**EXPLANATORY STATEMENT**

*Safety, Rehabilitation and Compensation Act 1988*

Section 34S

**Notice of a Disallowable Instrument**

**Approval of Form of Application for Approval as a Workplace Rehabilitation Provider**

The purpose of the Approval of Form of Application for Approval as a Workplace Rehabilitation Provider (the Instrument), is to approve a new form for an Application for Approval as a Workplace Rehabilitation Provider, ‘Approved Application Form’ to apply on and from 1 January 2016.

The purpose of the form is to collect information needed to assess whether the applicant is suitable to be approved. The reason for issuing a new application form is to ensure that the content and submission details remain current to the Criteria and Operational Standards for Workplace Rehabilitation Providers, which are based on the recent content revisions of the Heads of Workers’ Compensation Authorities (HWCA) nationally consistent approval framework Guide and supporting documentation, including the HWCA national initial application form.

Workplace rehabilitation providers are engaged by the employer to deliver workplace rehabilitation services to support an injured employee’s recovery at, or return to work. Only providers approved by Comcare under Part III, Division 2 of the *Safety, Rehabilitation and Compensation* *Act 1988* (SRC Act) are able to be engaged to deliver services to injured employees within the Comcare, Military Compensation and Seacare schemes.

Comcare implemented the HWCA nationally consistent approval framework on 1 July 2010 through revisions made to the approval criteria and operational standards. The harmonised approval process aims to ensure consistent quality of service delivery for injured employees irrespective of which worker’ compensation jurisdiction they fall under.

Minor editing of the HWCA framework documentation (including the initial and renewal application forms) was undertaken throughout 2015 in preparation for the next three year approval period and provider renewal process. The revision of the documentation is minor in nature, including the following:

* incorporation of the recovery at work messaging of a focus on improving the worker’s functional ability and recovery through work;
* the use of SMART (specific, measurable, achievable, relevant and time-bound) goal concepts;
* updating the renewal of approval provisions to reduce red tape by removing the requirement to submit information previous provided;
* updating the glossary of terms and inclusion of additional definitions of practice standards; and
* revision of the conflict of interest statement of the code of conduct.

These changes have been developed by a working party from all workers’ compensation authority jurisdictions and through consultation with the national industry body- Australian Rehabilitation Provider’s Association and HWCA.

Applications to Comcare for initial approval must be made on the Approved Application Form and will be assessed against the Criteria and Operational Standards for Workplace Rehabilitation Providers 2015, which includes the provider meeting all aspects of the HWCA nationally consistent approval framework.

Section 34S of the SRC Act requires Comcare to approve the form of an Application for Approval as a Workplace Rehabilitation Provider. Comcare has adopted the HWCA national application and included Part C-Comcare Specific information, which requests a financial reference, a list of the range of services offered, sample workplace rehabilitation reports, and additional information on return to work outcomes achieved. The information gathered is used to assess an applicant against the criteria and operational standards.

Comcare has conducted consultation on the instrument with the following relevant stakeholders:

1. all employers to whom the SRC Act applies
2. all workplace rehabilitation providers approved by Comcare
3. other determining authorities (such as Seacare and DVA)
4. internal Comcare stakeholders.

Comcare received email feedback on the instrument from five employers, five rehabilitation providers, three internal stakeholders and one determining authority. All feedback received was supportive of the revised instruments and Comcare’s approach. One stakeholder offered suggestions regarding providing additional guidance within the document as to the format of the rehabilitation outcome data required to demonstrate conformance with the return to work rates, and obtaining sample workplace rehabilitation reports. Part C of the application form has been revised as a consequence.

The Office of Best Practice Regulation (OBPR) has advised that the approval of this form does not require a Regulation Impact Statement (RIS) (advice ID **19854**).

## Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Approval of Form of Application for Approval as a Workplace Rehabilitation Provider**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### Overview Legislative Instrument

The purpose of this Legislative Instrument is to approve the format in which applicants will provide the information required by Comcare to assess whether the applicant is suitable to be approved as a workplace rehabilitation provider. The reason for issuing a new application form is to ensure that the content and submission details remain current to the *Criteria and Operational Standards for Workplace Rehabilitation Providers* *2015*.

### Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms. The effect of this Legislative Instruments is limited to approving the format in which Comcare receives the information required to make a determination under section 34F of the SRC Act. The criteria and operational standards relevant to a decision under section 34F of the SRC Act are set out in the *Criteria and Operational Standards for Workplace Rehabilitation Providers 2015*. Any applicable rights or freedoms engaged by those criteria and operational standards are considered in the human rights compatibility statement for that legislative instrument.

### Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.