

EXPLANATORY STATEMENT

Select Legislative Instrument 2009 No. 336

Issued by the authority of the Minister for Employment and Workplace Relations

Safety, Rehabilitation and Compensation Act 1988

Safety, Rehabilitation and Compensation Amendment Regulations 2009 (No. 1)

Section 122 of the Safety, Rehabilitation and Compensation Act 1988 (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Part III of the Act contains provisions dealing with the rehabilitation of injured employees and the approval process for rehabilitation providers who provide services for those employees. Section 34C and 34K require applications for approval as a rehabilitation provider to be accompanied by the prescribed fee.

The *Safety, Rehabilitation and Compensation Regulations 2002* (the Principal Regulations) currently prescribe the fees for an initial approval application and a renewal application. The fee for processing an initial application is \$480. The fee for a renewal application is \$360. The current fees came into effect on 1 December 2006.

The Regulations amend the Principal Regulations to increase the fee for:

- an initial application to \$2000 and
- a renewal application to:
 - \$1000 for a person that provides a rehabilitation program in 1 State or Territory,
 - \$3000 for a person that provides a rehabilitation program in 2 or 3 States or Territories and
 - \$5000 for a person that provides a rehabilitation program in 4 or more States or Territories.

While the increases more accurately reflect Comcare's costs in processing the applications and ongoing quality assurance over 3 years, they still do not cover Comcare's full costs.

In June 2008, the Heads of Workers' Compensation Authorities (HWCA) endorsed the introduction of a Nationally Consistent Approval Framework for Workplace Rehabilitation Providers. The National Framework is intended to provide a robust approval system across participating workers' compensation authorities.

As a result of HWCA's endorsement of the National Framework, Comcare, along with other workers' compensation authorities, reviewed its approval process and set its fees based on single or multi jurisdiction providers.

Comcare, as the approval body, consulted with all currently approved rehabilitation providers and the Australian Rehabilitation Providers Association, in relation to the fee increases.

Based on the self-assessment procedure endorsed by the Office of Best Practice Regulation a regulation impact statement (RIS) was not prepared because the amendments are of a minor or machinery nature and do not substantially alter existing arrangements.

Details of the Regulations are set out in the Attachment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on 26 November 2009.

ATTACHMENT**Details of the Safety, Rehabilitation and Compensation Amendments Regulations 2009 (No. 1)****Regulation 1: Name of Regulations**

This identifies the Regulations as the *Safety, Rehabilitation and Compensation Amendment Regulations 2009 (No. 1)*

Regulation 2: Commencement

The Regulations commence on 26 November 2009

Regulation 3: Amendment of Safety, Rehabilitation and Compensation Regulations 2002

This provides that the *Safety, Rehabilitation and Compensation Regulations 2002* (The Principal Regulations) are amended as set out in Schedule 1.

Schedule 1: Amendments**Item [1]: Regulations 8 and 9**

This item substitutes the following for current regulations 8 and 9.

Regulation 8 – Processing fee for application for initial approval.

This amendment provides the prescribed fee for processing an application for initial approval of a person as a rehabilitation program provider is \$ 2 000.

Regulation 9 – Processing fee for application for renewal of approval

This amendment provides the prescribed fee for processing an application for renewal of a person as a rehabilitation program provider is dependent on the number of States or Territories covered by that person. That is:

- \$ 1000 for a person that provides a rehabilitation program in 1 State or Territory
- \$ 3000 for a person that provides a rehabilitation program in 2 or 3 States or Territories and
- \$ 5000 for a person that provides a rehabilitation program in 4 or more States or Territories.