

# Safety, Rehabilitation and Compensation Commission

## OPERATIONAL PLAN 2022-23

### Purpose

The Safety, Rehabilitation and Compensation Commission (SRCC) is an independent statutory body established under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

The SRCC administers the regulatory functions of the SRC Act, other than those ascribed to Comcare.

As part of this, the SRCC have the power to set standards for the rehabilitation and work health and safety performance of self-insured licensees and must be satisfied that licence applicants can meet these standards.

### Roles and functions

The Commission's functions are described in the SRC Act and *Work Health and Safety Act 2011* (WHS Act). In summary these are:

- ensure that, as far as practicable, there is equity of outcomes resulting from the administrative practices and procedures used by Comcare and a licensee in the performance of their respective functions under the SRC Act;
- advise the Minister on the operation of the SRC Act and the administration of the WHS Act;
- issue general policy guidelines to the Chief Executive Officer (CEO) of Comcare or the Principal Officer of a licensee in relation to the operation of the SRC Act to the extent it confers functions or powers on Comcare or a licensee;
- grant licences to Commonwealth authorities and eligible corporations to self-insure under the SRC Act;
- set and monitor performance standards for licensees, described in the Licence Compliance and Performance Model (LCPM);
- prepare and issue to the CEO of Comcare written guidelines for the determination of premiums and regulatory contributions;
- undertake requests for review of premium determinations issued by Comcare; and
- provide, under the WHS Act, a forum for consultation between Comcare and persons conducting businesses or undertakings (PCBUs), workers and the bodies that represent them.

Key activities in 2022-23 which the Commission will deliver to meet these roles and functions are described in **Table A**. These activities sit under four key priority areas;

- Operation of the Regulatory Model
- Operation of Licensees
- Operation of the Commission
- Stakeholder Engagement

# Key activities

**Table A: Key Commission Activities**

Outcome	Reference	Activity	Timeframe
<b>Priority area – 1. Operation of the Regulatory Model</b>			
1.1 The Commission actively contributes to the continuous improvement of regulatory frameworks and does not unnecessarily impede the effective operation of regulated entities.	Regulator Performance Guide	Review the Commission’s approach to measuring licensee performance	January 2023
		Establish and maintain a schedule to review the Licence Compliance and Performance model (LCPM), with changes to be implemented on a half yearly basis. Including <ul style="list-style-type: none"> <li>• regulatory response framework</li> <li>• annual review of dispute resolution</li> </ul>	In line with the schedule set in the 2022-27 LCPM review
		Quarterly Reviewing the Regulation of Self-Insured Licensees sub-committee (RRSIL) meetings held to consider the Commission’s regulatory framework.	Ongoing
1.2 The Commission communicates with regulated entities in clear, targeted and effective manner.	Regulator Performance Guide	Licensees consulted on changes to the LCPM and performance targets	As required
1.3 Review of premium determinations and regulatory contributions.	s97K SRC Act	As required, the Commission Premium Review sub-committee: <ul style="list-style-type: none"> <li>a) considers requests for review by the Commission on a case by case basis;</li> <li>b) considers, in each case, whether Comcare has followed the Commission’s Guidelines for the Determination of Premiums and Regulatory Contributions issued under Section 97E of the SRC Act;</li> <li>c) make recommendations to the Commission as appropriate and</li> <li>d) review the Premium and Regulatory Contributions Guidelines.</li> </ul>	Review of Guidelines as required and annual advice on compliance with the Guidelines
		Reporting on Guidelines and review requests to the Commission.	Annual

