



Terms of SIRA CTP Programs to Support Recovery at Work

Motor Accident Injuries Act 2017

Prior to the completion of the CTP Programs to Support Recovery at Work - Application Form, all parties should familiarise themselves with the *SIRA Guidance: CTP Programs to Support Recovery at Work* and the *Terms of SIRA CTP Programs to Support Recovery at Work* (listed in this document).

Section 3.41 of the *Motor Accident Injuries Act 2017* (the Act) provides the State Insurance Regulatory Authority (SIRA) with the power to institute, administer or coordinate vocational and return to work support schemes for injured persons who make a compulsory third party (CTP) claim ('injured person'). Four targeted CTP Programs to Support Recovery at Work are available to provide funding and support to help injured people recover at or return to work when assistance is required. The programs have been designed to complement the services delivered as part of the injured person's treatment, rehabilitation and care arrangements.

The programs are available to eligible injured people who are currently receiving or are entitled to receive weekly statutory benefits under the Act. The programs include the provision of financial assistance to:

- employers who offer employment to injured people who are unable to find suitable employment
- employers who provide (or assist in the provision of) vocational support to those injured people, and
- injured people who are unable to return to pre-accident employment and require assistance in finding new employment

Depending on the program, eligibility to participate will involve injured people and employer workplaces being assessed by a rehabilitation and/or vocational provider. Insurers are responsible for submitting applications for an injured person's participation in a program and for processing payments made under a program to injured people and employers.

This document outlines the *Terms of SIRA CTP Programs to Support Recovery at Work* (these Terms), and the obligations of each party (the injured person, the employer (where relevant), the rehabilitation and/or vocational provider, the CTP insurer and SIRA) when applying for and/or participating in a program. This document should be read together with the [SIRA Guidance: CTP Programs to Support Recovery at Work](#) (the Guidance Material)

The injured person's obligations

Injured people must:

- act in accordance with the obligations and expectations set out in the [Guidance Material](#) in respect of injured people
- cooperate with providers, insurers and employers by participating in any required workplace assessment
- cooperate with providers, insurers and employers in the development of any return-to-work plan
- meet their obligations under the Act, and the Motor Accident Guidelines (the Guidelines) in relation to recovery plans
- provide the insurer (and rehabilitation/vocational provider, where relevant) with timely and accurate documentation upon request, where relevant to the program
- demonstrate ongoing commitment to maintaining or obtaining employment

- disclose to the insurer any relationship with the employer beyond that of an employment relationship (for example – family relations, friendships etc) or any arrangement that is not on usual commercial terms or that may be, or may become, a conflict of interest
- inform the insurer immediately if they are no longer eligible for the program or if there are any changes that may impact their ability to participate in and/or complete the program
- repay any payments made by the insurer in error
- remain eligible for the program at all times and report to SIRA immediately (and in any event, within 10 days) if they cease to be eligible for a program they are participating in, and repay within 60 days any payments made during the period(s) where they were not eligible to receive payments
- adhere to lawful employer requirements (for example – policies and processes, training, use of proper equipment)
- if they wish to seek review of a decision made in relation to a CTP program to support recovery at work, seek review in the manner set out in the [Guidance Material](#)

The employer's obligations

Employers must:

- act in accordance with the obligations and expectations set out in the [Guidance Material](#) in respect of employers
- provide the insurer (and/or rehabilitation/vocational provider, where relevant) with timely and accurate documentation upon request, where relevant to the program
- cooperate with providers, insurers and injured people by participating in any required workplace assessment
- cooperate with providers, insurers and injured people by consulting with the injured person, insurer, provider and any treating doctor in the development of any return-to-work plan
- support the injured person's ongoing employment (and graded recovery where relevant), including supporting the injured person in adhering to their recovery plan
- disclose to the insurer any relationship with the employer beyond that of an employment relationship (for example – family relations, friendships etc) or any arrangement that is not on ordinary commercial terms
- remain eligible for the program at all times and report to SIRA immediately (and in any event, within 10 days) if they cease to be eligible for a program they are participating, and repay within 30 days any payments made during the period(s) where they were not eligible to receive payments
- tell the insurer immediately if the injured person is no longer eligible for the program (for example, if the employment ceases)
- when requested by SIRA, provide evidence of use of funds for the various CTP Program to Support Recovery at Work in the form of evidence of payment to injured person and/ or casual staff, contractors, overtime staff (as applicable). These include, but are not limited to, payslips, invoices, payment receipts etc.
- if they wish to seek review of a decision made in relation to a CTP program to support recovery at work, seek review in the manner set out in the [Guidance Material](#)

