



Frequently Asked Questions (FAQ's)

This has been created for you to find quick answers to commonly asked questions and direct you to the right sections in the claims manual for further information. This page includes a series of questions that are commonly asked and cover topics including incapacity calculation and payments, permanent impairment, initial liability and medical treatment & support.



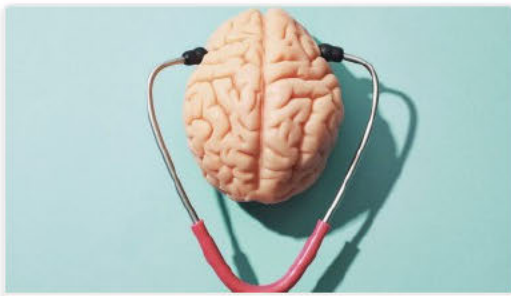
Incapacity calculation and payment



Permanant Impairment



Liability



Medical treatment and other support

^ Incapacity calculation and payment

General:

- **What incapacity entitlements does an employee have post pension age?**
Once an employee reaches pension age, incapacity benefits are no longer payable in accordance with section 23 of the SRC Act. However, if an employee is injured after the age that is two years before pension age, they are entitled to incapacity payments for a maximum of 104 weeks (section 23(1A) of the SRC Act). For further information and an example, please refer to the relevant page in the [Claims manual](#).
- **Can employees utilise sick and annual leave entitlements instead of incapacity payments?**
An employee cannot be paid annual leave or personal leave for the same hours as they are paid compensation leave. An employee is not obliged to claim incapacity payments and may choose to apply for other forms of leave as an alternative. Note, approval of other leave is an employer decision. For further information please refer to the relevant section in the [claims manual](#).
- **Is an employee entitled to Incapacity payments when residing overseas?**

Employees may leave Australia (whether on a short-term or long-term basis) and claim compensation entitlements under the SRC Act whilst they are overseas. The usual compensation benefits apply to employees residing overseas, just the same as if they were still a resident in Australia. However, there are some practical differences in managing claims for employees who reside overseas. For further information please refer to the [claims manual](#).

- **Are employees entitled to the adjustment percentage for **volunteer/unpaid work**?**

An employee is considered to be undertaking work if they are in paid employment. Employees may be considered 'in employment' for the hours spent in formal study, an unpaid work trial or volunteer work for the purpose of applying the formula under subsection 19(3) of the SRC Act. However, the formal study, unpaid work trial or volunteer work must be part of an approved rehabilitation program under section 37 of the SRC Act. Please refer to the relevant section in the [claims manual](#).

- **How do I calculate incapacity entitlements for employees who are **self-employed**?**

Where an employee is self-employed, their AE should be determined based on their:

- ability to earn in suitable employment (often referred to as 'determined AE'), or
- actual earnings in any employment.

For further information, please refer to the [claims manual](#).

Deeming:

- **When does the '**Separation process**' apply?**

The separation process is triggered when you become aware an employee has separated or is soon to separate from Commonwealth employment. When this occurs, Pracsys must be updated to reflect the separation. For further information and a list of the 'types' of separations, please refer to the relevant section of the [claims manual](#).

- **When an employee separates from employment, do I deem an **Ability to Earn (AE)**?**

An employee may choose to voluntarily separate from Commonwealth employment, i.e. resign or take a voluntary redundancy. Where an employee separates by choice and not due to their compensable condition, the employee may be considered to have unreasonably failed to accept, engage, or continue in suitable employment. You should consider determining the employee's AE figure based on the hours they were working prior to their separation from the

Commonwealth, provided the necessary criteria at section 19(4) has been met. For further information, please refer to the relevant section of the [claims manual](#).

NWE:

- How does **indexation** effect NWE for ex-employees?

Following the application of indexation to a former or an ex-employee's NWE, a comparison calculation will be carried out by the Income Support team in terms of subsection 8(10)(b)(i) and (ii) of the SRC Act (see above for the comparison that should be undertaken). If the newly indexed NWE recorded in Pracsys exceeds the 'cap' amount, the NWE must be reduced by the amount of that excess so that the employee is paid at no more than the capped rate. If the newly indexed NWE does not exceed the 'cap' amount, no action is required, and the employee will be entitled to the newly indexed amount. For further information, please refer to the [claims manual](#).