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Outcome	Reference	Activity	Timeframe
1.4 Guidance advice and directions to Comcare or licensees.	73A s97E(1) s97E(2) s97H	The Commission issues guidance, advice and directions to the scheme with the assistance of Comcare.	As required
<b>Priority area – 2. Operation of licensees</b>			
2.1 Consider licence applications	s102 - s107 SRC Act.	Licence applications are considered by the Commission against the requirements in the SRC Act and decisions made based on evidence considered.	As tabled
		Comcare conducts licence application assessments on behalf of the Commission and advises on the merits of licence applications and compliance with legislative provisions.	As tabled
		Scope and conditions are set on an individual basis and reflected in licence conditions.	As tabled
2.2 Monitoring of licensees.	S89B(a) SRC Act	Commission consideration of licensee performance reports.	Quarterly
		Commission consideration of licensee prudential reporting.	Annual and as required.
2.3 Compliance and monitoring approaches are streamlined and coordinated	S89B(a) SRC Act	Continue to review reporting to identify opportunities to streamline and reduce regulatory burden.	Ongoing
2.4 Charging of licence fees	S89s and s108D(b) SRC Act.	Fees, scope and conditions are set on an individual basis and reflected in licence conditions.	As required
		Charging of 2022-23 licence fees by Comcare's Chief Executive Officer under delegation from the Commission.	Annual
2.5 Determining and implementing regulatory responses in relation to the action of licensees	Part VIII, Division 2, SRC Act.	Maintain the regulatory decision precedent log.	Ongoing
		Utilise the Commission regulatory response framework.	As required

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Outcome	Reference	Activity	Timeframe
<b>Priority area – 3. Operation of the Commission</b>			
3.1 The Commission ensures, as far as practicable, there is equity of outcomes resulting from administrative practices and procedures used by Comcare and a licensee in the performance of their respective functions.	SRC Act s89B(a)	The Commission can issue guidelines.  Where required, Comcare provides reasonable resources to facilitate the development of guidelines.	As required
		The Commission reviews information about licensees and their performance in undertaking their functions and powers under the SRC Act.  Comcare collects, manages and reports data to the Commission.  Comcare manages complaints made about the performance of licensees of their functions on behalf of the Commission.	Equity of outcomes report tabled: <ul style="list-style-type: none"> <li>September 2021; and</li> <li>March 2022</li> </ul> Complaints report provided to the Commission quarterly.
		Commission considers, and reviews equity of outcomes reports and implements actions where required	Equity of Outcomes Report tabled September 2021 and March 2022
3.2 To advise the Minister about anything relating to the operation of the SRC Act or to the Commission's functions and powers.	s89B(b) SRC Act	Outcome letters from quarterly meetings provided to the Minister.	Quarterly
3.3 To advise the Minister on the administration of the WHS Act;  To advise and make recommendations to the Minister on the most effective means of giving effect to the objects of the WHS Act; and  To enquire into and make recommendations to the Minister on any matter relating to work health and safety referred to the Commission by the Minister.	Schedule 2, Part 2, s2 (a – c) WHS Act	Outcome letters from quarterly meetings provided to the Minister.  Advice to Minister as required following stakeholder forums.  Comcare drafts advice based on the Commission's views and provides research and analysis about the operations of the Act to the Commission.	As required
3.4 Commission endorsed annual report released including relevant licensee performance information.	s89R, s89S SRC Act	Endorsement of 2020-21 annual report content.	September 2022
3.5 Actions undertaken by the Commission are proportionate to the regulatory risk being managed.	Regulator Performance Guide	Regular review of strategic risk register.  Control measures monitored for effectiveness at each meeting.	Paper tabled at quarterly meetings
3.6 Governance and reporting.		Review of published policies and materials.	As per review schedule
4.1 Stakeholder engagement to include Minister, Comcare, licensees and union representatives.  The Commission is open and transparent in its dealings with regulated entities.	Schedule 2, Part 2, WHS Act.  s89B(a) SRC Act.	Invitation to meeting extended to Minister.	Ongoing
		Annual consultation forum with Licensees.	March 2023
		Updates provided to licensees by the Commissioner representing	Quarterly

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		licensees following each Commission Meeting at the Licensee Liaison Forum, conducted by Comcare.	
		Annual consultation forum with affiliates.	October 2022
		Commission to reflect on its engagement with the Department annually.	October 2022