

Self-insurer information requirements

Workers compensation
regulation

June 2017



State Insurance
Regulatory Authority

Contents

Introduction	3
1. Licence application.....	4
1.1 Purpose.....	4
1.2 Legislative requirements.....	4
1.3 Application notification	4
1.4 Expectations and process	5
1.5 Required information to support a licence application	6
1.6 Application assessment.....	8
1.7 Application fee.....	9
1.8 Contributions by employers exiting the Managed Fund Scheme.....	9
1.9 Security and reinsurance	10
1.10 Lodgement.....	10
1.11 Further information.....	10
2. Licence renewal.....	11
2.1 Purpose.....	11
2.2 Legislative requirements.....	11
2.3 Licence application	11
2.4 Assessment process.....	11
2.5 Information to be provided.....	12
2.6 Renewal fee	12
2.7 Lodgement	12
2.8 Further information.....	12
3. Notifying SIRA of significant matters.....	13
3.1 Introduction.....	13
3.2 Detailed requirements.....	13
3.3 Notification timeframe requirements	14
3.4 Action to be undertaken by SIRA	15
4. Addition and deletion of subsidiaries.....	16
4.1 Purpose.....	16
4.2 Legislative requirements.....	16
4.3 Licensing requirements	17
4.4 Subsidiary endorsement	17
4.5 Subsidiary deletion.....	19
4.6 Further information.....	20
Confidentiality	21
Access to information.....	21
Appendix	22
Application for a self-insurer licence	22
Application to renew a self-insurer licence	24
Significant matters notification	26
Application to endorse or delete a subsidiary on a self-insurer licence.....	29

Introduction

This document outlines State Insurance Regulatory Authority (SIRA) expectations and information requirements for self-insurers in the NSW workers compensation system.

It details the legislative and licensing requirements, as well as the application and assessment process for those applying to be granted a self-insurer licence or have an existing licence renewed under the NSW workers compensation scheme.

This document should be read in conjunction with the *Self-insurance licensing policy* and related NSW workers compensation legislation.

1. Licence application

1.1 Purpose

SIRA considers self-insurer licence applications in accordance with the *Workers Compensation Act 1987* (1987 Act).

SIRA may grant self-insurer licences up to the maximum licence term for new self-insurers as stated in the *Self-insurance licensing policy*.

Once licensed, self-insurers bear the risk of their workplace safety and workers compensation experience by managing and funding their own claim liabilities.

Prospective applicants are encouraged to contact SIRA as early as possible to discuss their intent to apply for a licence. SIRA is available to assist applicants with their licence application if necessary.

This section outlines SIRA's expectations of applicants, including their performance and ability to meet the requirements to be granted a self-insurer licence.

1.2 Legislative requirements

Section 210 of the 1987 Act states that an employer may apply for a self-insurer licence. A company may also apply for a licence if the licence is intended to cover wholly-owned subsidiaries that are employers.

Section 211 of the 1987 Act states the Authority (SIRA) may consider the following matters when considering an application for a self-insurer licence:

- (a) the suitability of the applicant
- (b) the financial ability of the applicant to undertake the liabilities under this Act
- (c) the efficiency of the workers compensation system generally, and
- (d) such other matters as SIRA thinks fit.

The SIRA licensing framework is structured to facilitate the achievement of the workers compensation system objectives through the supervision of self-insurer performance in the areas of conduct and claims management (together representing suitability), and financial ability.

1.3 Application notification

SIRA will post a notification on its website after a formal application for a new licence is received. SIRA will consider any submissions received in response to the notification when determining the application for a new self-insurer licence.

1.4 Expectations and process

It is expected that licence applicants operate at the performance standard of a Mid tier self-insurer (as outlined in the *Self-insurer tiering model*) where applicable, for four consecutive years before applying for a self-insurer licence.

When an application is received it will be reviewed for completeness prior to assessment.

SIRA will assess applicants according to the expectations outlined in this document or as otherwise referred to.

The application for approval for a self-insurer licence will remain valid until it is accepted or rejected by SIRA.

Meeting performance indicators

Applicants that fail to meet performance indicators for the previous four years may still be considered for licence approval where SIRA is satisfied that adequate performance can and will be achieved through the imposition of special conditions appropriate to the particular circumstances of the applicant.

