resources to fulfil the responsibilities imposed on it under the licence
(b) the applicant has the capacity to ensure that claims will be managed in accordance with standards set by the Commission for the management of claims
(c) the grant of the licence will not be contrary to the interests of the employees of the licensee whose affairs fall within the scope of the licence and
(d) the applicant has the capacity to meet the standards set by the Commission for the rehabilitation and occupational health and safety of its employees.

When granting a licence, the Commission may apply appropriate conditions in addition to those set out in the SRC Act.

Licence applications, variations and extensions

During the year, four of the existing self insurers (licensees) applied for new licences under Part VIII of the SRC Act. CSL, JRH, RBA and Visionstream were granted licences from 1 July 2004.

The Commission varied the licences of AaE, ADI, Australia Post, Pacific National and Telstra from 1 July 2004 to make their licence conditions consistent with the form of licence which the Commission approved to have effect from 1 July 2004. This followed the Commission’s review of prudential and financial conditions of licence.

The following table summarises licence types, licensees and expiry dates at 30 June 2004.
<table>
<thead>
<tr>
<th>Licence type</th>
<th>Features</th>
<th>Licensee (expiry date)</th>
<th>Claims management arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part VIII</strong></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
| Corporation  | Self insurance  
Self claims management (with capacity to arrange for a 3rd party claims manager) | ADX Limited (31/12/2005) | In house, with claims review function by Comcare |
|              |          | Australian air Express Pty Ltd (31/12/2005) | GIO General Ltd |
|              |          | Pacific National (ACT) Limited (31/12/2005) | In house |
|              |          | Telstra Corporation Limited (30/6/06) | GIO General Ltd |
| Commonwealth Authority | Self insurance  
Self claims management | Australian Postal Corporation (30/6/2006) | In house |
| **Part VIIIB** |          |                        |                               |
| Class A (Corporations) | Self insurance  
Claims management by Comcare subsidiary | CSL Limited* (30/6/2004) | Comcare subsidiary (QWL Corporation Pty Ltd) |
|              |          | JRH Biosciences Pty Ltd* (30/6/2004) | Comcare subsidiary (QWL Corporation Pty Ltd) |
| Class B (Corporations) | Self insurance  
Self claims management (with capacity to arrange for a 3rd party claims manager) | Network Design and Construction Limited (31/12/2004) | GIO General Ltd |
|              |          | Visionstream Pty Ltd* (30/6/2004) | GIO General Ltd |
| **Part VIIIA** |          |                        |                               |
| Class 3 (Commonwealth Authority) | Self insurance  
Self claims management | Reserve Bank of Australia* (30/6/2004) | In house |

*CSL, JRH, RBA and Visionstream were granted Part VIII licences from 1 July 2004. Marsh Pty Ltd provides CSL and JRH with claims management services from 1 July 2004.

Provided at Appendix 4 is a sample Part VIII licence. Appendix 5 details the performance standards and measures for licensees.
Variation to prudential and financial conditions of licence

As reported in the Commission’s 2002 – 2003 annual report, the Commission strengthened the prudential conditions of licence applying to self insurers from 1 July 2003 after taking into account changes to regulatory arrangements in the general insurance industry and the recommendations of the HIH Royal Commission.

During 2003 – 2004, the Commission further strengthened the prudential conditions and also strengthened the financial conditions to apply from 1 July 2004 taking into account advice provided by the Australian Government Actuary.

The new financial conditions require each licensee to provide timely and accurate information to enable ongoing financial monitoring together with an annual risk based ‘desktop’ review process using the licensee’s audited financial statements. Should any concerns become evident, the desktop review would be extended to a more comprehensive review requiring further financial and corporate information in order to assess whether the licensee has the capacity to continue to meet the Commission’s licence requirements.

The outcome of the strengthened financial conditions is to affirm that only licence applicants of strong financial standing will be considered for a licence. The new conditions are also designed to ensure that the Commission has the earliest possible warning of any impending licensee failure. Together with the strengthened prudential conditions this will serve to minimise the potential risk to employees in the event of a licensed self insurer becoming insolvent with unfunded claims liabilities.

In summary, from 1 July 2004 the prudential and financial conditions of licence require:

- certification by the principal officer of the licensee
- yearly actuarial estimation of liability in accordance with professional standards by an independent and experienced actuary
- capacity to subject liability reports to peer review and possible requirement for a second liability report
- actuarial recommendation of the maximum reinsurance retention amount
- a higher level of bank guarantee – the greater of $2,500,000 or one reinsurance retention amount plus the 95th percentile level of sufficiency based on estimated outstanding liabilities projected 24 months from the balance date for licensees in years 1 – 3, projected 18 months for licensees in years 4 – 5 and thereafter projected 12 months
- more precise and more timely financial reporting.

Set out at Appendix 6 are the new prudential conditions which reflect the outcome of the review of these conditions by the Commission in 2003 – 2004 and which apply from 1 July 2004.
Licence conditions and performance standards of licence

The Commission expects licensees to continuously improve their occupational health and safety, rehabilitation and claims management performance outcomes, and to comply with licence conditions and to meet performance standards of licence.

Conditions of licence require compliance with the SRC Act and relevant laws and regulations regarding health and safety. A licensee is subject to audits and evaluations and is required to meet financial, prudential, and performance reporting requirements as part of the conditions of licence.

Performance standards of licence require licensees to develop and implement effective management systems for prevention, rehabilitation and claims management, and to work towards the attainment of outcome-based performance goals.

Evaluating licence compliance

The Commission reviews the performance of each licensee against its performance outcomes and its conditions of licence through its yearly licence compliance evaluation program. This requires evidence of compliance with prudential conditions, reporting against the Commission’s indicators and performance measures of licence and self audits or participation in audits conducted by Comcare. It also requires provision of a Management Systems Review and Improvement Program (MSRIP) report.

Reporting against the Commission indicators involves licensees providing key performance outcome measures against prevention, rehabilitation, claims management and scheme administration indicators. The Commission also sets performance targets against a number of key indicators, e.g. incidence and frequency of injury, timeliness and quality of claims management decisions, rehabilitation and return to work rates including those which incorporate the National OHS Strategy targets (incidence of injuries resulting in five or more days’ compensation and incidence of fatalities caused by traumatic injury).

The MSRIP report is a report certified by senior management of a licensee which describes the licensee’s prevention, rehabilitation and claims management systems, together with a statement of management objectives, targets and goals for the year under review. It documents and evaluates the licensee’s outcomes including performance against the Commission’s performance measures and achievement against the licensee’s management objectives, targets and goals. The MSRIP report also contains the outcomes of audits of prevention and injury management systems and details of corrective actions.

Licence compliance results and performance outcome results form the basis for the Commission’s decisions on relevant licence extensions, calculation of the performance component of licence fees, and in determining the following year’s licence compliance evaluation program.

In 2003 - 2004 Comcare conducted external MSRIP audits against prevention, rehabilitation and claims management conditions of licence for RBA and Visionstream as these licensees were in the final year of their licence. All other licensees were awarded self audit status for the rehabilitation and claims management elements of MSRIP. External prevention audits were conducted in AaE, ADX and Pacific National.
PREMIUMS AND REGULATORY CONTRIBUTIONS
PREMIUMS AND REGULATORY CONTRIBUTIONS

The SRC Act requires Comcare to determine, in accordance with guidelines that the Commission may issue, agency premiums and regulatory contributions.

