

Welcome to the SRCLA December 2019 Newsletter

One last newsletter to close out the 2019 year. Newsletters have been well received by members and will continue in 2020. If you have any feedback or any items you would like to be included in a newsletter please let Agnes know (agnescamilleri@outlook.com)

SRCLA AGM and General Meeting

The SRCLA AGM was held on 12/12/19 and the formal minutes and associated documentation have been disseminated to member organisations. The SRCLA Executive team for 2020 are:

- President - Michael Halloran – Australia Post
- Vice President – Cassandra Jenkins – BIS Industries
- Treasurer – Gavin Lynch – Prosegur
- Secretary – Vacant
- General Members – Beti Dafovski – Wilson Security; Bron Taylor – Virgin Australia Airlines; Amanda Cleland – TNT; Laura Hudswell – Pacific National; and Lisa McLoughlin – ANU.
- SRCC Representative – Louisa Hudson - Telstra

2019 was the 10th year of operation for the SRCLA and we look forward to continuing to add value for members in 2020.

SRCC LKPI Targets

As advised previously the SRCC has agreed to remove targets 2 and 3 against LKPI 6 - determination of new claims and LKPI 7 – decisions on request for reconsideration. The SRCC will continue to monitor performance against these previous indicators of performance. Early in the new year all licensees can expect to receive their respective targets against LKPI 3 and 4. The SRCC has advised that it is prepared to consider alternative measures and feedback on proposed targets from all licensees.

Meeting with SRC Commission RRSIL

The SRCC subcommittee involving Rosemary Vilgan SRCC Chair, Trevor Gauld ACTU, Louisa Hudson Licensee Rep, and Jody Anderson Department Rep met on 16/10/19 with six licensee and three ACTU representatives. The two key areas of discussion were early intervention programs and the provision of suitable duties. The SRCC raised concern that early intervention programs may be used by some organisations to mask safety performance. Licensees disagreed with this view and highlighted the recovery benefits in providing immediate support to employees following injury. It was indicated that the SRCC would seek further information from licensees and in a letter dated 12/12/19 licensees have been asked to formally respond. The SRCLA will seek advice from our honorary legal advisor in relation to this request.

In relation to the provision of suitable duties the obligation under section 40 of the SRC Act for a licensee to take all reasonable steps to provide an employee with suitable duties was discussed. Some examples involving worksites controlled by third parties were raised. While there were no next steps outlined a clear message coming from the SRCC reps was that there is an expectation that licensees are taking all reasonable steps to provide suitable duties.

SRCC Licensee Site Visits

At the September meeting of the SRCC, the benefit of licensee site visits to gain a better perspective of a licensee's day to day business operations and understanding of the organisation management, vision and culture was discussed. It was agreed that at the invitation of a licensee SRCC reps may undertake a site visit.

Licensees were asked to consider inviting the SRCC to visit and the first of these visits was conducted in late 2019. The following is a brief summary of the visit conducted at Virgin Airlines:

On the 27th November 2019 Virgin Australia Airlines (VAA) had the pleasure of hosting the SRCC for a licensee site visit held at Brisbane domestic airport. The site visit was a true representation of a day in the life of the Virgin Australia operation.

The tour included escort to 'front of house' to understand the check-in, boarding gate, lounge operations and the general risks and injuries associated with our Guest Services teams. Escort to 'back of house' (Tarmac) to observe the baggage systems, loading & unloading of aircraft, airside equipment and the general risks and injuries associated with our Ground Operations teams. The observation of aircraft turnaround, operational procedures and on time performance. The observation of flight crew (Pilot) walk around the aircraft and safety checks and the observation of Engineering operational procedures on tarmac.

The site visit was a great opportunity for VAA to demonstrate our commitment to Safety, Injury Management and Mental Health and discuss the many questions and topics raised by the Commissioners and VAA. It was also an opportunity to demonstrate the many challenges faced on a day to day basis. We are extremely grateful to the SRCC for taking the time out to enjoy a morning with our team.

Further information concerning the visit can be obtained from Bron Taylor – Manager People Safety at VAA.