In this way, SIRA may grant a self-insurer licence under certain circumstances and/or with special licence conditions.

Additional information to support an application

SIRA will consider information from a variety of sources including data received from the applicant and from any on-site audits, interviews and inspections.

Additional information may be requested from the applicant during the assessment, and meetings may be held to discuss the application. SIRA will keep the applicant informed of the application progress.

After initial approval

If an applicant is granted a self-insurer licence, SIRA will closely monitor the self-insurer's compliance with workers compensation legislation and liaise regularly with the self-insurer regarding its performance.

The self-insurer will be formally assessed and tiered in accordance with the *Self-insurer tiering model* for each of the areas of conduct, claims management and financial ability after the first year of their licence.

If an application is unsuccessful

If an application for a self-insurer licence is unsuccessful, SIRA will provide the employer with notification in writing, detailing the reason(s) why the application was refused.

1.5 Required information to support a licence application

This section outlines the information required to support a self-insurer licence application. It is important this information is included, so SIRA can determine applicant eligibility pursuant to sections 211 of the 1987 Act and the *Self-insurance licensing policy*.

New licence applications must be accompanied with a written authority (see Appendix).

Where the applicant is required to demonstrate a capacity, capability or similar, they must provide sufficient evidence to support a reasonable conclusion by SIRA. Supporting material should be referenced in accordance with these requirements otherwise the application may not be accepted.

Failure to provide the information required may result in the application being suspended or refused.

Applicants may state in their application why the licensing policy, or aspects of it, should not apply to their application.

The following information must be provided with a self-insurer licence application:

1. Applicant information

- Corporate name, Australian Business Number (ABN) and registered office of the applicant.
- Written statement from the Chief Executive Officer outlining the reasons why the applicant is seeking to be licensed and its suitability to become a self-insurer.
- Details of the group corporate structure including principal shareholders of the applicant (and its wholly-owned subsidiaries that are employers in NSW if applying for a group self-insurer licence).
- Nature of business undertakings of the employer (and across the group if applying for a group self-insurer licence).

2. Workers compensation information

- Draft business plan for applicant's workers compensation operations, developed with reference to the *Self-insurer s189 business information requirements*.
- Total number of employees in NSW, including persons deemed to be workers, employed by the applicant for the last three financial years ("employees" means all permanent staff of the applicant, whether full time or part time).
- Workers compensation industry classifications, wages and deemed premium calculation for the current year and the estimated deemed premium for the next financial year (in order to determine the initial security to be provided).
- Name of insurer(s) or scheme agent(s) for NSW workers compensation for the past four years.
- A schedule showing the claims experience and premiums paid for the past four years.
- Whether the applicant is self-insured in other jurisdictions.

3. Claims management information

- Details of senior staff member(s) who will be responsible for workers compensation claims management and administration under self-insurance. These details include name, previous positions held, qualifications and experience.
- Proposed organisation structure of the claims management section including proposed number of claims per claims officer.
- Details of the proposed administrative facilities for handling workers compensation claims including staffing arrangements, secure and private record-keeping and location.
- Details of the planned capability and professional development program for staff engaged in workers compensation activities.
- Details of the return to work coordinator(s) including name, previous positions held, qualifications and experience, and names of accredited rehabilitation provider(s).
- Claims management policies and procedures.
- Return to work program prepared in accordance with SIRA's *Guidelines for workplace return to work programs* under section 52 of the *Workplace Injury Management and Workers Compensation Act 1998* (1998 Act).
- Injury management program prepared in accordance with SIRA's *Injury management program – a guide and checklist for insurers* under section 43 of the 1998 Act.
- Details of the proposed claims management systems and processes.

4. Financial information

- Annual reports (including audited financial statements) for the previous four financial years. If the applicant is not the ultimate holding company in Australia, then the annual reports of the ultimate Australian holding company are to be provided.
- Any other financial information including credit rating reports that will assist in supporting the application.

5. Other information

- Completed and signed declaration (see Appendix).
- Any other information that would help SIRA consider the suitability and financial ability of the applicant.

1.6 Application assessment

This section describes the way SIRA will assess self-insurer licence applications.

Ability to meet the regulatory principles

SIRA will assess applicant ability to meet the regulatory principles of conduct, claims management and financial ability as follows:

1. Conduct

SIRA expectation

The applicant will demonstrate its ability to conduct itself in accordance with the legislation and provide acceptable reporting to SIRA.

