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Effective Strategies for a Neuro-Inclusive Return to Work

Rehabilitation Case Manager Forum
December 2024

The Guide Refresher – Reflections on the Quiz

Thank you to everyone who participated in the quiz during the forum. The questions were carefully crafted to highlight some of the more complex aspects of part 1 of the *Guide for Arranging Rehabilitation Assessments and Requiring Examinations 2024* (Guide) and to encourage practical application of the Guide in specific situations.

While we anticipated that some questions would be challenging, this was intentional – to uncover common misconceptions and translate them into valuable learning opportunities. The results demonstrated your strong understanding of many of the requirements outlined in the Guide, which reflects your dedication and expertise.

To further support your practice, we've included the responses to some of the more challenging questions below, along with explanations of their significance and key takeaways. We hope this assists your understanding and equips you to navigate complex scenarios with even greater confidence.

4. Can I arrange an assessment with a WRP under section 36(1) and ask the WRP to contact the employee?

✓	No, the WRP cannot make direct contact with the employee	29%
✗	Yes, but only with the employee's written consent Your response	53%
✗	Yes, as long as the WRP provides a report to the rehabilitation authority	18%

This question aimed to emphasise that under Section 36(1), the Workplace Rehabilitation Provider (WRP) *cannot* directly contact the employee. This is because a Section 36(1) assessment is specifically an assessment *without* examination. This means it should not involve the employee's direct participation in any way.

If you would like the WRP to contact the employee as part of the assessment, it would instead need to be conducted under Section 36(3) as a *rehabilitation assessment examination*. This type of assessment allows for direct involvement and interaction with the employee.

12. Do I need to wait 14 days from the section 36(3) determination before an assessment with a Workplace Rehabilitation Provider (WRP) can be conducted?

✗	Yes, the 14-day period is mandatory	47%
✓	No, the Guide does not specify a timeframe Your response	42%
✗	Only if the employee requests it	5%
✗	Yes, but only with delegate approval	5%

This question was included to highlight that the Guide *does not* specify a waiting period for assessments conducted by a Workplace Rehabilitation Provider (WRP) following a Section 36(3) determination.

This can be a little confusing because there is a 14-day waiting period required if the examination is with a Legally Qualified Medical Practitioner (LQMP). However, no such restriction applies to WRPs.

The good news is that this allows for more timely engagement of a WRP to conduct a rehabilitation assessment examination.

Remaining Questions and Answers

1. Do the requirements in the Guide apply to early intervention assessments?

✗	Yes, in all cases Your response	10%
✗	No, the Guide does not apply	13%
✓	No, only if conducted under section 36 of the SRC Act	68%
✗	Yes, if conducted under the employer's internal rehabilitation policy	9%

3. If an employee requests a section 36 assessment in writing, do I still need to seek information from their treating practitioner?

✗	No, the request is sufficient	13%
✗	Yes, but only if the employee insists	2%
✓	Yes, as the Guide applies even when the employee requests the assessment Your...	85%
✗	No, unless an examination is requested	0%

2. What should be my first step if I lack sufficient information about an employee's circumstances when planning their rehabilitation?

✗	Arrange an Initial Needs Assessment (INA) with a Workplace Rehabilitation Provider (WRP) under section 36 of the SRC Act	3%
✓	Request additional information from the treating practitioner (TP) Your r...	78%
✗	Arrange a rehabilitation assessment under a section 37 rehabilitation program	1%
✗	All of the above	18%

5. What must I take into account before requiring the employee to undertake a rehabilitation examination?

✗	The employee's injury/medical condition	0%
✗	The employee's capacity for work	1%
✗	Relevant workplace conditions	0%
✗	The employee's personal circumstances Your response	1%
✓	All of the above	98%

6. What must you seek the employee's views on before requiring a rehabilitation assessment examination?

- ☐ Whether they would like to have a support person present 9%
- ☐ The selection of the assessor or panel 5%
- ☒ Matters relevant to the assessment **Your response** 2%
- ☒ All of the above 83%

8. When seeking the views of the employee, must all their views be accommodated?

- ☐ Yes, all views must be accommodated 7%
- ☒ No, views must be taken into account but not necessarily accommodated **Your...** 93%
- ☐ No, the employee's views are not required 0%

10. Can the rehabilitation authority issue a section 37 rehabilitation program without conducting a section 36 assessment?

