



MULTI-STATE WORKERS' COMPENSATION GUIDANCE MATERIAL

Topic :	Compensation
Item :	5. Transport Accident Coverage
State :	AUSTRALIAN CAPITAL TERRITORY

When is a travel injury covered under Workers' Compensation?

Workers are covered for journeys arising out of or in the course of their employment, including:

- Between home and work
- Between home and an employment related course of study
- Between home or work and medical treatment for a workplace injury

When is a travel injury NOT covered under Workers' Compensation?

A Worker is not covered after a non-employment related interruption or deviation from a journey that materially increases the risk.

What are the claim lodgement requirements?

Follow the usual claim lodgement process.

Recovery of costs relating to travel injuries

An insurer may recover its costs from any successful Compulsory Third Party claim.

For further information

Contact options	Publications & forms
<ul style="list-style-type: none">▪ Visit your Approved Insurer's website▪ Call, email, or fax your approved Insurer for information and publications▪ Call WorkCover: Telephone (02) 6205 0200; Facsimile (02) 6205 0336; Email workcover@act.gov.au▪ Visit the WorkCover ACT website: www.workcover.act.gov.au	Nil



MULTI-STATE WORKERS' COMPENSATION GUIDANCE MATERIAL

Topic :	Compensation
Item :	5. Transport Accident Coverage
State :	NEW SOUTH WALES

When is a travel injury covered under workers' compensation?

Workers compensation benefits are available for injuries suffered in the course of most journeys to and from the workplace or any other place a worker is required to attend for work-related reasons.

Journeys covered include:

- o daily or other periodic journeys between the boundaries of a worker's home and workplace
- o daily or other periodic journeys between the boundaries of a worker's home or workplace, and any educational institution that the worker is required to attend for their employment, or is expected by their employer to attend
- o journeys between home, workplace, and any other place for the purpose of obtaining a medical certificate, medical attention or treatment, or payment of compensation in connection with any injury for which the worker is entitled to receive workers compensation
- o recess claims, where the worker is temporarily absent from the workplace during any ordinary recess or authorised absence are also covered.

When is a travel injury NOT covered under workers' compensation?

A worker is not covered:

- o where the injury is attributable to serious and wilful misconduct by the worker, including if under the influence of alcohol or other drugs
- o where the injury resulted from the medical or other condition of the worker and the journey did not cause or contribute to the injury
- o where the injury was received during or after any interruption or deviation from the journey except where the interruption or deviation did not materially increase the risk of injury even if the interruptions are not work related.

What are the claim lodgement requirements?

A claim may be lodged with the employer's agent/insurer in the usual way and the agent/insurer will decide if compensation is payable. You may be required to complete a journey claim form.

Recovery of costs relating to travel injuries

If the journey was undertaken in the course of employment or travelling to and from work and the injury was caused by a motor vehicle accident, the compensation paid or payable may be recoverable from the relevant Compulsory Third Party (CTP) insurer in NSW.

The employer's premium will not be experience adjusted for journey claims.

For further information

Contact options	Publications & forms
<ul style="list-style-type: none"> ▪ contact your agent/insurer for workers compensation in NSW ▪ visit WorkCover NSW website: www.workcover.nsw.gov.au ▪ call the WorkCover Assistance Service on 13 10 50. 	<p>Workers Compensation and Injury Management Fact Sheets: http://www.workcover.nsw.gov.au/injuriesclaims/makingclaim/Pages/Journeyandworkbreakclaims.aspx</p> <p>Journey claim form: http://www.workcover.nsw.gov.au/formspublications/publications/Pages/WC05518_JourneyClaimForm.aspx</p>

Topic :	Compensation
Item :	5. Transport Accident Coverage
State :	NORTHERN TERRITORY Date: 27 July 2009

When is a travel injury covered under Workers' Compensation?

Examples of travel injuries that are covered under workers' compensation:

- (1) Travel injuries that do not involve a motor vehicle.
- (2) When a motor vehicle is involved travel;
 - between the workers residence and a business appointment other than at the office/workplace to which the worker normally reports and or attends. This could apply to sales representatives, estate agents, drivers, etc;
 - journeys to and from the residence for workers on call who are required to attend emergency situations;
 - journeys between the residence and a destination other than the regular workplace where attendance is required by the employer;
 - journeys between the residence and the regular workplace in company arranged paid transport, eg company bus, taxi. This does not include company cars which are part of a salary package, or provided to a sales representative to carry out their duties, etc.
 - travel associated with a trip away and the ensuing travel included during the visit, eg between the residence and the airport for a trip; travel whilst intra or interstate;
 - travel to and from the workplace to a training school or for medical purposes associated with the claim.

When is a travel injury NOT covered under Workers' Compensation?

Accidents caused by or involving a motor vehicle on a journey to or from a worker's normal place of work or during an ordinary recess are not covered under workers' compensation. These accidents are covered under the *Motor Accidents (Compensation) Act*.