Business plan

The business plan submitted to SIRA will be assessed for its establishment of the applicant's future direction to achieve the following strategic objectives:

- prevention of work-related injuries
- innovative and fair injury management and return to work initiatives
- developing and improving internal resource capability
- building strong governance and corporate culture.

Workplace safety

SIRA will assess the applicant's commitment to safety, as well as its historical workplace safety record, by reviewing the compliance and safety history of the applicant as provided and regulated by SafeWork NSW over the last four years.

Claims information

SIRA will assess the applicant's ability to report claims data and information by validating test submissions received by the applicant's claims management system for acceptance.

2. Claims management

SIRA expectation

The applicant will demonstrate its capacity and resources to perform the obligations and functions of a licensed self-insurer in accordance with the legislation, and of a standard acceptable to SIRA.

Claims management assessment

The applicant's claims management information will be assessed by:

- reviewing and analysing the last four years of data including:
 - claims incidence and cost of claims rates, and return to work history compared to industry rates
 - the nature and type of any complaints received.
- reviewing the proposed:
 - claims management resources and processes

- claims management location.
- reviewing the return to work and injury management programs against legislative requirements.

Where an applicant is considering outsourcing claims management operations, SIRA will consider the agent's resources and past performance (if applicable).

3. Financial ability

SIRA expectation

The applicant must demonstrate ongoing financial viability and strength.

Financial ability assessment

The applicant's financial resources and long term financial viability will be assessed with reference to financial ratios calculated over the previous four years and compared against the mid-tier industry benchmarks (see the *Self-insurer tiering model*).

Where the applicant does not meet the industry benchmarks, SIRA is not restricted to the exclusive use of the benchmarks and may use other information to assess financial ability.

4. System efficiency

In its assessment of a self-insurer licence application, SIRA may also consider the general efficiency of the workers compensation system.

This assessment may consider whether granting the licence will more efficiently achieve the objectives of the workers compensation system under section 3 of the 1998 Act and be of benefit to system stakeholders.

1.7 Application fee

An application fee of \$40,000 is payable to SIRA upon submission of an application for a new self-insurer licence (\$45,000 for group applications).

The fee is GST exempt and non-refundable, regardless of the outcome of the application.

1.8 Contributions by employers exiting the Managed Fund Scheme

If granted a self-insurer licence, the insurer responsible for an exiting employer (which includes an employer who becomes a self-insurer) may be required to make a contribution to the Insurance Fund under section 208AA of the 1987 Act.

SIRA will advise whether a contribution is payable at the time of application or thereafter in accordance with legislative provisions.

1.9 Security and reinsurance

Before SIRA approval for a self-insurer licence, the applicant must provide:

- security in accordance with SIRA security policy outlined in *Security deposits for self-insurers and specialised insurers*
- evidence of its reinsurance policy obtained in accordance with *Self-insurer s189 business information requirements*.

SIRA will determine the security for a new applicant on the basis of its deemed premium for the previous 12 months plus a prudential margin of 50 per cent. This is subject to the minimum self-insurer security requirement.

1.10 Lodgement

Applicants may lodge a self-insurer licence application with the Director – Insurer Performance by emailing self&specialisedinsurers@sira.nsw.gov.au.

1.11 Further information

For any questions regarding the licence application process, please contact:

Technical Manager – Insurer Performance
Workers and Home Building Compensation Regulation
State Insurance Regulatory Authority
Locked Bag 2906, Lisarow, NSW 2252

Phone: 13 10 50

Email: self&specialisedinsurers@sira.nsw.gov.au.

2. Licence renewal

2.1 Purpose

SIRA may approve an application to renew a self-insurer licence in accordance with the 1987 Act.

SIRA may renew a self-insurer licence up to the maximum licence term stated in the *Self-insurance licensing policy* if it is satisfied that the self-insurer has been operating to the standards expected. Other terms will be considered for lower performance standards.

This section explains the self-insurer licence renewal assessment process as well as the requirements for applicants.

2.2 Legislative requirements

SIRA assesses applications to renew a self-insurer licence against the requirements in the 1987 Act.