The Commission’s guidelines require Comcare to seek the Commission’s endorsement of changes to the models that Comcare uses to calculate premiums and regulatory contributions. In 2004, the Commission endorsed changes to make premiums more responsive to the claim performance of each agency.

Section 97K of the SRC Act enables the head of an agency to ask the Commission to review a premium or regulatory contribution after Comcare has reviewed that premium or regulatory contribution. In 2003 – 2004 no agency requested the Commission to review a premium or regulatory contribution.
Licensees' and Other Determining Authorities' Comments

Licensees and other determining authorities have provided the following comments on key activities and achievements for 2003 – 2004.

ADI Limited

“ADI Limited senior management has continued to strongly support the strategies which have been implemented to assist in the reduction of workplace injury and disease. The results that have been achieved, as measured by the Commission performance indicators, confirm the further improvements made in the 2003 – 2004 year. In particular the severity of incurred injuries has reduced significantly, together with the value of the outstanding claims liabilities.

Injury prevention

Performance indicators have been incorporated into the various business units’ annual business plans to support the ongoing change from negative to positive performance reporting in the injury prevention area. Indicators include the number of audits or inspections completed against audits or inspections planned, together with an increased participation by management in scheduled audits/inspections.

In addition the Posture@Work education program, which was implemented to encourage the ownership by employees of their health and wellbeing, continues to be strongly supported by both senior management and employees.

The ongoing OHS and leadership training programs within ADI Limited continue to play a pivotal role in supporting positive behavioural change.

Injury management

ADI Limited has sustained improvements in performance previously made in the management of workplace injuries and the Commission performance indicator results reflect that improvement.

In claims management, audits have verified the high level of competency attained and the performance results indicate that the implementation of previously planned improvements has been successful.

The incidence of injuries incurring more than 5 days lost time improved significantly from the previous year, as did those claims resulting in more than 30 days lost time. In addition, there has been a continued reduction in the number of open claims and a further significant reduction in the value of the outstanding workers’ compensation liability.”
Australian air Express Pty Ltd

*Major initiatives and achievements 2003 – 2004

Australian air Express (AaE) has maintained its objective to achieve ongoing improvements in the areas of OHS prevention, rehabilitation and claims management.

Leadership has been a key focus of the 2003 – 2004 OHS Strategic Plan, and management is committed to ensuring ongoing resources and support in order to deliver the required outcomes.

A series of both internal and external audit programs have been conducted in order to better manage and monitor our progress towards continuous improvement.

In addition, AaE’s Board and Senior Executive have further enhanced and supported the focus on occupational health and safety. A company wide Business Risk Analysis, undertaken by external consultants, has resulted in specific action plans being developed and committed to, which includes the management of OHS risks.

**Prevention**

- OHS management system – conducted six monthly audits at major ports and 12 monthly at secondary sites.
- Risk management – key projects to identify high risk areas have included National Manual Handling Program, Traffic Management, and Contractor Management.

**Claims management**

- GIO Australia – AaE and GIO continue to effectively work together in managing claims. Trends have identified that as AaE matures as a Licensee, complex claims are requiring time to investigate prior to determination, which has affected the outcomes of the Commission indicators for determination from date of injury and date received.
- Service level agreement – was implemented at the beginning of the financial year and will be reviewed by surveying Case Managers and Rehabilitation Providers.

**Rehabilitation – injury management**

- The new AaE Claim Form and information package has been completed and is now being implemented throughout the network.
- Early intervention is a critical platform within AaE in the quick return to work for employees and is working effectively.
- AaE continues to demonstrate a strong commitment to return to work outcomes."
Australian Postal Corporation

"Key Activities and Achievements 2003 – 2004

Injury prevention

During 2003 – 2004 Australia Post implemented

- a corporate National OHS Strategy 2003 – 2006 targeted to achieve further substantial reductions in the incidence and cost of work-related injuries and illnesses
- national procedures for the management of the ‘SARS’ risk
- new major items of mail and parcel processing technology incorporating Australia Post specific innovative and compliant safety features in their design
- upgraded national safety procedures for machine “lock-out, tag-out”

In addition we

- strengthened the focus on the Australia Post OHS Management System Quality Assurance Program to promote continuous improvement in injury prevention
- achieved a substantial reduction in the Corporation’s lost time injury frequency rate by 20 per cent to 9.3 as at March 2004 and achieved targets in respect of the Commission’s indicators relating to the incidence of injuries resulting in 5 days incapacity, incidence of injuries resulting in 30 and 60 days incapacity and frequency of lost time claims.

Injury management

During the period Australia Post implemented

- an upgraded litigation audit tool to ensure more effective monitoring and to facilitate continuous improvement in SRC Act litigation management
- an online internet based system for the recording and monitoring of action arising from injury management audits
- improved monitoring and analysis of performance against specific Commission indicators to further improve rehabilitation management systems and early intervention.

In addition we

- achieved a high level of performance meeting targets against six of the seven Commission indicators relating to injury management
- maintained the effectiveness of early intervention return to work/rehabilitation strategies confirmed by the Return to Work Monitor employee feedback
- focussed on ensuring compliance with legislative and licence conditions and continuous improvement through the Injury Management Compliance and Improvement Program."
Comcare

‘Performance against Commission indicators and targets

Prevention indicators

Comcare works in partnership with Australian Government premium paying agencies to prevent workplace injuries. The performance of premium paying agencies is reported against the Commission’s prevention indicators and performance is measured against annual targets.

The targets established by the Commission are in line with the National OHS Strategy targets. However, the Commission has extended the National OHS Strategy commitment of reducing the incidence of workplace injury by at least 40 per cent by 30 June 2012 to include disease and commuting injuries. It has also set a target of no death claims, which exceeds the National OHS Strategy target of a minimum 20 per cent reduction in the incidence of work-related fatalities by 30 June 2012.

As the Commonwealth had a relatively low incapacity incidence rate in the base year when the target setting began (2001 – 2002), achieving further reductions has been and will continue to be challenging. Comcare has put in place a range of strategies to assist premium paying agencies achieve these targets. Despite these strategies, there was an overall slight deterioration in performance against the prevention targets for Australian Government premium payers during 2003 – 2004.

Claims management indicators

Comcare’s claims management performance is reported against the Commission’s key claims management indicators and performance is measured against annual targets. These indicators measure various key stages involved in managing claims for workers’ compensation. They largely reflect Comcare’s performance but the average time taken to determine new claims from date of injury (C3) incorporates the time taken by both employees and employers in submitting workers’ compensation claims. Comcare is actively working with agencies and employees to reduce the time taken to submit workers’ compensation claims to Comcare. A major focus in this area is earlier reporting of injuries and a reduction in the time taken to get a claim form to Comcare.

During 2003 – 2004, Comcare’s performance against the claims management indicators was generally in line with the targets, with the exception of the affirmation rate of reviewable decisions (C4). The majority of reviewable decisions which were varied at the reconsideration level came about due to the supply of new evidence at the review stage that was not available to the original decision maker.

