



RELEVANT AUTHORITY CLAIM FORM APPROVALS

PURPOSE

This scheme guidance has been developed for relevant authorities and their claims managers and sets out the principles and requirements for developing a Comcare approved claim form for the purposes of section 54 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) for initial claims for workers' compensation.

BACKGROUND

The SRC Act requires that a person must make a claim before workers' compensation entitlements may be provided. Section 54 of the SRC Act outlines the requirements for making a claim for compensation. Under section 54(2) and (3) a claim is made by giving the relevant authority¹:

- > a written claim on a Comcare approved claim form; and
- > a certificate by a legally qualified medical practitioner in accordance with the Comcare approved claim form².

Strict compliance with the Comcare approved claim form is not required as substantial compliance is deemed sufficient under the legislation³.

All relevant authorities must have a written claim form, but this does not prevent an authority considering the use of alternative processes, such as the electronic lodgement of claims.

GUIDANCE

Principles for claim form development

Relevant authorities should ensure that all claim forms produced under the SRC Act:

- > accurately reflect the relevant provisions of the SRC Act
- > ask only for information that is reasonably required to allow for the claim to be considered and determined
- > are easily understood and accessible to all involved, for example through internal communication networks, such as employer intranet sites
- > are supported in a range of formats (for example, enabling electronic claim forms).

A claim form developed by a relevant authority in accordance with this guidance can be in hard copy, in an electronic format, or both.

¹ Section 4 of the SRC Act defines 'relevant authority' as, in relation to an employee who is employed by a licensee – the licensee; and in relation to any other employee – Comcare.

² Not required for claims under sections 16 and 17 of the SRC Act.

³ Section 54(5) of the SRC Act

Contents of claim forms

To be approved for the purposes of this guidance, the claim form must require the collection of the following information at a minimum:

- > date of lodgement of claim
- > date of injury
- > date of birth
- > name
- > occupation
- > duty status
- > nature of injury/disease
- > bodily location of injury/disease
- > mechanism of injury/disease⁴.

The claim form should include, or be provided along with:

- > a short statement describing what the form is used for and how a decision will be made on the claim
- > a statement of the employee's privacy rights under the Australian Privacy Principles, including contact details for the employee to ask questions or raise concerns about the collection and use of their personal information
- > any other statement or information required by legislation other than the SRC Act, including any state or territory-specific legislative requirements
- > a signed consent from the employee or their legally authorised representative for the claim to be considered and relevant information obtained
- > contact details for the relevant authority and claims manager (if the claims manager differs from the relevant authority), including guidance as to how the claim should be submitted, and contacts for assistance with the form.

Use of other relevant authority or scheme claim forms

Employees should use the appropriate claim form produced by their relevant authority. However, where an employee uses a different form (for example, a Comcare form sent to a licensee, or a form from a state or territory jurisdiction), the relevant authority should, wherever feasible, begin considering the information in the form as part of the claim process.

In these circumstances the relevant authority may need to seek further information or authorisation from the employee and may need to provide supplementary information to the employee as outlined in this guidance.

Self-Insuring licensees

A workers' compensation claim form which is produced by a licensee in accordance with this guidance will be deemed as a form approved by Comcare for the purposes of section 54 of the SRC Act. Therefore, Licensees are not required to seek formal Comcare approval for their claim forms.

In producing and amending claim forms, the relevant authority must also ensure compliance with:

- > the requirements of the SRC Act
- > relevant conditions of their licence
- > any directions of the Safety, Rehabilitation and Compensation Commission (SRCC) or Minister under the SRC Act.

⁴ Not all these details will be relevant in all initial claims and some of these details may already have been collected. However, to be a Comcare approved claim form, the form must allow for at least this information to be collected where relevant.

Licensees are required to advise Comcare, through their annual Licensee Compliance and Performance Improvement (LCPI) report—or other reporting format as required by Comcare from time to time—that any substantial changes to their claim forms have been made in accordance with the principles in this guidance. Where there has been no substantial change to a licensee’s claim forms in a reporting year, there is no obligation to advise of this in the LCPI report.

Comcare as the claims manager

Comcare as the claims manager will have an approved claim form provided the form is developed in accordance with the principles in this guidance. No formal approval is required.

Delegated claims management arrangements

Commonwealth agencies participating in the delegated claims management arrangements are currently required to use Comcare’s approved claim form.

Definition: ‘Substantial change’

In this guidance, a ‘substantial change’ to a form is one which materially alters a question, or seeks different information, in relation to matters in the ‘Self-Insuring licensees’ section above. Minor changes such as different branding or contact details are not required to be reported.

Consultation

When a claim form is developed or substantially changed, feedback from employees or other stakeholders should be invited as a matter of course and considered if received. There is no statutory requirement to formally seek the views of employees or other stakeholders in relation to the claim form, but relevant authorities should ensure that all affected parties (where possible) are able to be part of the process.

FURTHER INFORMATION

For further information, please contact Comcare’s Scheme Policy and Design team on 1300 366 979 or email: scheme.policy@comcare.gov.au.