Section 211 of the 1987 Act states the Authority (SIRA) may take the following matters into consideration when determining an application to renew a licence:

- (a) the suitability of the applicant
- (b) the financial ability of the applicant to undertake the liabilities under this Act
- (c) the efficiency of the workers compensation system generally, and
- (d) such other matters as SIRA thinks fit.

2.3 Licence application

If a self-insurer elects to apply to renew its self-insurer licence, the application must be submitted to SIRA no later than four months before the expiry of the current licence.

In order to apply for renewal as a self-insurer, the applicant must continue to satisfy, or make changes where necessary, in order to satisfy the conditions outlined in its licence.

2.4 Assessment process

When assessing an application for renewal, SIRA will consider the self-insurer's performance in each of the areas of conduct, claims management and financial ability over the course of the previous licence term.

Expectations and performance

It is SIRA's expectation that a self-insurer has operated at a top tier standard for the whole of its licence term in order to have its licence renewed for the maximum term.

Under section 180 of the 1987 Act, SIRA has discretion to grant licences for different durations. Shorter licence terms may be granted if SIRA deems such action is warranted following expected or poor performance.

Where a self-insurer has not maintained top tier performance standards for the whole of the previous licence term, SIRA has discretion to take into consideration other

factors (or the particular circumstances of a self-insurer) in the renewal assessment process.

Considering the efficiency of the system as a whole

SIRA is required by legislation to consider the efficiency of the workers compensation system as a whole when assessing an application to renew a self-insurer licence. This assessment may consider whether renewing the licence will be of benefit to the system, helping more efficiently achieve the objectives outlined in section 3 of the 1998 Act.

Stakeholder feedback and other sources

Additional information may be requested from the applicant during the assessment, and meetings may be held to discuss the renewal. Stakeholder feedback will be considered as and when it is received. SIRA will keep the self-insurer informed of the application's progress.

2.5 Information to be provided

A self-insurer electing to renew its self-insurer licence must provide a completed and signed written authority (see Appendix).

2.6 Renewal fee

There is no fee for licence renewal.

2.7 Lodgement

Applicants may lodge a self-insurer licence renewal by emailing self&specialisedinsurers@sira.nsw.gov.au.

2.8 Further information

For any questions regarding the renewal process, please contact one of the SIRA Portfolio Managers.

Phone: 13 10 50

Email: self&specialisedinsurers@sira.nsw.gov.au.

3. Notifying SIRA of significant matters

3.1 Purpose

This section outlines the expectations and requirements for self-insurers notifying SIRA of significant matters.

The notification process will enable SIRA to monitor, from an early stage, significant matters that may have a regulatory impact, be of public interest, or have legal implications for the self-insurer or the NSW workers compensation system.

3.2 Detailed requirements

Notification and information requirements

Self-insurers are required to:

- (a) notify SIRA of a significant matter within the timeframe specified in section 3.3 of this document
- (b) provide initial notification by completing and submitting the *Significant matters notification* form in the Appendix
- (c) supply relevant information with their *Significant matters notification* form including any originating process (if the matter is litigated), and
- (d) provide any further information relating to the progress and outcome of a significant matter within the timeframe specified in section 3.3 of this document.

Significant matter definition

Self-insurers must notify SIRA of any significant matter

A significant matter may:

- (a) involve a significant breach (or likely breach) of their responsibilities under legislation and licence conditions
- (b) involve certain defaults under section 190 of the *Workers Compensation Act 1987*
- (c) prevent the insurer from meeting any requirement for approval and/or operation as an insurer in accordance with the workers compensation legislation, or
- (d) be regarded as significant because it involves legal issues or litigation that may have significant implications for the workers compensation system.

When determining whether a breach is significant and should be reported to SIRA, self-insurers should consider:

- The number or frequency of similar previous breaches
- The extent to which the breach or likely breach indicates that the self-insurer's internal controls to ensure compliance are inadequate
- The impact of the breach or likely breach on the claimant.

