

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2014-2015

Outcome 2 - Workplace Relations & Economic Strategy

Department of Employment Question No. EM0747_15

Senator Xenophon provided in writing.

Question

Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014

In relation to the Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014, what consultation did the department undertake? 1. Was ComCare involved in this consultation? 2. What modelling has the department done on the impact on workers' benefits if this bill is passed? 3. In particular, what consultation and/or modelling was done on the impact of the national employer test? 4. The bill aims to provide ComCare with a greater regulatory role. What additional resources will be provided to ComCare to ensure it can fulfil this role? 5. How does ComCare compare to most state and territory schemes in terms of proactive health and safety interventions? How has any such comparison been assessed?"

Answer

1. The key amendments introduced by the Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014 are recommendations of the Review of the Safety, Rehabilitation and Compensation Act by Dr Allan Hawke, AC, commissioned by the previous government in 2012.

Recommendation 6

The *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) should be amended to allow the SRCC to grant group licences to companies of licenced self-insurers with more than one entity, subject to satisfying all prudential requirements, in order to reduce administrative costs for scheme participation.

Recommendation 7

The moratorium and competition test should be lifted, allowing national employers to join the Comcare scheme.

Dr Hawke consulted extensively and engaged with stakeholders including the ACTU, current licensees, government agencies and Comcare during the Review.

The Department undertook a range of consultations following the completion of the Review.

2. The Regulation Impact Statement of the Bill outlines the impact on employees.

In assessing an application for a licence to self-insure, the Safety, Rehabilitation and Compensation Commission needs to be satisfied that the grant of a licence will not be contrary to the interests of the employees of the licensee.

3-4. Regulatory operations of Comcare are based on a 'user-pay' system. Licensees under the Comcare scheme pay fees and Comcare adjusts its regulatory workforce as required. It is the Government's expectation that, should additional licences join the scheme, Comcare will increase its workforce accordingly.

5. Comcare's proactive activities are compared to other Australian regulators in the Comparative Performance Monitor (CPM) Report published by Safe Work Australia on an annual basis. The CPM 15th Edition was published in October 2013 with 2011-12 financial year data.

		NSW	Vic	QLD	WA	SA	Tas	NT	ACT	Aus Gov	Seacare
Number of workplace visits: proactive	2009-10	8 915	^b 28 104	^b 25 687	^c 7 045	7 208	4 218	55	u/a	^e 195	43
	2010-11	9 736	^b 24 934	^b 22 526	^c 6 609	8 732	5 360	54	761	1526	40
	2011-12	6 577	^b 21 945	^b 26 091	^c 5 228	9 201	4 442	946	433	3324	49
Number of workshops/ presentations/ seminars/forums: proactive	2009-10	631	u/a	^e 3 651	^d 323	295	222	20	u/a	85	2
	2010-11	3 015	u/a	^e 2 986	^d 335	334	191	49	161	763	4
	2011-12	1 065	u/a	^e 3 179	^d 285	345	172	102	218	1706	13

^aTotals only include jurisdictions that supplied the relevant data. ^bDoes not include industry forums/ presentations where an inspection also occurs. ^cThe number of inspectors in attendance are not counted separately. ^dFigures may be inflated when Inspectors and Community Education Officers present or attend the same event and therefore have been counted more than once. It is not possible to identify and separate such events from these figures. ^eAmended to include managers of inspectorate. ^f Decrease in reactive activities is indicative of the general decrease in incident notifications in the same period. ^gWA now includes vacancies and auditors who are gazetted as inspectors for all years (FTEs). ^hThe drop is due to budget cuts. ⁱFTE figures supplied for external Consultants, ThinkSafe Small Business Managers and Community Education Officers. ^jThe new structure within WorkSafe ACT (re Proactive, Reactive and High Risk Teams) was established on 1 July 2010, therefore there have been no specific recordings of statistics for the dates 2006-07 to 2009-10. ^kThere is no legislative requirement for infringement notices in Western Australia, Victoria, South Australia and the Australian Government. ^lData are for number of defendants in successful Work health and safety prosecutions. ^mWestern Australia legislation does not provide for orders or agreements.