



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

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I, Susan Weston, Chief Executive Officer Comcare, make the following Determination.

Dated 5 September 2019

Susan Weston  
Chief Executive Officer Comcare

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## Part 1—Preliminary

### 1 Name

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

### 2 Commencement

This Instrument commences on 1 July 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*.

### 5 Repeals

The *Criteria and Operational Standards for Workplace Rehabilitation Providers 2015* is repealed.

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## **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 are 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:
  - (a) are able to 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

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- (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;

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- (ii) Physiotherapist;
  - (iii) Psychologist;
  - (iv) Medical practitioner;
  - (v) Nurse; 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.