Return to work indicators

Return to work indicators measure the number of claims with 10 or more days incapacity that have formal return to work plans in place and then measure the success of those plans. Performance against these indicators shows some scope for improvement. Comcare recently wrote to key agencies that were underperforming in this area, highlighting the need to improve early intervention. The implementation of strategies to deliver RTW results continues to be a major focus within Whole of Agency projects undertaken by Comcare and key agencies.
Scheme administration indicators

These indicators measure a range of issues involved in the administration of the workers’ compensation scheme. Unlike other indicators, the Commission sets benchmarks rather than targets for measuring performance by determining authorities including Comcare. Performance is generally satisfactory. There have been increases in costs for key legal and medical services, for insurance, and a range of other administrative services which have affected performance. In addition, the administrative cost per claim has increased to fund the range of premium reduction strategies which have been implemented with the objective in the longer term of substantial savings to the scheme as a whole. In addition the increase in the number of complex claims (such as psychological injury) requires greater effort from Comcare staff.

Department of Defence

‘New Military Rehabilitation and Compensation Scheme

Since 1999 the Military Compensation and Rehabilitation Service (MCRS) within the Department of Veterans’ Affairs has administered the Safety, Rehabilitation and Compensation Act 1988 component of the Military Compensation Scheme on behalf of the Department of Defence and on delegation from Comcare.


The Military Rehabilitation and Compensation Act 2004 established a new scheme designed to meet the special nature of military service. The scheme, which will apply to injuries and diseases related to service on or after 1 July 2004, combines the best provisions of the Veterans’ Entitlements Act 1986 (VE Act) and the Safety, Rehabilitation and Compensation Act 1988 (SRC Act). Claims for injuries or diseases suffered prior to 1 July 2004 will continue to be considered under the VE Act and SRC Act. The newly established Military Rehabilitation and Compensation Commission is responsible for the management of the new scheme, and for that of the SRC Act as it relates to members of the Australian Defence Force, through the administration of the Department of Veterans’ Affairs.

The Occupational Health and Safety (Commonwealth Employment) Act 1991 will continue to apply to the Australian Defence Force.

Military Compensation and Rehabilitation Service

The Military Compensation and Rehabilitation Service’s performance targets were substantially achieved in 2003 – 2004. There was significant improvement in the time taken to decide new claims with performance improving by 15 per cent on the previous year. A client satisfaction survey was conducted and showed a greater than 40 per cent improvement with overall satisfaction since the last survey in 2002.
The MCRS sought to further improve its performance in 2003–2004 through an active audit and quality assurance program consistent with the requirements of the Safety, Rehabilitation and Compensation Commissioner’s Management Systems Review and Improvement Program.

The capacity of the MCRS’s compensation and rehabilitation system DEFCARE was significantly improved with the implementation of the first stage of the Incapacity Project in February 2004. This enhancement provides system identification of cases requiring review such as annual entitlement reviews, client turning 65 years of age and client in receipt of incapacity payments for 45 weeks. The latter part of the year was spent preparing for the transfer of the MCRS specific components of the DEFCARE system from Defence to the Department of Veterans’ Affairs for implementation on 1 July 2004 when the Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004 commenced.

Policy manuals covering all aspects of MCRS business were produced and made available to staff electronically. Printed versions will be issued in the second half of 2004.

During the year the Transition Management Service continued to work closely with Defence staff, particularly Transition Coordinators and Education Resettlement Officers, to provide support for over 800 ADF members identified for discharge on medical grounds. The support provided by the Service includes assistance and advice on civilian employment options, financial planning, transition adjustment issues, optimising discharge entitlements, compensation, superannuation, health insurance and community support arrangements.

Occupational health and safety

In April 2004 the Defence Committee approved the first stage of the Defence OHS Strategic Plan, covering the years 2004 to 2006.

Implementation of the plan will be overseen by the newly established Defence Occupational Health and Safety Committee and guided by an Occupational Health Safety and Compensation Branch. Initial priority areas for improvement are to

- reduce high incidence and high severity risks to people’s health
- improve prevention of occupational illness and disease
- reduce the impact of occupational injury, illness and disease
- improve Defence’s capability to systematically manage OHS
- improve the quality of OHS information available to decision-makers at all levels
- improve the capacity of leaders and staff to identify and manage hazards effectively
- improve the identification, elimination and management of hazards at the design and planning stages
- strengthen the capacity of Defence to influence the OHS performance of contractors.
The plan involves significant corporate and cultural change and its success is dependent – in some measure – on support from civilian staff and ADF members across Defence. To support achievement of this change, a behavioural baseline research study is being conducted to provide a baseline measurement across Defence of OHS related behaviour. The research is a key component of the overall strategic approach that Defence is taking to improve OHS, and will inform decisions about how best to build and maintain an effective OHS management system.

Pacific National (ACT) Limited

“Over the last 12 months Pacific National has implemented internal claims management of its Commonwealth jurisdiction claims, and integrated the procedures used with those of its existing NSW claims base. This has required extensive modification of the computer system used in claims management and ongoing updates to the forms and procedures used.

All 63 Rehabilitation Case Manager positions have undergone refresher training sessions, which incorporate the requirements for injury management under both the Commonwealth and NSW self insurance licences. Regular seminars are also held for continuing education, with guest speakers such as Doctors to provide a greater level of detail on dealing with the company’s most common injury types. These sessions have been very well received by the Rehabilitation Case Managers.

As a self insurer in NSW, Pacific National is required to establish and maintain an Injury Management Program, which incorporates a return to work policy and procedures. A revised version of this program has recently been approved by WorkCover NSW. Although the program is not a requirement under the Commonwealth system, the program takes into consideration, and applies to, all employees under both jurisdictions.

Effective and efficient injury management is an integral part of Pacific National’s Safety, Health and Environment (SHE) policy. Pacific National is committed to implement, maintain and continually improve its Injury Management Program through cooperation with and active involvement of managers, supervisors and employees.

Pacific National has also implemented the company drug and alcohol testing policy, which requires all employees to be available for intermittent (random) drug and alcohol testing. It is also introducing more stringent pre-employment and periodic medical examinations for employment as part of the requirements of its rail safety accreditation.”

Reserve Bank of Australia

“Over 2003 – 2004, the RBA maintained a good performance in prevention, claims management and rehabilitation. Due to a small claims base of simple injuries (the majority away from work), only incremental annual improvements are achievable. However, the RBA made continuing improvements in the majority of performance indicators and is well positioned to achieve its target of a 20 per cent reduction in work injuries by 2005.”
Risk management and contingency planning were a key focus during the year. A Risk Management Unit and Risk Management Committee, comprising executives of the RBA and chaired by the Deputy Governor were established. Risk registers including OHS risks for Personnel and Facilities Management Departments who are responsible for working conditions and the workplace environment were enhanced. Contingency plans for the Corporate Services Group were further developed and tested.

A number of key initiatives were implemented over the period. OHS training programs for middle and upper level management were undertaken – one on OHS Leadership and Accountability and another on legal perspectives which included OHS obligations. RBA expanded its network of staff trained in first aid and installed an additional four defibrillators at Head Office. OHS strategy meetings have been implemented on a quarterly basis and a new Occupational Health and Safety Agreement was implemented with workplace unions. A result is the amalgamation of three OHS committees into one.

During the period, the RBA explored ‘wellbeing’ initiatives for staff and commenced pilates/yoga classes. Research is continuing on other initiatives including early identification of psychological injury.

The Commission approved the RBA’s application for a new licence to self insure and manage its workers’ compensation from 1 July 2004. The RBA has also applied for self audit status in OHS. The RBA voluntarily arranged additional audits in prevention and claims management/rehabilitation prior to the Comcare audits required for licence renewal; all audit outcomes were favourable.

