

Workplace Rehabilitation Provider Conditions of Approval

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Introduction

This document sets out Comcare's conditions for approved workplace rehabilitation providers for the purpose of section 34P of the *Safety, Rehabilitation and Compensation Act 1988* (the Act). The conditions of approval outline the requirements a workplace rehabilitation provider is subject to while they are an approved program provider in the Comcare scheme.

A failure to comply with the conditions of approval may result in a revocation of approval. For more information on Comcare's performance requirements and monitoring approach, see Comcare's Workplace Rehabilitation Provider Performance Management Framework

Definitions

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

Approved program provider has the same meaning as in the Act.

Comcare has the same meaning as in the Act.

Criteria for Approval or Renewal means the Safety, Rehabilitation and Compensation Act (Criteria for Approval and Renewal of Rehabilitation Program Providers) Determination 2020.

Individual means a natural person.

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

Published material for approved program providers means material published by Comcare on its website as in force at the time these conditions of approval are imposed on an approved program provider.

Rehabilitation program has the same meaning as in the Act.

Relevantly qualified has the same meaning as in subsection 7(5) of the Operational Standards.

Conditions of Approval

1. Conditions relating to notification of change in identity

- (1) An approved program provider who is not an individual must notify Comcare of any change to the identity of the principals and employees of the provider while it is an approved program provider.
- (2) Without limiting Condition 1(1), an approved program provider must notify Comcare of any change in any of the following:
 - (a) the ownership of the approved program provider;
 - (b) the identity of any person who makes, or participates in making, decisions about the approved program provider's financial or operating policies;
 - (c) the management of the approved program provider, including any new chief executive officer, director or manager (however described) appointed during the period in which the provider is an approved program provider;
 - (d) the trading or business name of the approved program provider;
 - (e) the identity of principals or employees who provide services as part of a rehabilitation program on behalf of the approved program provider.

2. Conditions relating to notification of matters concerning the Criteria for Approval or Renewal

- (1) An approved program provider must notify Comcare as soon as practicable of any matter that, if the provider was not already an approved program provider, would affect the provider's capacity to meet the Criteria for Approval or Renewal as in force from time to time.



3. Conditions relating to notification of matters concerning the Operational Standards

- (1) An approved program provider must notify Comcare of any matter that could affect the provider's capacity to meet the Operational Standards.

4. Conditions relating to the Workplace Rehabilitation Provider Monitoring Framework

- (1) An approved program provider must, in relation to its activities as an approved program provider, comply with the Workplace Rehabilitation Provider Monitoring Framework as set out by Comcare in its published material for approved program providers.

5. Conditions relating to compliance

- (1) An approved program provider must cooperate with Comcare in demonstrating that the provider has complied with these conditions of approval and the Operational Standards, including through providing information as requested by Comcare necessary to demonstrate such compliance.
- (2) Without limiting Condition 1, an approved program provider must notify Comcare of any of the following:
 - (a) any actual or perceived conflict of interest between the provider's role as an approved program provider and any other interest;
 - (b) any other professional misconduct, civil penalty, or criminal proceedings being taken against the approved program provider or individuals engaged by the provider;
 - (c) any agreement which the approved program provider has entered into with another person to provide services to the approved program provider in connection with a rehabilitation program;
 - (d) if the approved program provider has entered into an agreement with another person to provide services to the approved program provider in connection with a rehabilitation program, any:
 - (i) withdrawal from; or
 - (ii) material breach of; or
 - (iii) termination ofthe agreement;
 - (e) at any time where the approved program provider has entered voluntary financial administration, becomes insolvent or is the subject of bankruptcy proceedings.
- (3) An approved program provider must ensure that at least one member of the provider's senior management is:
 - (a) relevantly qualified; and
 - (b) has at least 5 years' experience as a relevantly qualified person providing services as part of a rehabilitation program.

6. Conditions relating to performance

- (1) An approved program provider must manage at least five rehabilitation program cases for each 12-month period in which it is an approved program provider.
- (2) Condition 6(1) does not apply if Comcare is satisfied that there are exceptional circumstances that justify the approved program provider not complying with the Condition.
- (3) An approved program provider must satisfy Comcare that it has achieved an appropriate return to work rate for the period of the provider's approval, including the extent to which the provider's return to work rate is:
 - (a) consistent with the Performance Measures as set out by Comcare in its published material for approved program providers; and
 - (b) appropriate having regard to all the circumstances of the injured employees and the particular provider.