Meeting with Comcare CEO

The first meeting between SRCLA reps and Sue Weston the new Comcare CEO was held on 30/10/19. The meeting was a good introduction and it was agreed that a 2020 meeting schedule would be established.

Honorary Legal Advisor

The SRCLA is pleased to announce that our new honorary legal advisor from 2020 will be McInnes Wilson Lawyers. Damian Clarke will lead the relationship with the SRCLA and many of our members will have worked with Damian in the past. The SRCLA would also like to take this opportunity to thank Rosie Waldron-Hartfield, from Moray and Agnew for the fantastic support she provided to the Association from 2015.

SRCC Licence Extension Audits

2020 will be a year of audits for many licensees in the sixth year of their licence cycle. At the Licensee Liaison Forum (LLF) held on 12/12/19 the Comcare team provided a good overview of the preparation now underway for audits. As highlighted Comcare has outsourced the conduct of audits. Feedback was provided on a recent audit performed by EY, one of the new service providers, with particular emphasis that the auditors did not have detailed SRC Act experience. It was noted that a more forensic approach to the SRCC audit workbook was adopted. Rather than using the workbook as a guide to the type of evidence that could be supplied to meet individual criterion, there was a view that the auditors were expecting to see evidence supporting each example. Licensees should provide feedback on the performance of auditors to Comcare and the SRCLA as the new auditor groups develop the relevant technical knowledge and understanding of the Comcare regulatory environment.

SRCC Audit Methodologies

At the recent LLF it was indicated that the SRCC audit methodologies required updating to reflect the more recent changes to the legislative and regulatory environment operating within the Comcare scheme. Changes to legal instruments such as the Section 41 Guidelines will be reflected in the updated methodologies. Licensees and the SRCLA will be consulted on the changes as this work progresses.

Reasonable Administrative Action (RAA) Consultation

Comcare sought feedback from all licensees on draft scheme guidance relating to RAA. The purpose of the guidance was to provide national consistency on how the RAA principles should be applied. Following discussion with Rosie from Moray and Agnew the SRCLA has responded to the request confirming that the guidance will be important and necessary, noting that many who are determining RAA claims do experience considerable difficulty in understanding and applying the complex decisions of the courts including the High Court in Comcare v Martin [2016]. We noted that the guidance will be relied on heavily once released as it would be easier to follow than the formal court decisions. For

this reason we sought clarification on whether the easy to follow version had been reviewed by Tom Howe who was Counsel for Comcare in the High Court Martin matter. It will be absolutely critical for decision makers that the guidance accurately represents the decision of the High Court. We will keep you posted on how this plays out.

National Council of Self Insurers (NCSI)

The SRCLA is a member of the NCSI and the last meeting of the year was held on 13/12/19. Issues covered in the meeting included the Productivity Commission report on Mental Health, changes to workplace exposure hazards including diesel emissions, opioid crisis and the National RTW Strategy.

Safe Work Australia – National Return to Work Strategy 2020 – 2030

The National RTW Strategy has been the subject of consultation for an extended period. The SRCLA provided a formal submission on the draft strategy in Dec 2018. SWA has now finalised the strategy and it will take effect from 2020. While there are no mandatory obligations it contains considerable information which may be helpful in progressing RTW activity in your organisation. There is nothing radically new in the document however, we will look to understand more effectively the various components and how we can use them for the benefit of member organisations in the new year. Some key call outs at this point:

Vision – to minimise the impact of work-related injury and illness and enable workers to have timely, safe and durable RTW.

Strategic Outcomes:

- Increase in workers staying in or returning to good work following work-related injury or illness
- Increase in positive return to work experiences for workers with a work related injury or illness
- Increase in employers preparing for, effectively responding to & managing work-related injury or illness

There are five action areas: 1- supporting workers; 2- building positive workplace culture and leadership; 3- supporting employers; 4- supporting other stakeholders; and 5- building and translating evidence.

SRCLA Strategic Plan

A key focus early in 2020 will be the development of the SRCLA strategic plan. Send through any thoughts on what should be covered.

Happy New Year

Have a great end of year and we look forward to working with member organisations in 2020.