Summary of key changes and supporting guidance

Background

Section 41 of the Safety, Rehabilitation and Compensation Act 1988 (SRC Act) gives Comcare the power to issue guidelines.

These guidelines should:

- provide clear guidance to rehabilitation authorities on mandatory requirements;
- support and individualised approach to rehabilitation and recovery at and return to work; and
- support improved rehabilitation and return to work outcomes.

Public consultation on the draft Guidelines for Rehabilitation Authorities (the Guidelines) opened on 3 December 2018 and closed on 1 February 2019.

Comcare received 23 submissions from a range of stakeholders including: employer representatives, employee representatives and their affiliates and workplace rehabilitation providers. This feedback has been considered and further revisions made to the consultation draft.
Key themes arising from the consultation period include:

- Many stakeholders supported the significant reduction in the content of the Guidelines and considered that the proposed Guidelines were clearer and more easily understood and followed than previous Guidelines;
- To retain the focus on minimum mandatory requirements, feedback requesting additional guidance or clarification will be incorporated in supporting guidance material separate to the Guidelines;
- Redrafting of the Rehabilitation Assessment and Program sections and Use of Workplace Rehabilitation section was required; and
- Minor amendments or changes to improve clarity and flow.

**Key changes**

The key changes are outlined below:

- The purpose has been amended to reflect the SRC Act and the requirement of rehabilitation authorities to comply with the guidelines;
- The section on compliance has been removed;
- The rehabilitation assessment section has been reordered to reflect the sequence of considerations and events regarding assessments;
- The rehabilitation program section has been amended and requires a written copy of a rehabilitation program to be provided to an employee’s medical practitioner where the employee’s medical condition necessitates it first being released to them; and
- The use of workplace rehabilitation providers (WRPs) section has been re-drafted to provide flexibility but maintain the requirement for rehabilitation authorities to monitor WRPs service delivery and inform Comcare of any concerns.

![Figure 2: What do the revised Guidelines look like?](image-url)
Topics to be addressed in supporting guidance

Comcare will be publishing streamlined and tailored guidance to support stakeholders following the commencement of the Guidelines. Some examples of the material covered includes:

- describing the benefits of early intervention;
- unpacking the meaning of key terms such as ‘discuss’ and ‘communication needs’;
- guidance on consulting with employees who are unwilling or unable to be contacted by the rehabilitation authority directly;
- advising how and why a rehabilitation authority should monitor an employee’s rehabilitation program, or capacity to undertake a rehabilitation program;
- guidance on how a rehabilitation authority can meet its obligation to notify the relevant authority of an employee’s rehabilitation and return to work outcomes;
- information regarding how a rehabilitation authority can effectively monitor WRP performance;
- providing examples of what constitutes a reasonable excuse in relation to employee non-compliance;
- clarifying who the rehabilitation authority is where an employee changes employer; and
- guidance on how to assess compliance against the Guidelines.

In addition to publishing guidance to support the Guidelines, Comcare will also be undertaking a range of other activities to support employers and achieve improved rehabilitation and recovery at and return to work outcomes such as:

- the release of rehabilitation case manager (RCM) case conference e-guidance;
- a review of the Rehabilitation Handbook and rehabilitation forms; and
- refreshing Comcare’s education and engagement offering.

For further information on any of these initiatives, please contact general.enquiries@comcare.gov.au.

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