- Can **NWE's increase or decrease**? If so, how do I calculate this?

An employee's normal weekly earnings (NWE) may increase after the date of injury as a result of changing circumstances. An employee's NWE may also decrease after the date of their injury if the NWE no longer accurately reflects what they would have been earning if they had not been injured and incapacitated for work. For further information, please refer to the relevant page of the [claims manual](#).

- If an employee receives an annual **leave payout**, how does this affect ongoing entitlements/compensation?

Leave credits paid out, for example on separation or as part of a redundancy package, are not taken into account as actual earnings. For further information, please refer to the [claims manual](#).

- How do I calculate an NWE when an employee on **reduced earnings** under an existing claim, submits a new claim?

Where the employee is on reduced earnings, a GRTW or is incapacitated, the 'relevant period' prior to the employee's first claim should be used. Section 9(3) and 9(4) of the SRC Act provides that any period of reduced earnings, for whatever reason, is disregarded when calculating an employee's NWE. The result of this will be that the old claim and the claim will have the same NWE; which reflects the amount the employee would be earning had they not suffered an injury.

Super:

- How does an **invalidity retirement** affect Superannuation?

An application for invalidity retirement can be made by the employee or their employer to the employee's superannuation fund. Once an employee is granted a successful application for invalidity retirement, the rules governing how an employee can access their superannuation are managed by the relevant superannuation scheme. If the employee requires more information as to which option their superannuation fund offers, they will need to contact their superannuation fund directly. For further information, please refer to the relevant page in the [claims manual](#).

- Which part of **superannuation** payments affect incapacity payments?

When calculating an employee's incapacity payments under the superannuation provisions of the SRC Act, Comcare only takes into account the employer-financed component of the superannuation benefit. Section 4(1) of the SRC Act defines 'superannuation amount'. Personal or employee-financed contributions are not taken into account. For further information, please refer to the relevant page of the [claims manual](#).

- How does **early access to superannuation** affect compensation?

For incapacity purposes, if an employee accesses their superannuation benefit prior to reaching preservation age, Comcare would need to consider whether the employee was:

- retired
- receiving superannuation, and
- in receipt of superannuation as a result of that retirement.

In most circumstances, early superannuation access is unlikely to meet all the criteria outlined above. Please refer to the [claims manual](#) for further information.

✓ Permanant Impairment

^ Liability

Compliance:

- How do I ensure that a claim is **compliant**?

There are instances where a claim will be received without sufficient information for it to be considered compliant with Section 54 of the SRC Act. Usually, this is because there is not sufficient medical information. For further information refer to relevant page/s in the claims manual. Where there is not sufficient medical information, a claim will be registered, and the claim will have a status of 'N/C' (non-compliant) in the category field in Pracsys. For information on what is required to lodge a claim with Comcare, please refer to the relevant page in the claims manual.

- How do I make payments on a **non-compliant** claim?

Payments cannot be made until the claim has been determined. Payments can possibly be made on undetermined claims for items/services that Comcare has requested, such as treater reports, IME's and rehabilitation costs.

Disease:

- How would I go about **drafting/writing** a determination letter?

Please follow the process as outlined in the claims manual.

- What steps do I follow if there is an **undetermined disease claim**?

Please follow the following procedure listed in the claims manual.

- What constitutes an **aggravation**?

Aggravation under the SRC Act includes acceleration and recurrence. You can locate full definitions of the terms '[Acceleration](#)' and '[Recurrence](#)' in the [Glossary](#) page. For further information regarding an 'Aggravation', including examples, please refer to the relevant page of the [claims manual](#).

Injury:

- What constitutes a **boundary claim**?

- Boundary claims are claims for injuries which have been sustained while an employee is entering or exiting a place of work. Boundary claims may also arise where an employee is taking a short break (other than an ordinary recess) away from their place of work, during an overall period of work. Determining liability for a boundary claim requires consideration of the circumstances surrounding the injury, to assess whether the injury arose out of, or in the course of, the employee's employment.

- For more information on what constitutes a boundary claim, please refer to the relevant page of the [claims manual](#). You can also refer to the scheme guidance regarding [boundary claims](#).