Over the 11 months to 31 May 2004 the Bank received 77 incident reports (16 “at work”) and 18 claims (3 “at work”). No incidents were required to be reported to Comcare. One return to work plan was developed during 2003 – 2004.

Telstra Corporation Limited

*Key activities and achievements 2003 – 2004

Telstra continues to promote the management of health and safety as a priority for our people with the cornerstone being our Telstra Care program. As our ultimate goal is for an accident free workplace our journey is far from over, despite an ongoing reduction in the number of lost time injuries during the year.

Key activities and achievements during 2003 – 2004 include

- conducting 74 health and safety audits throughout the company using an external auditor
- continued focus on the improvement of our injury management through integrated incident, return to work and claims management
- development and provision of ongoing training for our people
- continued focus on contractor safety
- reintegretion of the activities and health and safety obligations of NDC Limited
- development of a "Safe4Life" program designed to build awareness of the safety issues we face on a daily basis at work, at home, at play and in our community. This included a national series of "24/7" functions for our people and their partners to hear first hand about the way we hold safety as a value in our everyday lives.
- development of an employee wellbeing program to assist our people to take control of work-related and non-work related issues such as health, relationships, leisure and family.
- receiving a successful result of our return to work and claims management (including surveillance) procedures following audit by Comcare.

NDC Ltd

"The integration of NDC Ltd into Telstra Corporation Limited continued in 2003 – 2004. In August 2003 the majority of NDC staff transferred to Telstra leaving an ever reducing number of staff on the NDC books. To ensure that all remaining NDC staff were covered for any new workers’ compensation claims post 1 July 2003, the NDC licence has been extended by the Commission until 31 December 2004. As at 30 June 2004 NDC had only one remaining staff member.

Accordingly, due to the minimal claims activity, NDC data for Commission indicators during 2003 – 2004 has been incorporated into the Telstra report."

Visionstream Pty Ltd

"In the 2003 – 2004 year the major goals of Visionstream were to
- review the safety management system
- reduce the number of open long term claims
- continue to achieve at least a 10 per cent reduction in the valuation of our outstanding workers’ compensation liabilities
- out-perform the jurisdictional targets agreed with the Commission for the year
- succeed in our application for renewal of our self insurance licence.

Following our accreditation to AS 4801 standard last year we set out to strengthen our safety management system. In January of this year, as part of the Licence Compliance Program of the Commission, the Visionstream Safety Management System was audited by Comcare. This audit comprehensively endorsed the system and the efforts of our staff in developing and continuously improving the system.

We believe that with time and continued efforts of all at Visionstream, this system will result in excellent performance and improved outcomes for all involved."
Visionstream is the smallest self insurer in the jurisdiction. In the period to June 2004 there were relatively few work incidents and claims. For the period July 2003 to end May 2004 there were 13 lost time incidents and 20 claims for compensation. On such a small base there can be large variations in performance. Consequently our emphasis continues to be on improving our systems by embedding the safety requirements in the day to day work practices. We also place particular attention on educating our staff and contractors on hazard identification and risk management. We also use the hazard and incident management processes to analyse and understand the damaging energy sources and then fine tune our controls as appropriate.

In the coming year we intend to review our claims management and rehabilitation systems as it has been some time since this was last conducted and recent audits have indicated some issues needing attention. Staff will be educated in these improvements.
APPENDIX 1 – LEGISLATIVE INSTRUMENTS

Declarations under the OHS(CE) Act

Subsection 9(5) of the OHS(CE) Act provides for the Minister to declare certain persons who are engaged in activities or performing acts at the request or direction, for the benefit, or under a requirement made by or under a law, of the Commonwealth, to be taken to be employed by the Commonwealth for the purposes of the Act. One such declaration was made in 2003 – 2004.

On 11 February 2004, the Minister made a declaration with respect to the office of Director of Evaluation and Audit under section 77 of the Aboriginal and Torres Strait Islander Commission Act 1989, when undertaking functions, performing duties and providing assistance in relation to Aboriginal and Torres Strait Islander Services on an honorary basis.

Declarations under the SRC Act

Subsection 5(6) of the SRC Act provides for the Minister to declare certain classes of persons who engage in activities at the request or direction, or for the benefit of the Commonwealth or a Commonwealth authority or licensed corporation to be taken to be employed by the Commonwealth or by that authority or corporation for the purposes of the Act. The Minister made a declaration on 11 February 2004 with respect to the office of Director of Evaluation and Audit under section 77 of the Aboriginal and Torres Strait Islander Commission Act 1989, when undertaking functions, performing duties and providing assistance in relation to Aboriginal and Torres Strait Islander Services on an honorary basis.

The Minister may also declare a body corporate in which the Commonwealth holds a controlling or substantial interest to be a “Commonwealth authority” for the purposes of the definition at subsection 4(1) of the SRC Act. The effect of such a declaration is that the employees of the body corporate receive workers’ compensation coverage under the provisions of the SRC Act. On 23 September 2003 the Minister made such a declaration in respect of the Australian Strategic Policy Institute Ltd.

Interest rates

The SRC Act requires that the Minister specify interest rates for certain purposes. On 7 July 2003 the Minister specified the rate of interest to be paid by Comcare under sections 97L and 97M of the SRC Act on reduced or overcharged premiums and regulatory contributions.
APPENDIX 2 – REPORTING REQUIREMENTS IN OTHER LEGISLATION

The Commission is established under the SRC Act. The Commission is a statutory body with regulatory functions under the SRC Act and OHS(CE) Act and reports to the Minister for Employment and Workplace Relations.

The Commission does not have a separate budget or its own staff. Under section 72A of the SRC Act, Comcare provides the Commission with secretarial support, assistance and resources as required to enable it to perform its functions.

As a result, the following requirements do not apply to the Commission’s own activities:

- occupational health and safety (section 74 of the OHS(CE) Act)
- advertising and market research (section 311A of the Commonwealth Electoral Act 1918).

The Commission’s activities have no ecological impact and therefore there is no report on ecologically sustainable development and environmental performance under section 516A of the Environment Protection and Biodiversity Conservation Act 1999.

Readers should refer to the 2003 – 2004 Comcare annual report for this information.

In relation to the Freedom of Information Act 1982 and in particular the requirements of section 8, readers should refer to the “Commission overview” section of this report for information about the Commission’s role and responsibilities. As administrative and other support is provided by Comcare, all documents that may be the subject of a request under the FOI Act would be handled by Comcare. Requests or enquiries should be addressed to the FOI Officer in Comcare who can be reached at GPO Box 9905 Canberra ACT 2601 or by phone on 1300 366 979.
APPENDIX 3 – STATUTORY REPORTING REQUIREMENTS UNDER THE OHS(CE) ACT

Directions

As at 30 June 2004, the Minister for Employment and Workplace Relations had not issued a direction to the Commission under subsection 12(2) of the OHS(CE) Act.

Appeals

During the year there were no appeals under section 48 of the OHS(CE) Act.

Plant licences

Division 10 of Part 4 – Plant, of the Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994 (the OHS(CE)(NS) regulations) requires that the Commission report to the Minister under section 75 of the OHS(CE) Act particulars of any licences granted by the Commission under Division 8 of the plant regulations.