When determining if a legal matter is a significant matter that should be reported to SIRA, self-insurers should consider the following:

Does the legal matter involve:

- (a) questions of statutory interpretation of workers compensation law, and particularly if there is little or no existing case law, including:
 - i. recently developed case law
 - ii. recent changes to the workers compensation law including the Guidelines made under the workers compensation law
 - iii. provisions that are currently under review or proposed for change
 - iv. an appeal or application for leave to appeal to the President of the Workers Compensation Commission?
- (b) questions or submissions to a Court or the Workers Compensation Commission that if accepted would lead to a substantial increase in compensation for similar future claims, or a substantial increase to the number of compensable claims, or otherwise potentially place pressure on the sustainability of the scheme?
- (c) a dispute about NSW state jurisdiction or a constitutional law issue?
- (d) an appeal or application for leave to appeal to a Court?
- (e) matters where a Court or the Workers Compensation Commission has criticised the conduct of the insurer?
- (f) complaints made to the Information and Privacy Commission NSW or the Office of the Australian Information Commissioner?

3.3 Notification timeframe requirements

Self-insurers should aim to notify SIRA within two business days, but no later than five business days of becoming aware of the existence of a significant matter.

It is acknowledged that section 190 of the 1987 Act requires notification within 21 days, however SIRA requests that self-insurers notify these matters within five business days in order to ensure timely oversight of certain defaults as defined within section 190.

Self-insurers must provide SIRA with any additional information relating to the progress or outcome of a significant matter within five business days of the additional information becoming available.

3.4 Action to be undertaken by SIRA

Once notified of a significant matter, SIRA will review the matter and take action as necessary, including:

- (a) monitoring the significant matter
- (b) seeking further information
- (c) maintaining watching briefs over matters
- (d) seeking leave to intervene in Workers Compensation Commission proceedings pursuant to section 106 of the 1998 Act, or seeking leave to intervene or appear as a friend of the court in other litigated proceedings, and
- (e) liaising with self-insurers in relation to matters of significance to the NSW workers compensation system.

Further information

Any questions regarding the notification of significant matters can be directed to the relevant SIRA Portfolio Manager.

Phone: 13 10 50

Email: self&specialisedinsurers@sira.nsw.gov.au.

4. Addition and deletion of subsidiaries

4.1 Purpose

This section outlines SIRA expectations and information requirements for self-insurers where changes to corporate structures or employment arrangements necessitate the endorsement or deletion of subsidiaries on a self-insurer licence under section 211A of the 1987 Act.

SIRA will assess the information provided and update its legal register when granting and reviewing licences under workers compensation legislation.

4.2 Legislative requirements

Where a group self-insurer licence is held in the name of a company, under section 211A of the 1987 Act, the Authority (SIRA) has discretion to endorse the name of one or more wholly-owned subsidiaries of that company on the self-insurer's licence.

Endorsement of subsidiaries on self-insurer's licence

Under section 211A of the 1987 Act:

1. the Authority may endorse on a licence granted under this Division the name of one or more wholly-owned subsidiaries of the licence holder. While the name of a company is endorsed on an employer's licence, the company is taken to be covered by the licence.
2. the Authority may at any time amend such an endorsement by adding, altering or deleting the name of a company. An amendment is made by the Authority giving notice of it to the licence holder and takes effect on the day notice is given or on a later day specified in the notice.
3. a company which holds a licence under this Division and any subsidiary covered by the licence are jointly and severally liable for any contribution required to be made to any fund under this Act by the subsidiary.
4. the licence of a company under this Division:
 - a) may be subject to conditions under this Act relating to the obligations of a subsidiary covered by the licence, and
 - b) may be cancelled or suspended under this Act because of the acts or omissions of the subsidiary.
5. the meaning of wholly-owned subsidiary is the same as in the *Corporations Act 2001* of the Commonwealth.

4.3 Licensing requirements

Group self-insurer licences outline the conditions self-insurers must comply with.

The standard licence condition states:

A self-insurer must notify SIRA in writing within five business days of any company that:

- (a) becomes a wholly-owned subsidiary which employs workers in NSW, or
- (b) is named on Schedule 1 of this licence and is disposed of or is no longer a wholly-owned subsidiary of the Licensee.

4.4 Subsidiary endorsement

When seeking SIRA approval to endorse a wholly-owned subsidiary on their licence, group self-insurers must provide the information requested in this section.

Only wholly-owned employing subsidiaries will be considered eligible for endorsement on the group licence and all wholly-owned employing subsidiaries must be included in the notification.

There is no provision for selective inclusion of subsidiaries who are employers in NSW.