Where consumption of alcohol materially contributed to the accident, ie more than 80 milligrams per 100 millilitres of blood.

What are the claim lodgement requirements?

Follow the usual claim lodgement process.

Recovery of costs relating to travel injuries

If the journey was undertaken in the course of employment and the injury was caused by a motor vehicle accident, the compensation paid or payable may be recoverable by the Territory Insurance Office who administer the *Motor Accidents (Compensation) Act*.

For further information

Contact options	Publications & forms
<ul style="list-style-type: none"> • Visit your approved insurer's website • Call, email or fax your approved insurer for information • Call NT WorkSafe: Free call 1800 250 713; Facsimile (08) 8999 5141; Email: worksafe@nt.gov.au • Visit NT WorkSafe website http://www.worksafe.nt.gov.au/comp_rehab/index.shtml 	<p>Visit the contacts listed to the left to access information forms and publications</p>

Topic :	Compensation
Item :	5. Transport Accident Coverage
State :	QUEENSLAND

When is a travel injury covered under Workers' Compensation?

Workers are covered if they are injured while travelling between:

- Their home and place of employment
- Their home or place of employment and a trade/training school which the worker is required to attend
- Their home or place of employment and a place to receive medical treatment or rehabilitation
- To be examined by a registered medical professional as requested by the insurer
- One place of employment and another place of employment with another employer

When is a travel injury NOT covered under Workers' Compensation?

A worker is not covered if:

- The injury occurred within the boundary of the land of the worker's home
- Driving under the influence of alcohol/drugs or dangerous operation of a motor vehicle
- The injury happened during or after a substantial delay or interruption of the journey

What are the claim lodgement requirements?

Follow the usual claim lodgement process.

Recovery of costs relating to travel injuries

WorkCover Queensland may recover its costs from any successful compulsory third party motor vehicle insurance claim.

For further information

Contact options	Publications & forms
<ul style="list-style-type: none"> • Visit WorkCover Queensland's website: www.workcoverqld.com.au • Call WorkCover Queensland on 1300 362 128 	<ul style="list-style-type: none"> • Visit the contacts listed to the left to access information forms and publications.

When is a travel injury covered under Workers' Compensation?

Injuries incurred during a journey accident are covered by WorkCover SA if:

- the journey is for the purposes of carrying out employment duties, or
- the journey is between the worker's home, or place of employment and an educational institution (for apprenticeship, other legal obligation or at the employer's request) or medical or rehabilitation appointment or to receive workers' compensation

and there is a real and substantial connection between the employment and the accident from which the injury arose.

When is a travel injury NOT covered under workers' compensation?

Most journeys to and from work are not covered.

A worker is not covered if there is no real and substantial connection between their employment and the accident.

What are the claim lodgement requirements?

A worker should lodge a claim if they think there are any circumstances that might establish a link between the journey and work. The following process applies:

- the worker completes the Claim Form and forwards the original to their employer with a *WorkCover Medical Certificate (WMC)*
- the employer forwards the documents to the Claims Agent with a signed *Employer Report Form* within 5 business days or upon receipt of the forms
- the Claims Agent contacts the worker to provide support and advice, and continues the claims process

Recovery of costs relating to travel injuries

Where a worker is injured in an accident arising out of the use of a motor vehicle, regardless of whether it occurred on private or public property, or as a driver, passenger, pedestrian, or cyclist, a potential recovery against a wrongdoer may exist. WorkCover will recover costs from other parties if possible.

A claims manager should refer all claims that involve a motor vehicle to a recovery officer.

The wrongdoer will generally be indemnified by a third party Insurer. In South Australia the compulsory third party insurer is the Motor Accident Commission.

For further information

Contact options	Publications & forms
<ul style="list-style-type: none"> Visit WorkCover SA's website for further information and publications, http://www.workcover.com or telephone 13 18 55 Visit WorkCover SA's claims agent: Employers Mutual Limited: http://www.emia.com.au or telephone 08 8127 1100 (Adelaide) or 1300 365 105 (Toll Free outside Adelaide) Motor Accident Commission 50 Pirie Street, Adelaide, 5000 http://www.mac.sa.gov.au/ Telephone (08) 8221 6377 Fax (08) 82216377 	<p>Alphabetically listed publications on compensation and return to work are available online: http://www.workcover.com> Documents A-Z</p>



MULTI-STATE WORKERS' COMPENSATION GUIDANCE MATERIAL

Topic :	Compensation
Item :	5. Transport Accident Coverage
State :	TASMANIA

When is a travel injury covered under Workers' Compensation?

Workers are covered if they are travelling for the purpose of their employment.

When is a travel injury NOT covered under Workers' Compensation?

A worker is not covered:

- While travelling in either direction between the worker's place of residence and the worker's place of employment, except where the journey was made at the request or direction of the employer
- While travelling between places where the worker is employed by different employers.
- While on a working day is temporarily absent from their place of employment.
- During a social or sporting activity which takes place away from the workers place of employment.