Table 6: Plant licences granted

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>1 Boiler</th>
<th>2 Pressure vessel</th>
<th>3 Tower crane</th>
<th>4 Building maintenance unit</th>
<th>5 Amusement structure</th>
<th>6 Truck mounted boom</th>
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</tr>
</thead>
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<tr>
<td>AIMS</td>
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<td>1</td>
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<td>92</td>
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### Table 7: Plant licences granted (renewals)

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>1 Boiler</th>
<th>2 Pressure vessel</th>
<th>3 Tower crane</th>
<th>4 Building maintenance unit</th>
<th>5 Amusement structure</th>
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</table>

### Table 8: Plant licences granted (variations)

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>1 Boiler</th>
<th>2 Pressure vessel</th>
<th>3 Tower crane</th>
<th>4 Building maintenance unit</th>
<th>5 Amusement structure</th>
<th>6 Truck mounted boom</th>
<th>7 Mobile crane</th>
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<tr>
<td>TOTAL</td>
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<td></td>
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</table>
Table 9: Number of investigations commenced

<table>
<thead>
<tr>
<th></th>
<th>00-01</th>
<th>01-02</th>
<th>02-03</th>
<th>03-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total investigations</td>
<td>230</td>
<td>134</td>
<td>140</td>
<td>176</td>
</tr>
</tbody>
</table>

Table 10: Instances notified under s44 and directions given under s45

<table>
<thead>
<tr>
<th></th>
<th>00-01</th>
<th>01-02</th>
<th>02-03</th>
<th>03-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notices issued under s44 1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Directions given under s45 2</td>
<td>1</td>
<td>11</td>
<td>7</td>
<td>10</td>
</tr>
</tbody>
</table>

1 Section 44 refers to an investigator exercising a power to take possession of plant, take samples of substances etc during an investigation.

2 Section 45 refers to an investigator issuing a ‘Do not disturb’ notice – that is, exercising a power to direct that a workplace not be disturbed pending or during an investigation.

Table 11: Number of notices issued under s46-47 and number of s53(4) requests

<table>
<thead>
<tr>
<th></th>
<th>00-01</th>
<th>01-02</th>
<th>02-03</th>
<th>03-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notices issued under s46-47 1</td>
<td>14</td>
<td>8</td>
<td>26</td>
<td>24</td>
</tr>
<tr>
<td>Section 53(4) requests 2</td>
<td>158</td>
<td>136</td>
<td>91</td>
<td>96</td>
</tr>
</tbody>
</table>

1 Section 46 refers to prohibition notices and section 47 refers to improvement notices. Both are issued by investigators.

2 Subsection 53(4) is a power to request employers to provide to the Commission particulars of actions taken as a result of conclusions or recommendations contained in a report of investigation.

Table 12: Notifications of dangerous occurrences and accidents under s68

<table>
<thead>
<tr>
<th></th>
<th>00-01</th>
<th>01-02</th>
<th>02-03</th>
<th>03-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notifications</td>
<td>4,231</td>
<td>4,139</td>
<td>4,617</td>
<td>5,424</td>
</tr>
</tbody>
</table>
APPENDIX 4 – SAMPLE CORPORATION LICENCE UNDER PART VIII OF THE SRC ACT (with 3rd party claims management arrangement)

Safety, Rehabilitation and Compensation Act 1988
Sections 103, 108, 108B and 108D

XYZ CORPORATION PTY LTD

LICENCE AUTHORISING ACCEPTANCE OF LIABILITY AND MANAGEMENT OF CLAIMS UNDER THE SAFETY, REHABILITATION AND COMPENSATION ACT 1988

Notice No X of 2004

Part 1 – Grant and Scope of Licence

Note: Under section 46(1) of the Acts Interpretation Act 1901, unless the contrary intention appears, expressions used in this instrument have the same meaning as in the SRC Act.

Eligible applicant

1. By notice dated , XYZ Corporation Pty Ltd, ABN 99 888 777 666 (“the Licensee”) was declared to be eligible to be granted a licence under Part VIII of the Safety, Rehabilitation and Compensation Act 1988 (“the SRC Act”).

Grant of licence

2. The Safety, Rehabilitation and Compensation Commission (“the Commission”), acting under section 103 of the SRC Act, grants a licence to the Licensee.

Period of licence

3. Subject to the SRC Act, this licence is for the period commencing on and ending on (“the period of this licence”).

Scope of licence – acceptance of liability

Note: “Employee” is defined in section 5 of the SRC Act.

4. The Licensee is authorised to accept liability to pay compensation and other amounts under the SRC Act in respect of all injuries, loss or damage suffered by, or in respect of the death of, any of the employees of the Licensee where such injuries, loss, damage or death

(a) occur within the period of this licence

(b) occurred in the period commencing on and ending when this licence came into force.

Note: “Claim” is defined in section 99 of the SRC Act.
Scope of licence – management of claims

5. ABC-Claims Manager Pty Ltd, ABN 11 222 333 444 ("the Claims Manager") is authorised to manage, on behalf of the Licensee

(a) claims under the SRC Act made by the employees of the Licensee who are covered by the scope of this licence so far as it relates to the Licensee's acceptance of liability in accordance with clause 4 of this licence and

(b) if immediately before this licence came into force the Licensee held a licence under the repealed Part VIIA or Part VIIIB of the SRC Act, any claims made to the Licensee in its capacity as a licence holder under that Part that had not been finally and completely dealt with when this licence came into force.

Note 1: "Manage" in relation to a claim for payment of compensation and other amounts under the SRC Act is defined in section 99 of the SRC Act to include determinations, reconsiderations and subsequent administrative action.

Note 2: Subsection 108B(4) of the SRC Act provides that if a Licensee enters into a contract with another person for the management, on the Licensee's behalf, of the claims that the Licensee is authorised to manage, that contract does not come into force unless and until the Commission has varied the licence to note the identity of the person with whom the Licensee has contracted.

Conditions

6. This licence is granted subject to the conditions specified in Part 2.

PART 2 – CONDITIONS

Definitions

7. In this Part Licensee includes, where the context permits, the Claims Manager.

General conditions

Directions of Commission

8. The Licensee must comply with any written directions, whether general or in respect of a particular matter or class of matters, given by the Commission to the Licensee with respect to the performance by the Licensee of its functions or the exercise of its powers under the SRC Act.

9. If the Licensee's claims are managed by a Claims Manager – the Licensee must give a copy of the Commission's directions to the Claims Manager.
Requirements

10. The Licensee must comply with the requirements of

(a) the SRC Act, its Regulations and any applicable guidelines issued by the Commission under section 73A of the SRC Act

(b) any applicable laws of the Commonwealth, States or Territories with respect to the safety, health and rehabilitation of employees and

(c) the Privacy Act 1988 (Cth) as are applicable to the Licensee.

11. The Licensee must have regard to guidelines issued by the Privacy Commissioner under the Privacy Act 1988 (Cth), but must comply with any such guidelines dealing with covert surveillance of employees.

Fees

12. The Licensee must pay the licence fee notified in writing to the Licensee under section 104A of the SRC Act — within one month of receiving the notification.

Manner of managing claims

13. In managing claims, the Licensee

(a) must be guided by equity, good conscience and the substantial merits of the case without regard to technicalities

(b) is not required to conduct a hearing and

(c) is not bound by the rules of evidence.

Audits

14. The Licensee must co-operate with, and give reasonable assistance to, the Commission or its representatives in respect of any audits and evaluations of the Licensee to be conducted by the Commission or its representatives.

