

COMMONWEALTH OF AUSTRALIA

Safety, Rehabilitation and Compensation Act 1988

SECTION 34D

**VARIATION OF CRITERIA FOR APPROVAL OR RENEWAL OF
APPROVAL OF REHABILITATION PROGRAM PROVIDERS**

Comcare, pursuant to section 34D of the *Safety, Rehabilitation and Compensation Act 1988*, varies the criteria determined under that section by Notice 19 of 2003 on 8 October 2003 and published in the Gazette on 15 October 2003 by substituting the following criteria in their place with effect on and from 1 November 2006.

Dated 29 September 2006

The seal of Comcare was affixed
in the presence of:

Barbara Bennett
Chief Executive Officer

Criteria pages 1- 3 attached

CRITERIA FOR APPROVAL OR RENEWAL OF APPROVAL OF REHABILITATION PROGRAM PROVIDERS

In this instrument, “principal” has the same meaning as in section 34 of the *Safety, Rehabilitation and Compensation Act 1988* and, unless the contrary intention appears, “applicant” includes an applicant partnership or applicant company.

Unless the contrary intention appears, these criteria apply equally to an application by a person for approval as a rehabilitation program provider and an application for renewal of such an approval.

Criterion 1: Competence

- 1.1 The applicant (including a principal or employee of the applicant) must be competent to manage rehabilitation programs under section 37 of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act).
- 1.2 The applicant may demonstrate competence by establishing that the applicant (including a principal or employee of the applicant):
 - (a) possesses a degree or graduate diploma in:
 - i. applied health sciences
 - ii. behavioural sciences
 - iii. medicine
 - iv. social work
 - v. nursing
 - vi. rehabilitation counselling, or
 - vii. other relevant qualification, and
 - (b) has at least six months experience in occupational rehabilitation, and
 - (c) where the discipline to which the qualification relates requires registration to practice, is currently registered with a relevant registration authority, and
 - (d) where Criterion 1.2 (c) is not applicable, is currently eligible for full membership of a professional association related to the qualification relied on by the applicant, under subparagraph (a).
- 1.3 Where an employee has less than six months experience in occupational rehabilitation, the employee is deemed to meet Criterion 1.2 (b) if the

applicant can demonstrate that the applicant can provide professional supervision to that employee for the relevant period.

- 1.4 An employee is deemed to meet Criterion 1.2 (d) if the employee will be eligible for full membership of the relevant professional association on completion of a current period of required supervised professional practice.
- 1.5 An applicant (including a principal or employee of the applicant) may demonstrate competence for the purposes of Criterion 1.1 by establishing that he or she was assessed by Comcare as having had, as at 31 March 2002, at least five years recent experience managing rehabilitation programs under the SRC Act and has continued to manage programs under that Act.

Criterion 2: Probity

- 2.1 An applicant must demonstrate that it will provide rehabilitation services with professional integrity, honesty and due diligence.
- 2.2 An applicant must show that there is no cause why the applicant's application should not be approved by reason that:
 - (a) the applicant, a principal or an employee has been refused approval as a provider of rehabilitation services or had such approval withdrawn under a workers' compensation scheme in any Australian State or Territory
 - (b) proceedings in relation to professional misconduct or criminal proceedings have been taken (or are pending) against the applicant, a principal or an employee
 - (c) the applicant, a principal or an employee was subject to any award of damages, or settlement (with or without admission of liability) of any negligence claim, in respect of anything done or omitted in professional practice or training during the immediately preceding six years
 - (d) the applicant or a principal has been declared bankrupt in the previous seven years, or
 - (e) the applicant, a principal or an employee has been found to have breached the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992*, the *Privacy Act 1998* or equivalent State and Territory legislation.
- 2.3 The applicant must advise Comcare which of the coverage provisions of the Commonwealth *Privacy Act 1988* apply to it.

- 2.4 An applicant must demonstrate an ability to achieve and maintain the operational standards for rehabilitation program providers determined under section 34E of the *Safety, Rehabilitation and Compensation Act 1988*.

Criterion 3: Financial Requirements

- 3.1 An applicant must demonstrate financial soundness by:
- (a) providing a reference from an independent, qualified person, such as an accountant or bank manager, which attests to the financial viability of the applicant, and
 - (b) providing evidence of current and sufficient insurance coverage for professional indemnity and public liability, and where staff are employed, workers' compensation insurance.

Criterion 4: Referral Base for Renewal of Approval Only

- 4.1 Subject to Criterion 4.2, to be eligible for renewal of approval as a rehabilitation program provider, an applicant must have had one or more referrals to provide services as a rehabilitation program provider under the *Safety, Rehabilitation and Compensation Act 1988* in the twelve month period prior to the date of the application for renewal.
- 4.2 Comcare may waive the requirement set out in Criterion 4.1 where it is satisfied that the applicant had a reasonable explanation why the requirement was not met.

Criterion 5: Satisfactory Evaluation of Performance for Renewal of Approval Only

- 5.1 Subject to Criterion 5.2, to be eligible for renewal of approval as a rehabilitation program provider, an applicant must satisfy Comcare that the applicant has met the operational standards determined under section 34E of the *Safety, Rehabilitation and Compensation Act 1988* during the period since the date of the initial approval as a rehabilitation program provider or the date of the last renewal of approval as such a provider, whichever is the later.
- 5.2 Where an applicant is unable to satisfy Comcare that the applicant has met a particular operational standard for the purposes of Criterion 5.1, Comcare may excuse the applicant from meeting that standard if Comcare is satisfied that the applicant had a reasonable explanation for not meeting that standard.