EXPLANATORY STATEMENT

Safety, Rehabilitation and Compensation Act 1988

Section 34D

Notice of a Disallowable Instrument

Variation of Criteria for Approval or Renewal of Approval as a Workplace Rehabilitation Provider (Rehabilitation Program Provider)

The purpose of the Instrument to which this Explanatory Statement relates is to vary the Criteria for Approval of Workplace Rehabilitation Providers (Rehabilitation Program Providers), the 'Approval Criteria', by revoking the current Approval Criteria and substituting new Approval Criteria to apply on and from 1 January 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 that has been approved by Comcare. Section 34D of the SRC Act authorises Comcare to determine Criteria to be applied by Comcare in assessing applications for approval, or renewal of approval as a Workplace Rehabilitation Provider.

The Approval Criteria, together with the Operational Standards determined under section 34E 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 Approval Criteria together with the Operational Standards now more closely aligns that that of the HWCA national framework than 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*.