SIRA has the discretion to endorse wholly-owned subsidiaries on group self-insurer licences. Endorsement is not automatic and cannot be retrospective.

Licence amendments will occur within a week of acquisition if sufficient notice and information is provided by the self-insurer.

Information requirements

Self-insurers must provide the following company information about the new wholly-owned subsidiary to be endorsed on their licence:

- current registered company name and ABN/ACN
- certificates of incorporation or ASIC certificate
- current registered business name
- registered business address and business sites
- date of acquisition or proposed date of acquisition
- proposed effective date for endorsement of wholly-owned subsidiary on licence
- total number of full time employees currently employed in NSW or employed at the end of the previous financial year
- declared wages as at the end of the previous financial year or for the forthcoming 12 months and the respective Workers Compensation Industry Classification Codes
- total number of open claims at the end of the previous financial year and the average number of claims incurred in a 12-month period
- details of current workers compensation policies.

Trustee endorsement on group self-insurer licences

A trust is not a legal entity and cannot be endorsed on a group self-insurer licence.

A company that is both a trustee and an employer, and is a wholly-owned subsidiary of a group self-insurer may be approved for endorsement on a group self-insurer licence at SIRA's discretion. If approved, the endorsement will record the name of the trustee company.

The ABN provided must be that of the trustee, not an ABN that may have been issued in respect of enterprises conducted separate from the trust.

The following information is also required:

- ABN of the trustee as trustee of the trust
- copy of trust deed or other proof that the trustee is the trustee of the trust.

Certification of wholly-owned subsidiary status

The group self-insurer is required to provide a statement from the Company Secretary certifying that the new subsidiary proposed for endorsement is a wholly-owned subsidiary of the self-insurer.

Claims management

So SIRA can understand the operational impact of the proposed endorsement on the group licence, the self-insurer is required to provide an outline of:

- any impact to the current claims management resources
- any impact to the organisational structure of the claims management team
- changes to the claim cohorts currently managed
- the strategy or training programs to communicate the company's self-management of claims, and timeframe in which it will be implemented.

Injury management program

Group self-insurers must state whether their injury management program needs to be updated for the acquisition of the company in accordance with section 43 of the 1998 Act. If so, group self-insurers must inform SIRA when their injury management program will be updated and re-lodged with the Authority.

Reinsurance policy

Group self-insurers must confirm either on letterhead or via email that the new subsidiaries will be covered under the self-insurer's reinsurance policy and provide the certificate of currency once amended (if applicable).

Cross guarantee

If the group self-insurer has entered into a cross guarantee with its wholly-owned subsidiaries, an Assumption Deed must be executed for endorsement. The group self-insurer must provide:

- an acknowledgement that the new company will execute an Assumption Deed and become a party to the cross guarantee
- a draft of the Assumption Deed for SIRA to approve prior to execution
- the executed Assumption Deed prior to endorsement.

Financial ability review

If the new subsidiary now forms a significant part of the group self-insurer, SIRA may need to reassess the self-insurer's financial position.

SIRA may ask the self-insurer to forward a pro-forma consolidated balance sheet and income statement showing the post-acquisition position for review.

Security

SIRA may redetermine security. If the security calculated for the new subsidiary is greater than five per cent of the security held for the group self-insurer, then SIRA may request additional security after endorsement.

4.5 Subsidiary deletion

Group self-insurers must provide the information requested in this section in order to delete a subsidiary from Schedule 1 of their licence.

The amendment to Schedule 1 of the licence will occur within a week of confirmation of the subsidiary's disposal, provided sufficient notice and information is supplied by the group self-insurer.

Information requirements

Group self-insurers must provide the following subsidiary information:

- current registered company name and ABN/ACN
- registered business address and business sites
- date of disposal or proposed date of disposal
- proposed date of deletion from licence
- total number of employees employed in NSW at the end of the previous financial year
- total number of open claims at the end of the previous financial year.

Claims management

Group self-insurers must:

- provide an outline of any impact to the current claims management resources or organisational structure of the claims management team
- confirm claims incurred while the subsidiary was endorsed on the licence will continue to be managed by the self-insurer.

Injury management program

Group self-insurers must state whether the injury management program is required to be updated for the disposal of the company in accordance with section 43 of the 1998 Act.

If so, the self-insurer must inform SIRA when the injury management program will be updated and re-lodged.

