

SRCLA Newsletter – March 2019

Welcome to the first SRCLA Newsletter. The SRCLA Executive team at its February 2019 planning day discussed options to enhance communication with members. We are conscious that everyone is busy and there is a common theme of having to do more with less. Time is precious so we will trial newsletters coupled with teleconferences and face to face meetings during 2019 to see if this more effectively meets the needs of members. Let us know what you think and if you have any items you would like to be included in a newsletter please let Agnes know (agnescamilleri@outlook.com)

SRC Regulations

The Department of Jobs and Small Business conducted a consultation workshop on proposed SRC Regulations and SRC Directions on 5/2/2019 and licensee representatives participated. The current set of regulations and directions sunset on 1/10/2019 and it is necessary that new instruments are in place from that date. The department representatives confirmed that it was the intention to carry forward the existing detail, correcting some issues that were no longer accurate and not to make any significant change to content.

While there were no major concerns with the application of the existing guidelines the Department was appreciative of the feedback provided by participants. For confidentiality reasons we cannot go into detail on the new instruments however, there are no additional obligations on a licensee. We highlighted that a licensee should continue to have the ability to comment when suspension or revocation action proceeds, that the SRC Commission should not report in its Annual Report suspected licence breaches and that all components of a licence application should not be applicable for licence extension.

Meeting with the SRC Commission RRSIL

In December 2018 the SRCLA wrote to the Chair of the SRCC highlighting concerns with the application of the regulatory model. A meeting with the RRSIL sub-committee which included Rosemary Vilgan, Chair of the SRCC, and SRCLA representatives was held on 6/2/2019. It was a short interesting meeting in which licensees repeated the concerns raised in our communication. In particular we confirmed that the current approach to a regulatory response when targets are not achieved in two reporting periods was not sustainable.

Licensee representatives highlighted that there must be more flexibility in the application of the regulatory model consistent with the regulatory principles. For LKPI 6 we advised that not all claims can be determined within specified time limits for a myriad of reasons. On this basis the model cannot be a one size fits all and must reflect the scale of a licensee and the industry in which it operates. It was recommended that secondary targets in LKPI 6 and 7 are removed, monitoring assessment (declining, improving, maintaining) is removed where targets are achieved, and LKPI 5 is modified. Furthermore, it was recommended that streamlining and removal of duplication in reporting proceeds asap.

The interesting part of the meeting was that there was no discussion on the issues raised, the SRCC Chair responded in a negative manner, and it was indicated that there was no plan to change the model. There was also comment that no licensee had elected to submit for consideration an alternative indicator to LKPI 5. The response to this comment was that licensees had been working in good faith with the SRCC on a suitable replacement which had not progressed.

It is understood that following the participation of licensees the RRSIL proceeded to discuss and consider a range of issues and we will hear the outcome of this deliberation at the SRCC meeting on 27/3/2019.

Section 41 Guidelines

The SRCLA has now completed its final submission as part of the Section 41 Guidelines consultative process. During February the SRCLA Rehabilitation sub-committee in conjunction with Rosemary Waldron-Hartfield, Moray and Agnew conducted a workshop to discuss the practical application of the proposed guidelines. The sub-committee took into consideration the individual licensee responses that had been received.

The key messages were that the SRCLA supported the reduction in the Guidelines content however, there continued to be need for greater flexibility in the rehabilitation model. Other feedback included:

- there is too much focus on the process and form of rehabilitation decisions at the expense of rehabilitation actions that have the real impact on positive rehabilitation outcomes;
- the guidelines should not expand the scope of the legislative provisions particularly in the factors that must be considered in determining a rehabilitation program sub-sections 37(3)(a) to (g); and
- where it is considered necessary to provide prescriptive guidance this should be in the form of non-mandatory guidance notes rather than as a legal instrument under section 41.

Thanks to the Rehabilitation sub-committee for taking the time to consider the twists and turns that might arise in applying the proposed guidelines. A copy of the response will be provided to all member organisations and posted on the SRCLA website for future access by members. It will be interesting to see the Comcare response to all of the feedback provided.

Department of Jobs and Small Business

The SRCLA letter sent to Minister Kelly O'Dwyer in December 2018 led to a meeting with the Group Manager Work Health and Safety Policy and the Branch Manager Workers Compensation Policy in early February 2019. Both individuals have only recently taken up their roles, so it was a good opportunity to share the SRCLA views on legislative change, regulatory burden, and the operation of the SRCC and Comcare. In particular it was highlighted that the SRCC representative model and the role of the Commission as defined in the SRC Act was outdated and impacted its effectiveness.

The SRCLA will take the opportunity to remain connected to these two senior managers who are likely to remain in place longer than recent Ministers! Next steps will be to reach out to the Shadow Minister to share our views.

Other News

ACT Government commence as a licensee from 1/3/2019 – the SRCLA met with the newest licensee representatives in early February 2019. The ACT Government were declared a Commonwealth Authority which created the opportunity to become a self-insurer under the SRC Act. The ACT Government has a wealth of government liaison experience and discussion has commenced to join the SRCLA.

Licence Fees for FY2020 – licensees can expect to receive information on indicative licence fees towards the end of March 2019. There is no plan to change the fee calculating methodology so no surprises are expected. However, the question has been asked how retained funds will be utilised in FY2020.

SRC Act S116 – pre and post determination leave – for some time now S116 has included these terms but there has been no action taken to influence how the SRC Act should be applied. Following an AAT decision Comcare has prepared draft scheme guidance and feedback was sought towards the end of 2018. Comcare received very little feedback from licensees. The guidance has the potential to create two sets of 45 week counts on each claim – one for incapacity payments and one for leave non-accrual. There are system and recreation leave impacts. Comcare is still prepared to consider further feedback and all licensees should further consider the ramifications of this guidance.

Reconsideration Guidance Material is being developed by Comcare – watch this space.

Medical Cannabis is starting to appear as a treatment regime within the Comcare jurisdiction. Comcare has had some limited exposure to treatment claims for medical cannabis and has used its clinical panel for guidance. Licensees currently do not have access to the clinical panel. Should we consider gaining access to the clinical panel or source an alternative?

2019 Education Event Preparation – action is proceeding and August is looking like the likely month – watch this space.

A Range of Working Parties/Trials are currently underway:

- Certificate of Capacity – to be discussed at member meeting 27/3/2019
- APS Trial – Beyond Blue new access
- Employer mobilisation project – working with disability
- Lead Indicators for Health and Safety – partnership with UniSA
- GP support project workshop 22/3/2019

SRCLA next member meeting – prior to the meeting with the SRCC on 27/3/2019 from 11am to 2pm at the same venue as the Commission meeting. Agenda is on its way and will include a demo of the updated SRCLA website.