Reviews and proceedings

15. The Licensee must not cause, or permit to be made on its behalf, any submission to a court or tribunal in relation to the interpretation of a provision of the SRC Act or associated transitional or consequential provisions that Comcare or the Commission requests the Licensee not to make.

16. If the Licensee brings court proceedings in relation to a matter arising in respect of a claim under the SRC Act, the Licensee must inform Comcare as soon as practicable that the proceedings have been brought and give Comcare a copy of the initiating process.

Note: If proceedings are brought against the Licensee, section 108C(8) requires the Licensee to inform Comcare as soon as practicable.
Failure to comply with conditions or change in circumstances

17. The Licensee must notify Comcare in writing immediately that it becomes aware

(a) that the Licensee has not complied with, or is likely not to comply with, a condition of this licence or

(b) of any event that may materially impact upon its suitability to hold a licence, including its capacity to meet its liabilities under the SRC Act or of any material change in its financial position or

(c) of any material change to its legal structure, ownership or control or

(d) of any significant change in its employee numbers or significant change in the risk profile of the work undertaken by its employees.

Information and reporting requirements

18. On written request of the Commission, the Licensee must give to the Commission, within the timeframe specified in the request, such information relating to the Licensee's operations under the SRC Act in the form and at the place specified in the request.

Note: Information likely to be requested by the Commission includes information required for the Commission's annual report, Commission Indicators, CPM and Return to Work Monitor.

SPECIFIC CONDITIONS

Previous licence holders

Note: This condition applies if the Licensee held a licence under the repealed Part VIBA or Part VIBB of the SRC Act.

19. Where any claim that was made to the Licensee in its capacity as a licence holder had not been finally and completely dealt with at the time that this licence is granted, the terms and conditions of this licence apply to the management of such a claim in the same manner as they apply to any other claims within the scope of this licence.

Claims Manager

20. The Licensee is responsible for ensuring that the Claims Manager complies with the conditions in this licence.
21. In addition to other conditions in this licence which are applicable to the Claims Manager, the Claims Manager must

(a) not do, or omit to do, anything which would put the Licensee in breach of any term or condition of this licence

(b) not undertake, or cause to be undertaken, any surveillance of an employee, unless it has the prior written approval of the Licensee

(c) implement appropriate structures and mechanisms to ensure the consistent application of policy and procedures in respect of the management of claims

(d) when requested in writing by the Commission to provide information to it, to provide the information to the Commission in the timeframe specified in the request

(e) permit the Licensee to conduct at least an annual audit of the Claims Manager’s performance (“Performance Audits”) in accordance with audit methodology approved by the Commission or as otherwise required by the Commission

(f) provide the Licensee with reasonable access to the Claims Manager’s records, premises and personnel to enable the Licensee to carry out Performance Audits

(g) provide the Commission or its representative with unrestricted access to documents and records in the possession or control of the Claims Manager in so far as the documents relate to matters arising under the SRC Act and

(h) inform the Licensee as soon as practicable after it becomes aware that the Claims Manager has done or omitted to do something which has the effect that the Licensee is, or is likely to be in breach of a term or condition of this licence.

Note: “Documents” and “records” have the same meaning as in the Acts Interpretation Act 1901.

22. The Licensee must

(a) conduct at least once every year a Performance Audit of the Claims Manager and

(b) within six weeks of the completion of each Performance Audit, give the Commission a written report on the Claims Manager’s performance for the period covered by the audit.

23. The Licensee must be accountable for all claims management policies issued by the Claims Manager.

24. The Licensee must notify the Commission in writing as soon as practicable after it becomes aware that the Claims Manager has done, or omitted to do, something which has the effect that the Licensee is, or is likely to be, in breach of a term or condition of this licence.
25. The Licensee must enter into and maintain a written contract with the Claims Manager and if requested to do so, give a copy of the contract to the Commission.

26. The Licensee must ensure that each of the obligations imposed by this licence on the Claims Manager are included in the contract between the Licensee and the Claims Manager and that the Claims Manager warrants, under the contract, to comply with the conditions imposed by this licence.

Prudential Conditions

27. The Licensee must comply with the Prudential Conditions of Licence.

Performance Conditions

28. The Licensee must comply with the Performance Standards.

Dated the day of

Chairman
Safety, Rehabilitation and Compensation Commission
APPENDIX 5 – PERFORMANCE STANDARDS AND MEASURES FOR LICENSEE

The Licensee's prevention, rehabilitation and claims management systems will be consistent with the Performance Standards set out below. The degree to which the Licensee meets the Standards will be judged against the Performance Measures, also set out below.

1. COMMITMENT AND POLICY

The Licensee develops its prevention, rehabilitation and claims management policies and objectives in consultation with its employees and, where requested by any member in the undertaking, their representative organisations.

1.1 Performance Standards

1.1.1 Policies will

(i) accept the requirement for compliance with legislation and regulations

(ii) promote the principle of continuous improvement

(iii) where appropriate, be integral with and relevant to the Licensee's management systems, activities and employees

(iv) identify responsibilities and accountabilities for relevant employees

(v) promote communication of relevant information to employees

(vi) recognise the Licensee's duty of care to all persons in the workplace

(vii) recognise a hazard management approach to prevention

(viii) recognise commitment to effective rehabilitation of injured employees and

(ix) provide for fair and equitable outcomes.

1.2 Performance Measures

1.2.1 There is evidence

(i) of policies which confirm the Licensee's commitment to effective management of health and safety, rehabilitation and claims

(ii) that these policies are communicated to employees

(iii) of prevention management systems which recognise continuous improvement and which are based upon a hazard management approach.
(iv) of consultation in accordance with the licence conditions and
(v) that management plans for rehabilitation and claims management are designed to
ensure effective rehabilitation of injured employees, and equitable, efficient and effective
claims management.

2. PLANNING

The Licensee develops plans to fulfil its policies and objectives.

2.1 Performance Standards

2.1.1 The Licensee’s plans will

(i) address compliance with relevant legislative and regulatory requirements
(ii) identify program objectives and appropriate performance measures where relevant
(iii) include programs to identify, evaluate and control hazards in the workplace
(iv) provide for corrective action identified through any incident investigation process
(v) include programs to identify the Licensee’s core rehabilitation and claims management
activities and to provide direction regarding performance outcomes and
(vi) identify appropriate training requirements and include relevant training plans

2.2 Performance Measures

2.2.1 There is evidence that

(i) health and safety plans for each workplace are risk based and take account
of employee input
(ii) health and safety training plans for each workplace are consistent
with health and safety plans and
(iii) plans identify the Licensee’s core rehabilitation and claims management activities.
3. IMPLEMENTATION

The Licensee demonstrates the capabilities and support mechanisms that are necessary to achieve its policies and objectives.

3.1  Performance Standards

3.1.1  In implementing its plans the Licensee will

(i) allocate adequate resources to support its programs

(ii) implement relevant training programs

(iii) ensure that only rehabilitation service providers approved by Comcare under Part III of the SRC Act are utilised

(iv) communicate defined responsibilities to relevant employees and service providers

(v) implement arrangements to ensure that employees are aware of their rights and obligations under the SRC Act

(vi) maintain the relevant level of reporting, records and/or documentation to support the Licensee’s programs and legislative compliance and to ensure an appropriate audit trail and

(vii) establish procedures to maintain the confidentiality of information and appropriately apply the requirements of the Privacy Act 1988.

