



Australian Government

**Seafarers Safety, Rehabilitation
and Compensation Authority**

REQUEST FOR AN EXTENSION OF TIME TO DETERMINE WORKERS' COMPENSATION LIABILITY UNDER THE SEAFARERS REHABILITATION AND COMPENSATION ACT 1992

To make a valid request for an extension of time to determine workers' compensation liability under section 72, 73, 73A or 79 of the *Seafarers Rehabilitation and Compensation Act 1992* (the Seafarers Act), an employer must:

- Provide the Seacare Authority with a written request which includes the following details:
 - the requesting party's details;
 - the determining employer's details;
 - the claimant's details;
 - the current circumstances of the claim; and
 - the reasons for the request.
- Provide the written request to the Authority by fax to 02 6275 0067; email to seacare@comcare.gov.au; or mail to Seacare Authority, GPO Box 9905, CANBERRA ACT 2601.
- Ensure that the written request is provided to the Seacare Authority with sufficient time to allow the Authority to consider the request and serve any notice of an extension of time on an employer before the expiration of the prescribed legislative time period.
- The relevant legislative time periods are as follows:

Type of decision	Time limit for decision
Determination – Incapacity	12 days from the day the employer receives the claim
Determination – Loss of, or damage to, property	12 days from the day the employer receives the claim
Determination – Medical treatment	12 days from the day the employer receives the claim
Determination – Permanent Impairment	30 days from the day the employer receives the claim
Determination – Death Benefit	60 days from the day the employer receives the claim
Reconsideration	60 days from the day the employer receives a request for reconsideration

To assist, the Seacare Authority has approved the attached Seacare form for the purpose of making a request for an extension of time to determine workers' compensation liability under the Seafarers Act.

A valid request for an extension of time can therefore be made by completing and signing the attached request form and submitting it to the Seacare Authority in accordance with these guidelines.



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REQUEST FOR AN EXTENSION OF TIME TO DETERMINE WORKERS' COMPENSATION LIABILITY UNDER THE *SEAFARERS REHABILITATION AND COMPENSATION ACT 1992*

1. Applicants details

Name:	
Company:	
Postal address:	
Telephone:	Fax:
Email:	

2. Determining employer details

Trading name:	
Company name:	
ABN/ACN:	Contact officer:
Postal address:	
Telephone:	Fax:
Email:	

3. Claimant

Name:
Workers compensation benefits claimed (ie incap, PI etc):
Date claim received by determining employer:

4. Current Circumstances

Current status/progress of claim:

5. Reasons for request

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6. Signature and date

Signature:	Date / /
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Seacare Authority Guidelines for granting an extension of time

Without limiting in any way the power of the Seafarers Safety, Rehabilitation and Compensation Authority (the Seacare Authority) to grant an extension of time to determine liability under the *Seafarers, Rehabilitation and Compensation Act 1992* (the Seafarers Act), the Seacare Authority has adopted the following guidelines to assist in determining requests for extension of time.

1. Requests to the Seacare Authority for an extension of time

All requests for an extension of time to determine liability under the Seafarers Act must:

- (a) be provided to the Seacare Authority in writing;
- (b) state fully and in detail, the circumstances concerning, and the reasons for, the employer's request; and
- (c) be provided by mail, email or facsimile with sufficient time to allow the Seacare Authority to consider the request and serve any notice of an extension of time on an employer before the expiration of the prescribed legislative time period.

A request for an extension of time to determine liability under the Seafarers Act can also be made by completing and submitting the Request for an extension of time to determine workers' compensation liability under the *Seafarers Rehabilitation and Compensation Act 1992* form (the attached form) in accordance with these guidelines.

2. Consideration by the Seacare Authority

General

All requests for an extension of time to determine liability under the Seafarers Act will be treated on their merits.

Requests for information

Where information has been requested pursuant to either section 67 or 83 of the Seafarers Act and within the legislative time limits for decisions, the time limit for a decision is increased by the number of days between the request for information and the receipt of information.

Such provisions may therefore provide sufficient time to make a decision without the need to request an extension of time from the Seacare Authority.

Factors for consideration

Without limiting the circumstances in which the Authority may grant an extension of time to determine liability, the Authority will consider the following factors:

- (a) whether an acceptable explanation has been provided for the request;
- (b) whether the extension will assist the employer to determine liability;
- (c) whether the period requested is appropriate in light of the needs of both parties;
- (d) whether an extension of time will cause any prejudice to the employee; and
- (e) whether it is fair and equitable, as between the parties and to any other persons who might be affected, to grant an extension of time.

In the event that the Seacare Authority considers an extension of time appropriate and a specific time period is not requested by an employer, the Authority will grant what it considers to be the appropriate period of extension to obtain the correct and preferable decision in light of the abovementioned factors of consideration.