

## COMCARE

### STATEMENT OF EXPECTATIONS – 2021

Ministerial Statements of Expectations provide greater clarity about government policies and objectives relevant to the regulator in line with its statutory objectives, and the priorities the Minister expects it to observe in conducting its operations. As the responsible Commonwealth Minister under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) and the *Work Health and Safety Act 2011* (WHS Act), this statement sets out my expectations of Comcare.

#### Overview

Comcare is a statutory authority that has regulatory functions and responsibilities under the SRC Act and the WHS Act. Comcare also has non-regulatory responsibilities under the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005* and the *Parliamentary Injury Compensation Scheme Instrument 2016*.

Comcare's purpose and outcome is to promote and enable safe and healthy work. Comcare is the national work health and safety regulator, a scheme administrator and an insurer and claims manager. It works with employees and employers to minimise the impact of harm in the workplace, improve recovery at and return to work and support engagement and better practice approaches to health and safety across the Comcare scheme.

Comcare has a range of functions under the SRC Act, including to:

1. advise the Minister of matters relating to Comcare's functions and powers
2. make timely and accurate determinations of workers' compensation claims and requests and minimise the duration and severity of injuries by arranging quickly for the rehabilitation of the injured worker
3. co-operate with other bodies or persons with the aim of reducing the incidence of injury to employees
4. conduct and promote research into the rehabilitation of employees and the incidence and prevention and injury to employees
5. promote the adoption in Australia and elsewhere of effective strategies and procedures for the rehabilitation of injured workers
6. prepare and issue guidelines to rehabilitation authorities in relation to the performance or exercise by those authorities of their functions and powers under Part III and ensure compliance with such guidelines
7. maintain contact with rehabilitation authorities to the extent necessary to ensure compliance with guidelines issued under the SRC Act
8. determine the amounts of premiums and regulatory contributions payable by entities and Commonwealth authorities to meet the cost of workers' compensation liabilities and maintain the financial viability of the workers' compensation scheme
9. determine and apply exit contributions paid under the Comcare scheme by body corporates and by Commonwealth authorities and collect such contributions
10. apply the premiums received to meet the cost of compensation liabilities in respect of injuries suffered, damages or costs awarded, claims for non-economic loss and Comcare's management of such claims.



Comcare has a range of functions under the WHS Act, including to:

1. advise and make recommendations to the Minister and report on the operation and effectiveness of the WHS Act
2. monitor and enforce compliance with the WHS Act
3. foster a co-operative, consultative relationship between duty holders and the persons to whom it owes duties and their representatives in relation to work health and safety matters
4. promote and create awareness of work health and safety matters in Australian workplaces
5. provide education, advice and information on work health and safety to duty holders under the WHS Act and to the community
6. engage in, promote and co-ordinate the sharing of information to achieve the object of this Act, including the sharing of information with other health and safety regulators
7. collect, analyse and publish statistics relating to work health and safety
8. conduct and defend proceedings under the WHS Act before a court or tribunal
9. undertake any other functions conferred under it by the WHS Act.

The Government recognises and respects the independence of the Chief Executive Officer of Comcare and the CEO's responsibility for regulation of work health and safety and workers' compensation. I expect Comcare to exercise its functions and powers in good faith and to the best of its ability.

### **Principles of regulator best practice**

Under the *Regulator Performance Guide July 2021*, the principles of regulator best practice are:

1. **Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture, to build trust and confidence in Australia's regulatory settings.
2. **Risk-based and data-driven:** regulators maintain essential safeguards, using data and digital technology to manage risks proportionately to minimise regulatory burden and to support those it regulates to comply and grow.
3. **Collaboration and engagement:** regulators are transparent and responsive, implementing regulations in a modern and collaborative way.

I expect Comcare to embed and act in accordance with the Government's principles of regulator best practice in conducting its operations, as well as strive for continuous improvement against these principles.

In exercising its functions and powers in accordance with these principles, I expect Comcare to follow the guidance below:

#### **1. Continuous improvement and building trust**

- Adaptive and sustainable in the face of change: Comcare is a flexible and adaptive agency, open to new ideas and ways of doing things. Comcare considers the broader environment and is proactive in dealing with its impacts. Comcare encourages innovation in the development of sustainable solutions to



health and safety issues, and endeavours to use the latest tools, data and technology to develop new solutions to problems.

