



Australian Government

Comcare

INFORMATION FOR EMPLOYEES RESIDING OR MOVING OVERSEAS

This information sheet is for employees who, after suffering an injury, leave Australia (whether on a short-term or long-term basis) and intend to claim compensation entitlements under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) whilst residing overseas¹. It provides information for employees on the legislative requirements and obligations that claims managers may expect employees residing overseas to meet when claiming compensation entitlements under the SRC Act.

SECTION 120 OF THE SRC ACT

Section 120 of the SRC Act requires employees claiming weekly incapacity payments to inform their claims manager of their departure from Australia and also requires employees residing overseas who are claiming weekly incapacity payments to provide written advice every three months thereafter setting out particulars of their residential address.

INCAPACITY PAYMENTS

Employees residing overseas are obligated as well as entitled under the provisions of the SRC Act in the same way as employees residing in Australia.

To claim incapacity payments an employee must provide, every month, a compliant medical certificate from a legally qualified medical practitioner (LQMP)—further details over page.

To be compliant, a medical certificate must:

- > be original
- > contain employee details
- > provide the date of the examination
- > state the diagnosis
- > contain a review date (are not open-ended)
- > list the treatment required in relation to the compensable condition
- > be signed by the LQMP that examined the employee
- > include either the practice stamp or contact details of the LQMP.

For claims managed by Comcare, Comcare has designed a medical certificate that, when fully completed, fulfils the legal requirements under the SRC Act. The use of this certificate, while preferred, is not mandatory. Any other medical certificate provided will need to meet the above criteria.

It is expected that medical certificates written in a foreign language are translated into English by a registered translator prior to being provided to the claims manager.

Information regarding any other income/earnings must also be provided with any claim for incapacity and be translated into English by a registered translator.

¹ This information sheet is not relevant to employees who were engaged outside Australia for employment outside Australia (Locally Engaged Overseas Employees)

LEGALLY QUALIFIED MEDICAL PRACTITIONERS (LQMP)

From an Australian perspective, a LQMP is a person with legally accepted qualifications to practice medicine. An indication of a medical practitioner's qualifications can be identified by the letters appearing after their name.

For example:

- > MB.BS = Bachelor of Medicine and Bachelor of Surgery
- > FRACP = Fellow of the Royal Australasian College of Physicians
- > FRACS = Fellow of the Royal Australasian College of Surgeons
- > FRANZCP = Fellow of the Royal Australasian College of Psychiatrists

Medical practitioners in Australia must be registered with the Medical Board of Australia to practice medicine, or provide medical services and treatment. The Australian Health Practitioner Regulation Agency (AHPRA) regulates Australia's health practitioners in partnership with various national boards including the Medical Board of Australia.

As to what constitutes a LQMP overseas, the following features should be in place:

- > The medical practitioner is registered with that country's ruling medical body to practice medicine, or provide medical services and treatment (e.g. the equivalent to the Medical Board of Australia).
- > The practitioner must hold the relevant local, legally accepted qualifications and requirements for their field of medicine.

MEDICAL TREATMENT

Section 16 of the SRC Act provides for the payment of appropriate costs associated with medical treatment that was reasonable for an employee to obtain in relation to their compensable condition.

Any claim for reimbursement of medical costs should be accompanied by medical evidence from a LQMP, translated into English. Invoices and receipts should also be translated into English by a registered translator.

With the available evidence, the claims manager will determine whether the medical treatment was reasonable to obtain, whether it was obtained in relation to the compensable condition and whether the cost of the treatment is appropriate.

CONTACT US

For general enquiries please contact Comcare's Call Centre on 1300 366 979 between 8.30am and 5.00pm AEST Monday to Friday, or email general.enquiries@comcare.gov.au. If you are unable to access the 1300 number, please call +61 2 6276 0333.

For employees of self-insured licensees, please contact your claims manager directly.