



Customer Circular

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Payment of Travel Costs under section 37 of the *Safety, Rehabilitation and Compensation Act 1988*

Purpose

The purpose of this Circular is to explain the procedures for the payment of work-related travel expenses as part of a rehabilitation program under section 37 of the *Safety, Rehabilitation and Compensation Act 1988*, (the SRC Act).

Background

Subsection 37(1) of the SRC Act enables a 'rehabilitation authority' to make a determination that an employee who has suffered an injury resulting in incapacity or impairment should undertake a rehabilitation program, usually a Return to Work Plan (RTWP).

The 'rehabilitation authority' for an employee of a Department or Commonwealth Authority is the Secretary of the Department, or principal officer of the Authority. This authority is delegated under section 41A of the SRC Act to an officer of the Department or Authority generally known as a Case Manager.

Subsection 37(1) also states that the provision of a rehabilitation program must be made by an approved program provider.

Subsection 37(4) states that the cost of any RTWP will be paid by Comcare.

A Case Manager may approve in an RTWP the cost of travel incurred by an employee as part of a rehabilitation program. Section 37 of the SRC Act is the only section of the Act under which the payment of costs associated with rehabilitation programs can be made.

Policy

It is a Case Manager's responsibility to determine whether or not the employee's participation in the

RTWP will cause him or her to incur costs additional to their normal work-related travel costs.

Parameters for Case Managers to consider before approving travel costs as part of an RTWP can be found in section 10 of the *Return to Work Handbook for Case Managers*. Where a Case Manager consults Comcare on the appropriateness of including travel costs in an RTWP, Comcare will also be guided by these principles.

Comcare's position is that the only costs that may be appropriately considered as part of an RTWP would be costs that are:

- above the employee's normal travel expenses; and
- necessitated by the nature of the return to work process; and
- supported by medical evidence obtained by the rehabilitation program provider.

Such travel costs would only be supported by Comcare in exceptional circumstances and for a limited period.

Please note that Comcare's Claims Managers do not have the authority to change a determination made by a Case Manager under section 37 of the SRC Act. Claims Managers who are concerned about the proposed content of an RTWP may, of course, express their concerns to the Case Manager or refer them to a Rehabilitation Advisor or the relevant section of the *Return to Work Handbook*.

The SRC Act does not give Claims Managers within Comcare the authority to approve reimbursement of travel costs under any circumstances other than for travel to obtain medical treatment under section 16. All approval for *work-related* travel costs must be made by the Case Manager.

Procedure

Payment for travel costs can only be made by Comcare when the cost is included as an item in an RTWP.

For claims for travel reimbursement to be paid by Comcare, Case Managers must ensure that:

- the claimant has a current RTWP;
- the RTWP includes approval for the travel costs, and the costs claimed fall within what has been approved;
- the travel costs are itemised in the invoice from the provider;
- the claimant or provider has identified the dates the travel was undertaken;
- receipts or tickets are received when public transport was used; and
- the claim is not, in fact, a claim for travel expenses to seek medical treatment under section 16 of the SRC Act.

If all this information is not received then the claims may have to be referred back to the relevant Case Manager.

Payments under section 37 of the SRC Act may only be made to rehabilitation program providers approved under section 34. It is not possible under the SRC Act to reimburse a claimant for work-related travel costs. Therefore, the rehabilitation program provider should refund the claimant directly and then invoice Comcare for the cost of the travel under code 93.

For more information please contact the National Business Manager, State Account Manager, or Claims Manager in your local Comcare Office. Contact details are listed below.

NSW	(02) 9550 8777
VIC	(03) 9652 3555
QLD	(07) 3233 1311
WA	(08) 9480 1444
SA/NT	(08) 8224 1600
TAS	(03) 6223 1366
ACT	(02) 6276 0333

Stress Claims Management Centre

(02) 6276 0365

Claimant Helpline

1800 150 555

OH&S Hotline

1800 642 770

A copy of this Customer Circular has been distributed nationally to Human Resource Managers and Case Managers.

Previous Customer Circulars issued include:

- CC1 Revised claim for rehabilitation & compensation
- CC2 Workers' compensation issues arising from agency restructures
- CC3 Return to work - agency responsibilities
- CC4 Cheque reimbursements for incapacity payments
- CC5 Amendments to journey provisions
- CC6 Working with rehabilitation providers
- CC7 Taxation payable on lump sum redemptions
- CC8 Payment for lump sums for permanent impairment, in cases where the date of injury is prior to 1 December 1988
- CC9 Third Party Recovery & Revised Claims Management Procedures
- CC10 Compensation for household services
- CC11 Compensation for attendant care services
- CC12 How Comcare determines claims for time off work
- CC13 Compensation payable in respect of certain alterations etc. (section 39)