4.6 Further information

Any questions regarding the process, timing and requirements for the endorsement or removal of wholly-owned subsidiaries from a group self-insurer licence can be directed to the appropriate SIRA Portfolio Manager.

Phone: 13 10 50

Email: self&specialisedinsurers@sira.nsw.gov.au

Confidentiality

Where information is provided to SIRA, the information is protected by provisions in the 1998 Act and may only be disclosed externally in very limited circumstances. These provisions do not inhibit SIRA's ability to:

- create comparative data to conduct research and assess the performance of the workers compensation system
- publish de-identified statistical, performance and research reports
- provide information to the responsible Minister or as directed by the Minister
- provide information to the Australian Prudential Regulation Authority (APRA).

Aside from these protections, personal information or health information provided to SIRA can only be handled in accordance with the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

Access to information

Although the *Government Information (Public Access) Act 2009* (GIPA) favours disclosure of government information when an access application is made, this is subject to an overriding public interest against disclosure if the disclosure of information could be reasonably expected to prejudice the business interests of any person or corporation.

GIPA provides a consultation mechanism for a person or corporation if an access application is made for information that concerns their business, commercial or financial interests. Any objection to disclosure received in the course of consultation must be taken into account when deciding whether there is an overriding public interest against disclosure.

If SIRA decides to make that information available following an objection, it must notify the person who lodged the objection of the decision. The decision to release over objection is also subject to a right of review by the Information Commissioner or by the NSW Civil and Administrative Tribunal. Information cannot be released while review rights are pending.

Appendix

Application for a self-insurer licence



State Insurance
Regulatory Authority

This application is hereby made under section 211 of the *Workers Compensation Act 1987* (1987 Act) for a licence as a self-insurer.

Applicant information					
Name of applicant					
ABN					
Website					
Business address (physical address including unit/street/property number)					
Suburb		State		Postcode	
Postal address (if different from business address)					
Suburb		State		Postcode	

Primary contact for SIRA correspondence	
Name	
Daytime contact number	
Email address	
Business address (physical address including unit/street/property number)	

Suburb		State		Postcode	
Postal address (if different from business address)					
Suburb		State		Postcode	

Applicant declaration	
<i>By signing this form</i>	
I,	(name of officer)
of	(name of organisation)
<ul style="list-style-type: none"> certify all information provided by the applicant to the State Insurance Regulatory Authority (SIRA) is true and correct the information most recently provided under section 189 of the 1987 Act remains current and will not be misleading for SIRA to continue to rely on this information (otherwise please find separately attached the updated section 189 information) acknowledge that penalties may apply for providing false, misleading or incomplete information consent to SafeWork NSW disclosing and sharing information to SIRA about the applicant's work, health and safety performance (including breaches) under the <i>Work, Health and Safety Act 2011</i>. 	
Signature	
Position	
Date (DD/MM/YYYY)	

Lodgement instructions
<p>Attention to:</p> <p>Director – Insurer Performance Workers and Home Building Compensation Regulation State Insurance Regulatory Authority Locked Bag 2906, Lisarow, NSW 2252 Email: self&specialisedinsurers@sira.nsw.gov.au.</p>

Application to renew a self-insurer licence



State Insurance
Regulatory Authority

This application is hereby made under section 211 of the *Workers Compensation Act 1987* (1987 Act) to renew the self-insurer licence.

Applicant information

Name of applicant					
ABN					
Website					
Business address (physical address including unit/street/property number)					
Suburb		State		Postcode	
Postal address (if different from business address)					
Suburb		State		Postcode	

Primary contact for SIRA correspondence

Name					
Daytime contact number					
Email address					
Business address (physical address including unit/street/property number)					
Suburb		State		Postcode	

Postal address (if different from business address)					
Suburb		State		Postcode	

Applicant declaration	
<i>By signing this form</i>	
I,	(name of officer)
of	(name of organisation)
<ul style="list-style-type: none"> certify all information provided by the applicant to the State Insurance Regulatory Authority (SIRA) is true and correct the information most recently provided under section 189 of the 1987 Act remains current and will not be misleading for SIRA to continue to rely on this information (otherwise please find separately attached the updated section 189 information) there have been no changes unless previously advised to SIRA in respect of the applicant's wholly owned subsidiaries named in Schedule 1 of the licence (for group self-insurers only) acknowledge that penalties may apply for providing false, misleading or incomplete information consent to SafeWork NSW disclosing and sharing information to SIRA about the applicant's work, health and safety performance (including breaches) under the <i>Work, Health and Safety Act 2011</i>. 	
Signature	
Position	
Date (DD/MM/YYYY)	

