



Australian Government

Comcare

GUIDE TO REPORT DECISIONS UNDER ACTS INTERPRETATION ACT 1901

BACKGROUND

The *Safety, Rehabilitation and Compensation Amendment (Period for Decision-making) Regulations 2023* (Regulations) introduced statutory timeframes for initial claims and claimant requests for reconsideration decision-making under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

The calendar day count commencement and end dates are provided under section 11A of the Regulations and further supported under the *Acts Interpretation Act 1901* (AIA).

The change means that the calendar day an initial claim or reconsideration request is received is day one of the calendar count regardless of whether that happens to be a business day, a Saturday, a Sunday, or a public holiday.

Additionally, if the calendar day count for determining liability on an initial claim or deciding a request for reconsideration made by a claimant ends on a Saturday, Sunday or a holiday in the location the decision is being made, the decision can be made the next weekday that is not a Saturday, Sunday or holiday (subsection 36(2) of the AIA). Holiday is taken to mean a day that is a public holiday in the place where the decision is being made and also a day on which the place or particular office that the decision is being made is closed for the whole day (subsection 36(3) of the AIA).

For example, if a decision is to be made at a particular office which is closed for the whole day during an organisation's end of year shutdown period up to and including Wednesday, 1 January 2025, the decision may be made on Thursday, 2 January 2025.

CAPTURING DECISION-MAKING ASSESSED UNDER THE PROVISION OF THE AIA

When a claim determination or reconsideration due date falls on a Saturday, Sunday or a holiday (assessed under the provision of subsection 36(2) or 36(3) of the AIA), this decision will require manual recording through the Commission Data Warehouse to maintain compliance with legislative and Licensee Key Performance Indicator (LKPI) requirements.

Comcare has developed a Decision-making assessed under the provision of the AIA request form, for licensees to capture the details of the timeliness of these determinations and decisions, to ensure that this is recorded for accurate legislative compliance.

Please complete the relevant sections of the above request form and submit this (if applicable) with the monthly Commission Data Warehouse data submission in SIGBOX.

Comcare will ensure that determinations specified in the form are reflected for the purposes of maintaining a 'within timeframe' status for applicable *LKPI 6 Timeliness – determination of new claims* or *LKPI 7 Timeliness – decisions on request for reconsideration* records.

This form is **only** required to be submitted in the instance a claim determination or reconsideration decision has been made under the provision of subsection 36(2) or section 36(3) of the AIA on the statutory timeframe due date to make the decision.

ENQUIRIES

If you require further information or support, please email the Self Insurance team: selfinsurance@comcare.gov.au.