



Safety, Rehabilitation and Compensation Act (Operational Standards for Rehabilitation Program Providers) Determination 2020

made under section 34E of the

Safety, Rehabilitation and Compensation Act 1988

Compilation No. 1

Compilation date: 1 July 2023

Includes amendments up to: F2022L01153

Prepared by Comcare

About this compilation

This compilation

This is a compilation of the *Safety, Rehabilitation and Compensation Act (Operational Standards for Rehabilitation Program Providers) Determination 2020* that shows the text of the law as amended and in force on 1 July 2023 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1 — Preliminary	1
1 Name.....	1
3 Authority.....	1
4 Definitions.....	1
Part 2 — Operational Standards.....	2
6 Standards relating to effectiveness, availability and cost.....	2
7 Other standards relating to an approved program provider.....	2
Endnotes	5
Endnote 1 – About the endnotes	5
Endnote 2 – Abbreviation key	6
Endnote 3 – Legislation history	7
Endnote 4 – Amendment history	8

Part 1 — Preliminary

1 Name

This instrument is the *Safety, Rehabilitation and Compensation Act (Operational Standards for Rehabilitation Program Providers) Determination 2020*.

3 Authority

This Instrument is made under section 34E of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 4 and section 5 of the Act, including the following:

- (a) Comcare
- (b) approved program provider
- (c) rehabilitation authority
- (d) rehabilitation program
- (e) employee
- (f) injury

In this instrument:

Act means the *Safety, Rehabilitation and Compensation Act 1988*.

registered health practitioner means an individual registered to practise a health profession under the Health Practitioner Regulation National Law as in force in the relevant State or Territory, but does not include an individual who holds a non-practising registration under that Law.

rehabilitation services means services provided by an approved program provider as part of a rehabilitation program.

solvent has the same meaning as in subsection 95A(1) of the *Corporations Act 2001*.

Part 2 — Operational Standards

6 Standards relating to effectiveness, availability and cost

Standards relating to effectiveness

- (1) An approved program provider must ensure that rehabilitation services are provided in a way that is effective in assisting an employee to continue to work, or return to work, after injury.
- (2) Without limiting subsection 6(1), an approved program provider must ensure that rehabilitation services are provided in a way that is effective in ensuring that, to the greatest extent possible, employees assisted by the approved program provider are able to:
 - (a) return to work, or keep working, in a way that minimises any ongoing effects of the injury; and
 - (b) achieve a safe and durable return to work; and
 - (c) undertake work for which the employee is suited, having regard to the particular injury and circumstances of the employee.

Standards relating to availability

- (3) An approved program provider must ensure that rehabilitation services are suitably available to an employee who has suffered an injury.
- (4) Without limiting subsection 6(3), an approved program provider must ensure, following an arrangement with a rehabilitation authority, that:
 - (a) the provider implements the arrangement with the authority within a reasonable time; and
 - (b) the employee is able to access the required rehabilitation services within a reasonable period; and
 - (c) the employee is not otherwise adversely affected through not being able to access the required rehabilitation services within a reasonable period.

Standards relating to cost

- (5) An approved program provider's costs in relation to the provision of rehabilitation services must have a reasonable relationship to the value of the rehabilitation service provided.

7 Other standards relating to an approved program provider

Standards relating to governance

- (1) An approved program provider must ensure that, in connection with the provision of rehabilitation services, it:
 - (a) complies with all applicable laws, including privacy, confidentiality and work health and safety legislation; and

-
- (b) implements all appropriate measures and policies to detect and prevent fraud and other malpractice; and
 - (c) maintains and secures appropriate records in relation to the provision of rehabilitation services; and
 - (d) maintains appropriate financial records in relation to its operations as an approved program provider.

Standards relating to financial solvency

- (2) An approved program provider that is not an individual must be solvent for the entire period in which it is an approved program provider.
- (3) An approved program provider who is an individual must not, for the entire period in which they are an approved program provider:
 - (a) become bankrupt; or
 - (b) apply to take the benefit of a law for the relief of bankruptcy or insolvent debtors; or
 - (c) compound with their creditors or assign remuneration or property for their benefit.

Standards relating to qualifications and practices of individuals providing rehabilitation services

- (4) An approved program provider must ensure that any individual who provides rehabilitation services on its behalf:
 - (a) is relevantly qualified; and
 - (b) undertakes appropriate professional development in relation to the provision of rehabilitation services; and
 - (c) is aware of all relevant guidance and policies of Comcare in relation to the provision of rehabilitation services; and
 - (d) either:
 - (i) has at least 12 months' professional experience in providing such rehabilitation services; or
 - (ii) is supervised by another individual who has at least 12 months' professional experience in providing such rehabilitation services; and
 - (e) has completed any training as specified by Comcare to be undertaken by an approved program provider; and
 - (f) understands all the approved program provider's policies and practices relevant to the provision of rehabilitation services; and
 - (g) provides rehabilitation services only in a way that is consistent with any relevant code of professional ethics or practice that may apply to that individual when providing rehabilitation services.
- (5) For this section, an individual is **relevantly qualified** in relation to a rehabilitation service if they are:
 - (a) a registered health practitioner who is registered to practise one of the following health professions:

-
- (i) Occupational therapist;
 - (ii) Physiotherapist;
 - (iii) Psychologist;
 - (iv) Medical practitioner;
 - (v) Nurse;
 - (vi) Osteopath; or
 - (b) a rehabilitation counsellor who holds full membership of the Australian Society of Rehabilitation Counsellors; or
 - (c) a rehabilitation counsellor who holds associate membership of the Australian Society of Rehabilitation Counsellors and is in the process of progressing to full membership in accordance with the rules of the Society at the time they provide the rehabilitation service; or
 - (d) a rehabilitation counsellor who holds full membership of the Rehabilitation Counselling Association of Australasia; or
 - (e) an exercise physiologist who is accredited with Exercise and Sports Science Australia; or
 - (f) a social worker who has full membership of the Australian Association of Social Workers.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Safety, Rehabilitation and Compensation Act (Operational Standards for Rehabilitation Program Providers) Determination 2020	10 September 2019 (F2019L01170)	1 July 2020	
Safety, Rehabilitation and Compensation Act Amendment (Operational Standards for Rehabilitation Program Providers) Determination 2022	1 September 2022 (F2022L01153)	1 July 2023	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 4 Note	am F2022L01153
s 5	rep LA s 48C
s 6(1)	am F2022L01153
s 6(2)	am F2022L01153
par 6(2)(a)	am F2022L01153
par 7(5)(a)(v)	am F2022L01153
par 7(5)(a)(vi)	ad F2022L01153