3.1.2  In implementing its prevention plans the Licensee will implement

(i) a hazard management process that includes identification, evaluation and control

(ii) a relevant prevention training program

(iii) programs to meet the Licensee’s duty of care for all persons in the workplace and

(iv) programs to ensure that work-related injuries and diseases and relevant incidents are promptly reported, investigated and action taken when appropriate, including early assessment for rehabilitation.

3.1.3  In implementing its claims management plans the Licensee will

(i) implement mechanisms to inform employees of the status of their claims

(ii) implement mechanisms to give employees a reasonable opportunity to provide information or comment when claims for ongoing liability are being assessed or reviewed
(iii) implement cost effective mechanisms for determinations and reviews in respect
of claims to be made accurately and promptly and guided by equity, good conscience
and the substantial merits of each case without regard to technicalities and
(iv) ensure consultation between persons responsible for managing claims, persons
responsible for managing rehabilitation, and rehabilitation providers (as appropriate).

3.2 Performance Measures

3.2.1 There is evidence

(i) that health and safety plans for each workplace are appropriately actioned
(ii) that health and safety training plans are appropriately actioned
(iii) that rehabilitation management plans are appropriately actioned
(iv) that claims management plans are appropriately actioned
(v) that incidents are investigated and where appropriate have fully documented incident
investigation reports and where appropriate corrective action is implemented and
(vi) of appropriate mechanisms for informing employees of their rights in respect of claims,
and of the status of individual claims.

4. MEASUREMENT AND EVALUATION

The Licensee measures, monitors and evaluates its performance and takes prompt corrective
action when necessary.

4.1 Performance Standards

4.1.1 The Licensee will

(i) maintain and monitor planned objectives and performance measures for key elements
of its programs
(ii) conduct a program of internal audits to ensure performance of its prevention,
rehabilitation and claims management systems and ensure that these audits
are performed objectively by competent personnel
(iii) ensure that the outcomes of internal audits are appropriately documented and
that necessary corrective actions are identified, prioritised and implemented
(iv) if granted self audit status, ensure all self audits are conducted in accordance
with the requirements of the Commission by competent personnel
(v) if granted self audit status, ensure that self audit reports and corrective action plans are certified at an appropriate senior executive level

(vi) provide the Commission with accurate reports in relation to its performance in the form and at intervals as requested by the Commission and

(vii) report to its employees on outcomes and results of audits – both internal and external.

4.2 Performance Measures

4.2.1 Results of self audits conducted by the Licensee during the relevant licence period.

4.2.2 Reporting against jurisdictional indicators adopted by the Commission.

5. MANAGEMENT SYSTEMS REVIEW AND IMPROVEMENT

5.1 Performance Standards

The Licensee regularly reviews its prevention, rehabilitation and claims management systems, with the objective of improving its overall performance.

5.1.1 The Licensee will

(i) analyse the level of achievement of documented objectives and performance measures to determine areas requiring corrective or preventive action and utilise the results to promote continuous improvement strategies and

(ii) review, at appropriate intervals, the scope and content of its policy statements and supporting policies and procedures to ensure their continued suitability and effectiveness.

5.2 Performance Measures

5.2.1 There is evidence that

(i) the results of reviews of the Licensee's performance against its policies and objectives are used to continually improve its prevention, rehabilitation and claims management systems.
APPENDIX 6 – PRUDENTIAL CONDITIONS OF LICENCE

These conditions are “the Prudential Conditions”

1. LICENSEE CERTIFICATION

1.1 The principal officer of the Licensee must certify in writing to the Commission, by 30 September of each financial year, that the Licensee has

(a) arranged, in accordance with Prudential Condition 2, for the estimation of the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence and

(b) made, in accordance with Prudential Condition 3, provision in its accounts, in accordance with the estimates in the Liability Report required by Prudential Condition 2, for meeting its liabilities and

(c) the capacity to meet any single claim up to the reinsurance policy retention amount (excess amount) determined in accordance with Prudential Condition 5.

2. LIABILITY REPORT

2.1 The Licensee must commission a written report (“the Liability Report”) in respect of each financial year and calculated as at the end of that year.

2.2 The Liability Report

(a) must be prepared by a Fellow of the Institute of Actuaries of Australia (IAA), or any body substituted therefore, with at least five years’ post-qualification experience as an actuary in general insurance and

(b) must be prepared by an actuary who is not an employee or a partner of the organisation which provides financial audit services to the licensee or who in any way has a material financial dependence on the auditor and

(c) be prepared drawing on any available expert advice and substantially using IAA professional standard P300, or any standard substituted therefore, as the basis of estimation, with any departure from this standard to be highlighted in the report and

(d) must be addressed by the actuary to the Commission and

(e) must be provided by the Licensee to the Commission by 1 July of the financial year to which it relates.
2.3 The Liability Report must

(a) estimate the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence as follows

(i) contain a recommendation for the level of provisions in the licensee's accounts which must be made to at least the 50th percentile (net central estimate) and

(ii) contain a valuation of current outstanding liability and the projected liability in 12/18/24 months* time and

*(Note: actual licence will specify: 12 months for licensees in the 6th or more year of licence; 18 months for licensees in the 4th - 5th year of licence; 24 months for licensees in the 1st - 3rd year of licence)

(b) contain a recommendation of the maximum reinsurance policy retention amount (excess amount) referred to in Prudential Condition 5 and

(c) make an assessment of the financial capacity of the Licensee to meet amounts, from the balance sheet, up to the excess amount recommended by the actuary and

(d) describe the arrangements for compliance with Prudential Condition 5 and provide an assessment by the actuary of whether the arrangements are appropriate to meet the Licensee's obligation under Condition 5.1.

Note: The Commission will have regard to the matters in (b) and (c) in determining the excess amount in accordance with Prudential Condition 5.

2.4 The Commission may at its discretion submit a Liability Report to a peer review process.

Note: The Commission will organise and pay for any such peer review process.

2.5 After receiving a peer review assessment of a Liability Report, the Commission may by written notice to the Licensee require a Second Liability Report by an actuary approved by the Commission.

2.6 The Commission may direct the date for provision of a Second Liability Report.

2.7 Unless the Commission directs otherwise, the Licensee must pay for a Second Liability Report.

2.8 If the Commission receives a Second Liability Report, it replaces the original Liability Report and

(a) references in Prudential Conditions 3-5 to the 'Liability Report' are to be construed as references to the Second Liability Report and

(b) references in Prudential Conditions 3-5 to the actuary who prepares the Liability Report are to be construed as references to the actuary who prepares the Second Liability Report.
3. YEARLY ACCOUNTS

3.1 The Licensee must

(a) lodge with the Commission a copy of

(i) any report that it is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the Corporations Act 2001 within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier

(ii) any periodic financial information regarding the affairs of the Licensed Corporation for a financial year that it is required to give to any financial market as defined in the Corporations Act 2001 (for example, in respect of the Australian Stock Exchange this would be information that must be given under Listing Rule 4.3B) within 7 days after it is required to be given to the financial market or it is in fact given, whichever is the earlier. For the avoidance of doubt this condition does not require the Licensed Corporation to provide information that is released to the financial market pursuant to the Licensed Corporation’s continuous disclosure obligations

(iii) if the Licensee is not required to report in accordance with Division 1 of Part 2M.3 of the Corporations Act 2001 because its parent company is required to report in accordance with Division 1 of Part 2M.3 of the Corporations Act 2001, then the Licensee must provide any report that the parent company is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the Corporations Act 2001 within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier

(iv) if the Licensee (or its parent company) is not required to report in accordance with Division 1 of Part 2M.3 of the Corporations Act 2001 and the parent company is a company not subject to the laws of Australia then the Licensee’s parent company must prepare a financial report and directors’ report as if it was required to comply with Division 1 of Part 2M.3 of the Corporations Act 2001, including having that report audited in accordance with that Part, and must give the report to the Commission within three months after the end of the Licensee’s financial year

(b) include, and identify, in any report or information referred to in Prudential Condition 3.1(a), 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.