- ☐ No, a section 36 assessment is always required 20%
- ☒ Yes, if the authority has sufficient information about the employee's capability **Your...** 77%
- ☐ Only if the employee agrees in writing 3%
- ☐ Only if the rehabilitation program is short-term 0%

7. When requesting the employee's views, does the response need to be in writing, or is a verbal response acceptable?

- ☒ Only in writing **Your response** 9%
- ☒ Verbal responses are acceptable but must be documented in writing 89%
- ☐ Only verbally 0%
- ☐ Neither verbal nor written responses are required 2%

9. If arranging a rehabilitation assessment without an examination (s 36(1)), do I need to issue a determination?

- ☒ Yes, always 73%
- ☐ No, a determination is not required 13%
- ☐ Only if the employee requests it 1%
- ☒ Yes, but only if specific conditions are met **Your response** 12%

11. What additional information must be included in the notice to the employee where you determine they must undergo a rehabilitation examination?

- ☐ Consideration of the information from the treating practitioner 1%
- ☐ Consideration of the employee's views 0%
- ☐ Reason if the examination is less than 6 months from the last one 2%
- ☒ All of the above **Your response** 97%

13. Can I organise a rehabilitation examination more frequently than at six-month intervals?

- ☐ Yes, with employee consent 19%
- ☐ No, this is prohibited by the Act 10%
- ☒ Only by exception **Your response** 57%
- ☐ Yes, if approved by the treating practitioner 14%

If you have any further questions or need additional clarification, feel free to reach out to the **Provider Frameworks and Return to Work** team.

Please note: Comcare offices are shutdown from Wednesday, 25 December 2024, to Wednesday 1 January 2025.

Contact us

Please contact us at providerframeworksandRTW@comcare.gov.au if you have any:

- Feedback on the forum
- Feedback on rehabilitation across the scheme, or
- Questions relating to our [recovery and RTW guidance](#)

Links to Resources

To complete Samantha Nuttall's feedback form: <https://forms.gle/EjQG9Gbb5MDu8CzDA>

To contact Samantha Nuttall:

- LinkedIn: [Samantha \(Walton\) Nuttall | LinkedIn](#)
- Website: [The Neurodivergent Coach Australia | ADHD and Autism](#)

To access the Australian Disability Network resources:

- [Choose Inclusion this IDPwD 2024 - Australian Disability Network 'It's Not Hard to be Inclusive'](#)

For further information on the Guide:

- [Explanatory Statement](#)
- [UPDATED RCM Handbook](#)
- NEW templates for Rehabilitation Assessment and Examinations:
 - [Download the rehabilitation assessment examination form \(PDF, 254.4 KB\)](#)
 - [Download the rehabilitation assessment form \(PDF, 238.1 KB\)](#).
- [Frequently asked questions: Guide for arranging assessments and requiring examinations \(PDF, 113.2 KB\)](#).
- [Recording: The Guide - Information Session for RCMs](#)
- Contact us with questions about the Guide:
 - providerframeworksandRTW@comcare.gov.au

To watch the MHPN Webinar recording:

- [The right time for return to work: Optimising work participation for patients/clients recovering from injury or illness - MHPN](#)

To find out more about Comcare's WHS Awards:

- [Comcare National Work Health and Safety Awards subscription form](#)
- Contact awards@comcare.gov.au

To contribute to the SRC Act Review:

- [issues paper](#)
- [Consultation Hub](#)
- [department's website](#)
- Contact srcactreview@dewr.gov.au

To view the updated Comcare RCM Webpage:

- [Rehabilitation case managers | Comcare](#)