The insurer's obligations

Insurers are expected to:

- act in accordance with the obligations and expectations set out in the [Guidance Material](#) in respect of insurers
- collect relevant documentation in a timely manner, in line with relevant privacy legislation, and provide to SIRA where required by the [Guidance Material](#)
- review and ensure eligibility of the injured person and/or employer prior to submitting an application to SIRA for a program
- monitor the progress and compliance of the injured person and other parties
- engage the services of a rehabilitation/vocational provider where this would enable and support an eligible injured person to participate in a program
- advise SIRA immediately if an injured person or employer is no longer eligible for the program (for example – if the employment ceases)
- adhere to the review and dispute advice in the [Guidance Material](#)

The rehabilitation/vocational provider's obligations

Rehabilitation and vocational providers are expected to:

- act in accordance with the obligations and expectations set out in the [Guidance Material](#) in respect of insurers
- provide a professional service in accordance with arrangements with the insurer and SIRA
- where relevant, conduct workplace assessments and contribute to the development of return-to-work plans
- collect relevant documentation in a timely manner, in line with relevant privacy legislation
- provide the insurer (and/or injured person and/or employer) with timely and accurate documentation upon request (where relevant)
- support the injured person's ongoing recovery and employment
- advise SIRA immediately if an injured person or employer is no longer eligible for the program (for example – if the employment ceases)
- disclose any real, perceived or potential conflicts of interest to the insurer
- adhere to the review and dispute advice in the [Guidance Material](#)

SIRA's obligations

Noting that SIRA may, at its discretion, terminate or suspend a CTP Program to Support Recovery at Work at any time, SIRA will:

- act in accordance with the expectations SIRA has set for itself, as set out in the [Guidance Material](#)
- determine eligibility for a program on application and determine funding levels where applications are approved
- provide a mechanism for seeking review of decisions made about eligibility for participation in a program in a manner consistent with the process set out in the [Guidance Material](#)

Injured person's privacy notice - Collection and exchange of personal and health information

Your personal and health information is being collected by your CTP insurer in the CTP Programs to Support Recovery at Work - Application Form. If you do not provide any part of the requested application information, your application may not be accepted or processed.

SIRA, your employer, the rehabilitation provider and your CTP insurer may each collect, disclose, or share your personal and health information (with each other) from various sources for the purposes of processing, assessing and managing your support program application (the primary purpose).

You have been asked for consent and authorisation to release, use, disclose and exchange personal and health information, for the primary purpose, to and between:

- any doctor or other health related service provider
- any employer or accountant of the injured person
- any personal injury insurer or workers compensation insurer
- Centrelink
- Lifetime Care and Support Authority of NSW
- State Insurance Regulatory Authority (SIRA)

Any personal and health information provided to SIRA in its provision of programs to support recovery at work, will be collected, retained, used and disclosed by SIRA in accordance with the following legislation and policies (where relevant):

- the Motor Accidents Injuries Act 2017 (the Act)
- Privacy and Personal Information Protection Act 1998 (PPIP Act)
- Health Records and Information Privacy Act 2002 (HRIP Act), and
- SIRA's Privacy Management Plan

Under section 10.23 of the Act, SIRA may, despite anything to the contrary in the PPIP Act or the HRIP

Act, collect, use and disclose, data relating to third party policies, claims, the functions, activities and performance of insurers; and the provision of health, legal and other services to injured persons. SIRA may collect data from insurers, from relevant insurance or compensation authorities, from hospitals, from government agencies and from any other source.

The Lifetime Care and Support Authority of NSW and licensed insurers are authorised to exchange data concerning third-party policies, claims and other related matters under section 10.23 of the Act.

The Privacy Act 1988 (Cth), HRIP Act and other privacy legislation apply when insurers, rehabilitation providers and employers collect, retain, use and disclose personal and health information. If the Privacy Act 1998 (Cth) does not apply to a rehabilitation provider or employer, the rehabilitation provider or employer must act as if that Act's Australian Privacy Principles apply.

All information collected in the CTP programs to support recovery at work will be held by your CTP insurer. You may request access to your personal and health information and request that any errors be corrected.

Employers must comply with any applicable privacy legislation when collecting, retaining, using and/or disclosing personal and health information, including the Privacy Act 1988 (Cth) and HRIP Act. If the Privacy Act 1998 (Cth) does not apply to an employer, the employer must act as if that Act's Australian Privacy Principles apply to the employer.

Further information may be obtained from https://www.sira.nsw.gov.au/theres-been-an-injury/im-a-worker-recovering-at-work#Motor_accidents

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