3.2 The provision mentioned in 3.1(b) must be consistent with a written evaluation, by an actuary, of the Licensee’s current and non current liability for the accounting period and the actuary’s evaluation must be lodged with the Commission.

3.3 The Licensee’s accounts must also make provision for the Licensee to meet its accrued and contingent liability as estimated by the actuary in accordance with Prudential Conditions 2.2 and 2.3.
3.4 It will be sufficient compliance with Prudential Condition 3.2 if the Licensee provides the Commission with a statement at the time of lodging its accounts that the actuary's written evaluation required by this Prudential Condition is contained in the Liability Report provided to the Commission, and identifying the location of the information in that Report.

3.5 For the purposes of Prudential Condition 3.2, “actuary” means the actuary who prepares the Liability Report referred to in Prudential Condition 2.1.

4. BANK GUARANTEE

4.1 The Licensee must, for each financial year, obtain a bank guarantee for the due discharge of its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence.

4.2 The bank guarantee in respect of each financial year must be

(a) in the form and subject to the terms agreed in writing by the Commission and

(b) for an amount calculated by the actuary in accordance with Prudential Condition 4 and specified in the Liability Report for that financial year and

(c) obtained from a bank which has a credit rating of, or equivalent to, Standard and Poor’s AA group or better.

4.3 The Licensee must provide the original of the bank guarantee to the Commission by 1 July of the financial year to which it relates.

For the purpose of this condition “Balance Date” means the last day of the financial year immediately before the year to which the bank guarantee relates.

“Outstanding Claims Liabilities” includes accrued and contingent liabilities.

4.4 The bank guarantee must be for an amount calculated by the actuary as the greater of

(a) the 95th percentile of Outstanding Claims Liabilities at the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5 or

(b) the 95th percentile of projected Outstanding Claims Liabilities in 12/18/24 months* time from the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5

subject to a minimum amount of $2,500,000.

*Note: actual licence will specify: 12 months for licensees in the 6th or more year of licence; 18 months for licensees in the 4th – 5th year of licence; 24 months for licensees in the 1st – 3rd year of licence.

Note: The liability estimates are to include an allowance for the cost of administering claims and be calculated net of reinsurance recoveries.
4.5 In preparing the level of bank guarantee, the Licensee must direct the actuary to

(a) calculate existing and projected estimates of outstanding claims liabilities plus costs
of administering claims to the 95th percentile and to include this result in the Liability
Report and

(b) base the calculation on a full statistical analysis of data, trends and variability and
according to any relevant IAA standards and guidelines on liability valuation for general
insurance.

5. REINSURANCE

5.1 The Licensee shall maintain an appropriate level of reinsurance to limit its liability to pay
compensation and other amounts under the SRC Act in accordance with the scope of this
licence for any single event in excess of an amount determined by the Commission ("excess
amount").

Note: The Commission will have regard to the maximum excess amount recommended by the actuary in the
Liability Report.

5.2 The reinsurance policy must be with an insurance company granted an authority to carry
on insurance business by the Australian Prudential Regulation Authority under the Insurance

5.3 The Licensee must

(a) provide a copy of the reinsurance policy to the actuary and the Commission within seven
days of the issuing of the new policy and

(b) seek the prior approval of the Commission to any reinsurance amount which is in excess
of the amount previously determined by the Commission under 5.1 above.
The following table provides details of the record keeping requirements outlined in the above directions and is reported as part of the requirements of section 89S of the SRC Act.

Table 13: Record keeping requirements under SRC Directions 2002

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications for licences</td>
<td>Four existing licensees (CSL, JRH, RBA and Visionstream) applied for new licences under Part VIII of the SRC Act. (see chapter on Licensing for details)</td>
</tr>
<tr>
<td>Refusals to grant licences</td>
<td>Nil</td>
</tr>
<tr>
<td>Grants of licences, including the scope of the licences and the conditions to which the licences are subject</td>
<td>A Part VIII licence was granted to each of the four licence applicants listed above (to commence from 1 July 2004). The following licences were varied to make the financial and prudential conditions consistent with the new licences: AaE, ADI, Australia Post, NDC, and Telstra. (see chapter on Licensing for details)</td>
</tr>
<tr>
<td>Expiry of licences</td>
<td>Four</td>
</tr>
<tr>
<td>Suspension of licences</td>
<td>Nil</td>
</tr>
<tr>
<td>Revocation of licences</td>
<td>Nil</td>
</tr>
</tbody>
</table>
**APPENDIX 8 – LIST OF ACCREDITED PROVIDERS OF TRAINING FOR HEALTH AND SAFETY REPRESENTATIVES AS AT 30 JUNE 2004**

<table>
<thead>
<tr>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTU/TLC</td>
</tr>
<tr>
<td>Australia Post/CEPU (Post and Telecommunications Branch)</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
</tr>
<tr>
<td>Centrelink</td>
</tr>
<tr>
<td>CPSU Advantage Ltd</td>
</tr>
<tr>
<td>CSIRO</td>
</tr>
<tr>
<td>National Safety Council of Australia</td>
</tr>
<tr>
<td>OH&amp;S Associates (Australia) Pty Ltd</td>
</tr>
<tr>
<td>Parasol EMT</td>
</tr>
<tr>
<td>Telstra</td>
</tr>
</tbody>
</table>
AaE  Australian air Express Pty Ltd
AAT  Administrative Appeals Tribunal
ABC  Australian Broadcasting Corporation
ACTU  Australian Council of Trade Unions
ADF  Australian Defence Force
ADI  ADI Limited
AGAL  Australian Government Analytical Laboratories
AIMS  Australian Institute of Marine Science
ANSTO  Australian Nuclear Science and Technology Organisation
ANU  Australian National University
APC  Australian Postal Corporation
AS  Australian Standard
ASA  Airservices Australia
ASC  Australian Submarine Corporation
CEO  Chief Executive Officer
CSL  CSL Limited
Commission  Safety, Rehabilitation and Compensation Commission
CPM  Comparative Performance Monitoring
CSIRO  Commonwealth Scientific and Industrial Research Organisation
DEST  Department of Education, Science and Training
DOTARS  Department of Transport and Regional Services
FTE  Full time equivalent, in the context of staffing levels
HSR  Health and safety representative
ACRONYMS

JRH  JRH Biosciences Pty Ltd
MCRS  Military Compensation and Rehabilitation Service
MSRIP  Management Systems Review and Improvement Program
NDC  Network Design and Construction Limited
NOHSC  National Occupational Health and Safety Commission
NPA  Note Printing Australia
OHS  Occupational health and safety
RBA  Reserve Bank of Australia
RTW  Return to work
SRC Act  Safety, Rehabilitation and Compensation Act 1988
TGA  Therapeutic Goods Administration
WRMC  Workplace Relations Ministers’ Council
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