EXPLANATORY STATEMENT

Safety, Rehabilitation and Compensation Act 1988
Section 34E

Notice of a Disallowable Instrument

Variation of Operational Standards for Workplace Rehabilitation Providers
(Rehabilitation Program Providers)

The purpose of the Instrument to which this Explanatory Statement relates is to vary the Operational Standards applying to Workplace Rehabilitation Providers (Rehabilitation Program Providers), the ‘Operational Standards’, by revoking the current Operational Standards and substituting new Operational Standards to apply on and from 1 July 2013.

Section 37 of the Safety, Rehabilitation and Compensation Act 1988 (the SRC Act) provides that a rehabilitation authority (employer) can provide a rehabilitation program to an employee itself or arrange for it to be provided by a Workplace Rehabilitation Provider (Rehabilitation Program Provider) that has been approved by Comcare. Section 34E of the SRC Act authorises Comcare to determine Operational Standards that approved Workplace Rehabilitation Providers must comply with.

The Operational Standards, together with the Criteria determined under section 34D of the SRC Act, and application forms approved under section 34S of the SRC Act, were developed in consultation with:

- employers to whom the SRC Act applies;
- employee representatives;
- Workplace Rehabilitation Providers;
- the Safety, Rehabilitation and Compensation Commission;
- the Military Rehabilitation and Compensation Commission; and
- the Heads of Workers Compensation Authorities (HWCA)

and has allowed Comcare to implement the nationally consistent provider approval framework developed by HWCA.

The structure and content of the new Operational Standards together with the Approval Criteria now more closely aligns with that of the HWCA national approval framework that did that of the previous Approval Criteria and Operational Standards.

Applications to Comcare for Approval or Renewal of Approval must be made on the new approved forms and will be assessed against the Approval Criteria and Operational Standards.

The Office of Best Practice Regulation (OBPR) has advised that no Regulation Impact Statement (RIS) is required for this change.

This Legislative Instrument does not engage any of the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.