



# **Safety, Rehabilitation and Compensation Amendment (Period for Decision-making) Regulations 2023**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 13 December 2023

David Hurley  
Governor-General

By His Excellency's Command

Tony Burke  
Minister for Employment and Workplace Relations

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## 1 Name

This instrument is the *Safety, Rehabilitation and Compensation Amendment (Period for Decision-making) Regulations 2023*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information        |               |              |
|---------------------------------|---------------|--------------|
| Column 1                        | Column 2      | Column 3     |
| Provisions                      | Commencement  | Date/Details |
| 1. The whole of this instrument | 1 April 2024. | 1 April 2024 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Safety, Rehabilitation and Compensation Act 1988*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Safety, Rehabilitation and Compensation Regulations 2019*

#### 1 At the end of Part 2

Add:

#### 11A Period for determining claim for compensation or request for reconsideration of a determination

- (1) For the purposes of subsection 61(1A) of the Act, the determining authority must determine a claim for compensation under section 14 of the Act:
  - (a) if the claim is in respect of an injury (other than a disease) or an aggravation of an injury (other than a disease)—within the period of 20 calendar days, starting on the day the determining authority receives the claim made in accordance with section 54 of the Act and worked out disregarding any calendar day covered by subsection (3) of this section; or
  - (b) if the claim is in respect of a disease—within the period of 60 calendar days, starting on the day the determining authority receives the claim made in accordance with section 54 of the Act and worked out disregarding any calendar day covered by subsection (3) of this section.
- (2) For the purposes of subsection 62(6) of the Act, the determining authority must decide a request made by a claimant to reconsider a decision within the period of 30 calendar days, starting on the day the determining authority receives the request.
- (3) For the purposes of subsection (1), a calendar day is covered by this subsection if it is in a period:
  - (a) starting on the day referred to in column 2 of an item in the following table; and
  - (b) ending on the day referred to in column 3 of the item.

#### Periods in which calendar days are not counted

| Item | Column 1<br>Situation  | Column 2<br>Start day  | Column 3<br>End day   |
|------|--|--|---|
| 1    | The determining authority has, under section 57 of the Act, required the claimant to undergo an examination by a legally qualified medical practitioner nominated by the determining authority | The day the determining authority gives the claimant written notice of the requirement | The day the determining authority receives the results of the examination   |
| 2    | The determining authority has, under section 58 of the Act, requested the claimant to give information or a copy of a document   | The day the determining authority gives the claimant written notice of the request     | The earlier of the following days:<br>(a) the day the determining authority receives the information or copy of the document;<br>(b) the day the claimant |

| <b>Periods in which calendar days are not counted</b> |  |   |  |
|---|--|---|--|
| <b>Item</b>   | <b>Column 1<br/>Situation</b>  | <b>Column 2<br/>Start day</b>   | <b>Column 3<br/>End day</b>  |
|   |  |   | advises the determining authority that the claimant does not have the information or document  |
| 3   | The determining authority has, under section 71 of the Act, required a principal officer of an employer of the claimant to give information or documents   | The day the determining authority gives the principal officer written notice of the requirement | The earlier of the following days:<br>(a) the day the determining authority receives the information or documents;<br>(b) the day the principal officer advises the determining authority that the employer does not have the information or document in the employer's possession, custody or control;<br>(c) the day on which the determining authority reasonably believes the principal officer has failed to comply with the notice |
| 4   | The claimant has advised the determining authority that the claimant will provide further evidence   | The day the claimant so advises the determining authority                                       | The earlier of the following days:<br>(a) the day the determining authority receives the further evidence;<br>(b) the day the claimant advises the determining authority that no further evidence will be provided;<br>(c) the day on which the determining authority reasonably believes the claimant will not provide any further evidence   |
| 5   | The determining authority considers that it is reasonable and necessary to obtain further medical evidence by requiring a report from:<br>(a) the claimant's legally qualified medical practitioner; or<br>(b) a legally qualified medical practitioner nominated by the determining authority | The day the determining authority requests the further evidence                                 | The day the determining authority receives the report  |

## **2 At the end of Part 5**

Add:

### **Division 3—Provisions for the Safety, Rehabilitation and Compensation Amendment (Period for Decision-making) Regulations 2023**

#### **37 Application of period for determining claim for compensation or request for reconsideration of a determination**

Section 11A, as added by the *Safety, Rehabilitation and Compensation Amendment (Period for Decision-making) Regulations 2023*, applies in relation to:

- (a) a claim for compensation under section 14 of the Act made in accordance with section 54 of the Act on or after the commencement of that instrument; and
- (b) a request to reconsider a decision under section 38 or 62 of the Act made by a claimant on or after the commencement of that instrument.