## **2. Risk-based and data-driven**

- Prevention and early intervention across the scheme: As the national workers' compensation authority and work health and safety regulator, Comcare plays a leading role in supporting safe and healthy workplaces. Comcare works with employers to adopt risk and evidence-based prevention and early intervention practices, with the ultimate aim of supporting employers and workers to create and maintain physically and mentally healthy workplaces.
- Insight driven and evidence-based practice: Comcare is working to harness the power of data and analytics to promote and enable safe and healthy work. Comcare uses all available information to continually improve our services and to identify and address the needs of our scheme. Comcare undertakes research and engages with emerging evidence to validate its approach. Comcare also regularly evaluates its performance, challenges assumptions and changes course where necessary.

## **3. Collaboration and engagement**

- Excellence in service provision: Comcare strives to uphold a positive reputation as an effective regulator and service delivery agency to its stakeholders, including government agencies, employers and their representatives, employees and their representatives, rehabilitation providers, the Safety, Rehabilitation and Compensation Commission and the Seafarers Safety, Rehabilitation and Compensation Authority. Stakeholders are at the centre of everything Comcare does. Comcare is responsive to growing community expectations of the public sector to provide seamless, personalised services. Comcare's services are tailored to stakeholders' needs and in delivering these services Comcare lives and models its values, including acting with integrity and respect.
- Engagement with stakeholders: Comcare is always open to feedback from stakeholders and undertakes to consult widely on issues that impact them. Comcare works collaboratively with stakeholders to secure compliance with the SRC Act and WHS Act, and provides up-to-date, clear and accessible guidance and information to assist its regulated entities in building a common understanding of the WHS Act and SRC Act. Comcare aims to engage with stakeholders at all levels in authentic, meaningful and genuine interactions, and to ensure it is courteous and professional in all dealings.

## **Innovation and regulatory change**

I expect Comcare to continually monitor the environment it operates in to ensure that regulatory approaches keep pace with changes in technology, industry practices and community expectations. I also expect Comcare to regularly review and, where necessary, adjust policies, protocols and operating procedures, to ensure it can respond to the changing social, technological and commercial context in which it operates.

## **The Government's policy priorities and objectives**



### ***Deregulation Agenda***

The Deregulation Agenda is a key component of the Government's plan to support economic recovery by making it easier for businesses to grow and create jobs. Ensuring the regulatory settings are the best they can be helps boost productivity and competitiveness and supports well-functioning markets, business investment, job creation and growth.

Under the Deregulation Agenda, the Australian Government is taking a new whole-of-government approach to regulatory policy. This will focus on reducing barriers affecting Australia's productivity growth and competitiveness. It will also make sure regulations are well-designed, fit-for-purpose and support businesses to grow and create jobs.

I expect the Comcare to contribute to the deregulation process by:

- seeking opportunities to remove duplication and streamline processes in order to improve efficiency and lift productivity
- acting in accordance with regulator best practice in its decision-making, policies, processes and communication practices, in order to maximise transparency and minimise compliance costs
- applying the *Regulator Performance Guide July 2021* to its regulatory functions to assess its performance and engagement with stakeholders
- incorporating regulator performance reporting into the entity's reporting processes, as required under the *Public Governance, Performance and Accountability Act 2013* and *Public Governance, Performance and Accountability Rule 2014*, in order to support greater transparency and accountability of regulator performance.

### **Relationship with Minister and portfolio**

Comcare plays an essential role in ensuring that the Government and I, as the Commonwealth Minister responsible for Industrial Relations, are well placed to respond promptly to work health and safety and workers' compensation matters. The Attorney-General's Department (the department) also supports and advises me by providing advice on policy and the performance of the portfolio's regulatory systems. The department takes into account the knowledge and expertise of Comcare when considering changes to policy and legislation that impact on work health and safety and workers' compensation.

Accordingly, I expect Comcare to work collaboratively with the department on significant issues relating to strengthening work health and safety and workers' compensation.

As the responsible Minister, I will provide an enabling environment for Comcare to consistently implement best practice by ensuring it is well informed of the Government's policy direction, as specific initiatives and strategies are being considered.