

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Budget Estimates 2014-2015**

Agency - Comcare

Department of Employment Question No. EM0741_15

Senator Bilyk provided in writing.

Question

Section 37(5)

Relating to an injured Commonwealth worker, Ms Katherine Heather Excell:

Mr Bruce Watson has confirmed that Section 37(5) of the SRC Act means that Ms Excell cannot make a claim under section 31 if she is engaged in a rehabilitation program.

- a. Does this mean that Ms Excell would have to abandon her rehabilitation program to make a claim for compensation under section 31 of the SRC Act?
- b. Does this advice affect other Comcare clients?
- c. How many clients are affected?
- d. Will Comcare need to take any corrective action in respect of other Comcare claims because of this advice?

Answer

- a. Payments under section 31 of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) are not available to persons engaged in a rehabilitation program under section 37 of the SRC Act.
- b. This advice does not affect any other injured workers.
- c. As per the above, no other injured workers are affected by this advice.
- d. As per the above, no other injured workers are affected, therefore no corrective action is necessary.