- What constitutes a **disease vs injury claim**?

- Characterising a claim as an injury or a disease under the SRC Act is a vital step in determining what path an investigation will need to take when assessing the employment relationship.

- An injury is usually characterised by a distinct physiological change for the worse. It is often 'sudden or dramatic', for example, a broken wrist resulting from a fall.

- An illness will usually have a gradual onset and can progressively worsen over time.

Information regarding disease and injury claims can be located on this page in the [claims manual](#).

Process:

- What is the process to **withdraw a claim**?

If you receive a request from an employee (or their representative) stating that the employee wishes to withdraw the claim, you must obtain confirmation in writing from the employee.

Requests should only be actioned when they have come from the employee (or their representative). Should you receive a request from an employer, this should not be actioned unless/until you have received a written request from the employee confirming they wish to withdraw the claim. If you receive such a request, you must discuss this with your Assistant Director. For further information, please refer to the relevant page of the [claims manual](#).

- How do I record a **secondary condition** in Pracsys?

The procedure for recording a secondary claim in Pracsys can be located in the following section of the [claims manual](#).

- How do I assess initial liability in iClaim?

Please follow the following procedure listed in the [claims manual](#).

No Present Liability (NPL):

- How do I record an **NPL** in Pracsys?

Please refer to the '*Procedure for determining NPL*' in the [claims manual](#) which includes instructions on how to update Pracsys.

^ Medical treatment and other support

General:

- Can Comcare accept liability for an employee's **travel for medical treatment**? If so, how?

An employee may be required to travel to obtain medical treatment or attend an examination arranged by Comcare under section 57 of the SRC Act. Comcare may reimburse an employee's reasonably incurred costs associated with making the necessary journey or remaining at a place because of the journey. For further information on reimbursement

of travel for medical reasons, please refer to the relevant page in the [claims manual](#).

- **How do I reimburse overseas medical providers?**

Please refer to this section of the [claims manual](#).

- **What do I do if I receive a request from an employee for medicinal cannabis?**

Medicinal cannabis is regarded by Comcare as a new or emerging treatment. All requests for medicinal cannabis must be referred to the Clinical Panel for review, to assist with appropriate and consistent decision making. For further guidance see the page [Clinical panel review](#) (note: when reviewing requests for medicinal cannabis, the Clinical Panel applies the guidance recommended by the Department of Health and Therapeutic Goods Administration).

- **What is the process to reject medical treatment?**

Please follow the procedure listed in the [claims manual](#) to determine liability for medical treatment.

- **Where can I locate the medical services claim form?**

The medical services claim form can be found on the [Comcare external website](#).

- **How do I book accommodation for medical treatment?**

Comcare uses [QBT \('CMT'\)](#) online booking tool for work-related travel, accommodation, flights, and car hire. The portal allows users to book air travel and accommodation and is the preferred booking method as it is the most efficient way to book and manage travel. For further information on accessing the portal and approval criteria for travel, please refer to the relevant page in the [claims manual](#).

- **Where do I locate allied health service rates?**

Allied health service rates are located on [Comcare's external website](#). For information on *'Appropriate costs'* please refer to the relevant page in the [claims manual](#).

- **What is the Clinical Panel review process?**

The Clinical Panel provides advice to Claims and Injury Managers by conducting clinical reviews to help ensure employees receive the most appropriate treatment for their injury or illness. For information on the Clinical Panel review process and procedure to refer a claim to the Clinical Panel, please refer to the [claims manual](#).

- **What is the difference between hourly and weekly rates for home help?**

The rate for the maximum statutory weekly limit is updated on 1 July each year and displayed on Comcare's website [here](#).

Comcare's current recommended hourly rate for household services can found in the *Section 29 – household help – 756 letter* or under the 'View Service Item' in Pracsys, which is updated each year. However, the recommended hourly rate is not a set limit or a statutory rate. It is an indicative rate which represents the average hourly rate for services, factoring in the weekly statutory limits and market conditions. Comcare can approve invoices above the hourly rate, provided they amount to less than the statutory weekly limit, and provided that we find the proposed rate to be 'reasonable'. You need to discuss any changes to the recommended hourly rate with your Assistant Director before approving them.
