

## BULLETIN

# Continued weekly compensation payments outside Australia

This information has been prepared to assist in understanding the planned change to Northern Territory workers compensation legislation for workers compensation claimants who leave Australia while they are still entitled to receive weekly compensation. The change will mean injured workers will continue to receive weekly compensation if they are living outside Australia, so long as they provide proof of identity and proof of incapacity. The amendment is currently before Parliament and is not yet law.

## Background

The *Workers Rehabilitation and Compensation Act* suspends a worker's entitlement to weekly compensation if the worker resides outside of Australia unless their *rehabilitation is complete*. This wording has resulted in weekly compensation payments being stopped when workers have been required to leave Australia, even though they are not able to go back to work.

This outcome is considered unfair when the departure is for valid reasons such as:

- Expiry of term for visa holders, especially section 457 visa holders.
- To receive family support during recovery from an injury
- Personal or family issues

## Key Points

The change will provide for weekly payments to continue if an injured worker is living outside Australia. The elements of the change are:

- For weekly compensation payments to continue the injured worker must, at not less than 3 month intervals, provide proof of identity and proof of ongoing incapacity.
- The duration of compensation payments will be a maximum of 104 weeks from when the worker starts living outside Australia.
- Flexibility will exist for applications to be made to the Work Health Court for payments beyond 104 weeks if the worker is permanently and totally incapacitated, or exceptional circumstances apply.

The entitlement to medical, hospital and other treatment costs or a permanent impairment lump sum is not changing and continues to be payable outside of Australia. No time limit applies.

## Information for Employers

This change will not have any impact for most employers. The number of occasions when an Australian resident will be residing outside Australia is very small.

However employers who are engaging non resident visa holders, such as section 457 visa holders, may find that insurers will charge more workers compensation insurance premium because of the administrative issues in dealing with these claims.

## Information for Workers

The main change for workers is that if circumstances arise that require you to live outside Australia, your entitlement to compensation will not be automatically suspended.

However in order for your compensation to not be affected you will need to provide proof of identity and proof of incapacity in the approved form. Copies of these forms will be sent to you by the insurer or employer but can also be obtained from NT WorkSafe.

It is important to understand that the onus to supply the form will rest on the injured worker.

If you are required to leave Australia and your Doctor has indicated you remain unfit for work it is suggested you contact the insurer handling your claim or seek legal advice in relation to your ongoing entitlements.

For additional information contact NT WorkSafe on 1800 250 713 or go to [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)