What are the claim lodgement requirements?

As per the usual claim lodgement procedures.

Recovery of costs relating to travel injuries

An insurer may be able to recover its costs from any successful Compulsory Third Party motor vehicle insurance claim.

For further information

Contact options	Publications & forms
<ul style="list-style-type: none">• Visit your licensed insurer's website.• Call/email/fax your licensed insurer for information and publications.• Call the Workplace Standards Tasmania Helpline on 1300 366 322 (inside Tasmania) or (03) 6233 7657 (outside Tasmania) to obtain information & publications.• Visit the WorkCover Tasmania website www.workcover.tas.gov.au	<p>'A Guide to Workers Compensation in Tasmania' available at http://www.workcover.tas.gov.au/workcoverpublish/resource/gb112guideto.htm</p>



MULTI-STATE WORKERS' COMPENSATION GUIDANCE MATERIAL

Topic :	Compensation
Item :	5. Transport Accident Coverage
State :	VICTORIA

When is a travel injury covered under Workers' Compensation?

Generally, an injury incurred in the course of employment is covered if travelling:

- For the purpose of the Worker's employment, or
- During an authorised recess

When is a travel injury NOT covered under Workers' Compensation?

Generally, a Worker is not covered while travelling:

- To and from work at the start or end of the day
- To and from any trade, technical or other training (including apprentices) whether required or not by the Employer
- To attend any place to obtain a medical assessment, treatment, rehabilitation or compensation payments

What are the claim lodgement requirements?

If the injury occurred while travelling in the course of employment the Worker should lodge a *Worker's Injury Claim Form* with their Employer together with a police reference relating to the accident, and a *Certificate of Capacity* (if time lost from employment).

The Employer will then complete an *Employer Injury Claim Report* and lodge it along with the *Worker's Injury Claim Form*, police reference and *Certificate of Capacity* with their WorkCover Agent within 10 days of receiving the claim from the Worker.

If the injury occurred while travelling, but not in the course of employment, the Worker should lodge a claim with the **Transport Accident Commission**.

Recovery of costs relating to travel injuries

If the journey was undertaken in the course of employment and the injury was caused by a motor vehicle accident, the compensation paid or payable may be recoverable for the **Transport Accident Commission**

For further information

Contact options	Publications & forms
<ul style="list-style-type: none">▪ Visit WorkSafe website to access information and publications: http://www.workcover.vic.gov.au> Injury & claims▪ Visit Transport Accident Commission website to access information regarding transport accident claims: http://www.tac.vic.gov.au▪ Visit your WorkCover Agent website▪ Call, email, or fax your WorkCover Agent for information and publications▪ Call the WorkSafe Advisory Service on 1800 136 089 to obtain information	<p><i>Online Claims Manual:</i> http://www.workcover.vic.gov.au> Injury & claims> Online claims manual> Sections 6.2 (9c) & 16.2</p>



MULTI-STATE WORKERS' COMPENSATION GUIDANCE MATERIAL

Topic :	Compensation
Item :	5. Transport Accident Coverage
State :	WESTERN AUSTRALIA

When is a travel injury covered under Workers' Compensation?

Workers are covered if they are travelling for the purpose of their employment.

When is a travel injury NOT covered under Workers' Compensation?

A Worker is not covered:

- If they suffer an injury during a journey between their place of residence and place of employment or vice versa
- While travelling to attend a place for educational purposes at the request of the Employer
- While travelling to attend any place to obtain a medical assessment, treatment, rehabilitation or compensation payments

What are the claim lodgement requirements?

If the injury occurred while travelling in the course of employment the Worker should lodge a *Worker's Compensation Claim Form* with their Employer together with a *First Medical Certificate*.

The Employer will then complete the Employer section of the *Worker's Compensation Claim Form* and lodge this together with the *First Medical Certificate* with their insurer within 3 days of receiving the claim from the Worker.

If the injury occurred while travelling, but not in the course of employment, the Worker should lodge a claim with the Motor Vehicle Personal Injury Division of the Insurance Commission of Western Australia, WA's compulsory third party insurer.

Recovery of costs relating to travel injuries

If the journey was undertaken in the course of employment and the injury was caused by a motor vehicle accident, the compensation paid or payable maybe recoverable under WA WorkCover legislation.

For further information

Contact options	Publications & forms
<ul style="list-style-type: none">▪ Visit your Approved Insurer's website▪ Call, email, fax your Approved Insurer for information and publications▪ Call the WorkCover WA Advisory Service on 1300 794 744 to obtain information and publications▪ Visit the WorkCover WA website: www.workcover.wa.gov.au> Publications & forms> Publications> Publications for employers	<p><i>Workers' Compensation and Injury Management: A Guide for Employers: www.workcover.wa.gov.au> Publications & forms > Publications> Publications for employers> <i>Workers' compensation and injury management: A guide for employers</i></i></p>