Lodgement instructions
<p>Attention to:</p> <p>Director – Insurer Performance Workers and Home Building Compensation Regulation State Insurance Regulatory Authority Locked Bag 2906, Lisarow, NSW 2252 Email: self&specialisedinsurers@sira.nsw.gov.au.</p>

Significant matters notification



State Insurance
Regulatory Authority

This form is for self-insurers notifying SIRA of a significant matter. Email the completed form to self&specialisedinsurers@sira.nsw.gov.au.

Contact details

Name of self-insurer	
Responsible officer	
Contact number	
Email	

Notification category

This significant matter is:	Tick
2. significant breach or likely breach of legislative responsibilities	<input type="checkbox"/>
3. certain financial defaults under section 190 of the 1987 Act	<input type="checkbox"/>
4. prevents insurance operations in accordance with legislative requirements	<input type="checkbox"/>
5. significant legal matter	<input type="checkbox"/>

Summary description of facts

Event date (DD/MM/YYYY)	

Action taken by the self-insurer

Recommendation/proposed action

Significant matters	
A. Significant breach or likely breach	
State the section of legislation or licence condition that has been or is likely to be breached	
Duration of breach (if known)	
Description as to why the breach is significant	
Description of the self-insurer's rectification of the breach	
Description of the self-insurer's preventative action or proposed action to prevent a similar breach occurring	
B. Certain financial defaults	
C. Prevents insurance operations	
D. Significant legal matter as determined	
Name of worker	
Claim number	
Policy number	
Name of employer/organisation	
Date first reported to insurer	

Legal representatives of parties	
Other parties involved	
Jurisdiction (eg High Court, Supreme Court, WCC, WIRO, MRS)	
Matter number	

Additional information (if required)

Declaration	
Signature	
Name of authorised officer	
Date (DD/MM/YYYY)	
Position	

Application to endorse or delete a subsidiary on a self-insurer licence



State Insurance
Regulatory Authority

This application is hereby made under section 211A of the *Workers Compensation Act 1987* to endorse/delete a subsidiary on a self-insurance licence.

Self-insurer information

Name of self-insurer	
ABN	

Subsidiary information

Name of subsidiary	
ABN	

Self-insurer declaration

By signing this form	
I,	(authorised officer)
of	(name of group self-insurer)
<ul style="list-style-type: none">certify all information contained in this application and the information attached to it is true and correctacknowledge that penalties may apply for providing false, misleading or incomplete information. <p><i>If this is an application to endorse a subsidiary:</i></p> <ul style="list-style-type: none">certify that the subsidiary is wholly-owned by the group self-insurerif SIRA-approved and the subsidiary is endorsed on the licence, agree that the subsidiary endorsed will be bound by the licence conditions and will meet all of its statutory obligationsconsent to SafeWork NSW disclosing and sharing information with SIRA about the applicant's work health and safety performance (including breaches) under the <i>Work Health and Safety Act 2011</i>.	

Signature	
Date (DD/MM/YYYY)	
Position	

<p>Lodgement instructions</p> <p>Attention to:</p> <p>Portfolio Manager – Insurer Performance Workers and Home Building Compensation Regulation State Insurance Regulatory Authority 92-100 Donnison Street, Gosford, NSW 2250 Locked Bag 2906, Lisarow, NSW 2252 Email: <u>self&specialisedinsurers@sira.nsw.gov.au</u></p>
--

SAMPLE

Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers.

However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website legislation.nsw.gov.au

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

This material may be displayed, printed and reproduced without amendment for personal, in-house or non-commercial use.

State Insurance Regulatory Authority, Workers and Home Building Compensation Regulation

Level 6, McKell Building, 2-24 Rawson Place, Sydney NSW 2000

Customer Service Centre 13 10 50

Website www.sira.nsw.gov.au

ISBN 978-0-7347-4530-9 © Copyright State Insurance Regulatory Authority NSW 0317