



Australian Government

Comcare

Customer Circular

Issue 48 February 2004

What Happens with Incapacity on the Date of Injury?

Purpose

Comcare has written this circular to tell you about the current basis for paying incapacity on the date of injury.

Background

Many employees are unfit to work for part of the day of their injury as a result of the injury.

Prior to the introduction of the *Public Service Act 1999*, the Department of Employment and Workplace Relations issued The Guide to Australian Public Service pay and conditions of employment.

The Guide provided for Commonwealth employees covered by The Guide, who had already started work on the day of their injury, to be regarded as being on duty for the whole day and paid their normal salary.

The Guide does not apply to employees covered by the *Public Service Act 1999*. There is now also no reference to this matter in the 1999 Act, its regulations or the Public Service Commissioner's advices.

What is the current position?

Unless otherwise provided (such as in agency certified agreements), employees must formally claim for that period of incapacity from Comcare and provide supporting medical evidence from a Legally Qualified Medical Practitioner (LQMP). If there are no other provisions, and they do not formally claim compensation, they should make alternative leave arrangements.

Note: This position would already have applied to some employees, as prior to the *Public Service Act 1999*, non-APS Commonwealth Agencies and ACT Government departments were not obliged to abide by The Guide.

Employees who are injured while travelling to work, and who are unfit to work for the whole of the day of the injury, must still claim compensation and provide supporting medical evidence from a LQMP before Comcare can consider payment.

Further information

If you would like more information on any issues raised in this circular please contact Comcare's Operational Policy group on 1300 366 979.