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.

The requirements of the approval and renewal of Workplace Rehabilitation Providers have not changed substantively in the variation of the Criteria, Operational Standards and application forms.

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 purpose of the Operational Standards is to set out the service standards and key performance measures to be achieved by providers throughout the relevant three year approval period. The Operational Standards must include standards relating to the effectiveness, availability and cost that the provider is required to meet and maintain. These requirements are included in the outcome and service delivery standards contained within the document.

In revising the legislative instruments, Comcare has simplified and consolidated parts of the Criteria and Operational standards; has added an explanation of the approval and renewal process to the Criteria; and included all content relating to the HWCA national approval framework within the body of the Criteria rather than spread between both the Criteria and Operational standards document.

With the removal of the HWCA content from the Operational standards, the remaining content relates solely to the providers’ operation under the SRC Act. The requirements of the outcome and service delivery standards remain substantially unchanged to that in the revoked Operational standards with only minor simplification and reorganisation of wording.

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 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