



Entitlement to Workcover benefits while overseas

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If you are currently a resident of Australia and you're receiving [WorkCover benefits](#) and are considering a move overseas, it is likely that your WorkCover benefits will be affected. WorkCover statutory benefits entitle you to weekly payments and, medical and like expenses. Either of these entitlements may be impacted if you move overseas temporarily or permanently.

What happens to my WorkCover benefits if I move overseas?

Weekly payments

If you no longer live in Australia (that is, you move overseas), it is likely that your weekly payments will cease, unless you are able to show the WorkCover insurer that you have no current work capacity (NCWC) and will continue to have NCWC in the foreseeable future.

The WorkCover insurer will be required to make an assessment in regard to your NCWC. Therefore, it is important that at least eight weeks prior to leaving Australia, you notify your insurer of your relocation, so they have time to arrange the assessment.

Other information that you will need to address with your insurer includes:

- details of your overseas medical treaters;
- appointments that you may be required to undertake with regard to your work capacity;

- approval by your insurer to undertake any future overseas medical treatment or medication; and
- the provision of any future certificates of capacity.

Once the above has been reviewed, your WorkCover insurer will consider whether your WorkCover benefits will be impacted if you move overseas.

You may be required to undertake a review by an independent medical examiner to establish whether you have NCWC. If your WorkCover insurer is satisfied with the outcome of your assessments, and it appears that your inability to work will continue for the foreseeable future, you will be able to continue to receive weekly payments while you are overseas.

You can learn more about entitlements to weekly payments in our earlier blog, [“WorkCover weekly payments – a comprehensive guide”](#).

Medical and like expenses

For worker’s compensation medical and like expenses, prior to moving overseas, you must seek approval from the WorkCover insurer with regards to the medical expenses that you can claim while you are overseas.

If you are already overseas and you require treatment that your insurer did not provide approval for before you left Australia, you must contact your insurer as soon as you are aware of the relevant treatment. Upon contacting your insurer, you will need to provide them with information regarding why the recommended treatment is necessary for your recovery.

Your WorkCover insurer will then have 28 days to provide you with a response as to whether your request has been accepted.

If you require urgent medical treatment while overseas and are unable to wait for your WorkCover insurer to provide you with a response, you have the option to pay for the treatment yourself and seek reimbursement upon approval from your insurer.

How do I continue to comply with my WorkCover obligations while I am overseas?

Despite being overseas, it is important to keep in contact with your WorkCover insurer as you will be required to undergo future medical examinations and provide them with certificates of capacity to show that you continue to have NCWC.

Keeping in touch with your insurer will allow you to be aware of any assessments that you may be obligated to undertake, for example, if an examination needs to be undertaken by an independent medical examiner. If you are required to travel to Australia to attend such assessments, it is the insurer’s responsibility to provide you with the relevant compensation for your accommodation

and travel.

Also, if you are providing the insurer with relevant documents while you are overseas, such as certificates of capacity (a specific WorkCover medical certificate), you must ensure that the relevant certificates are equivalent to the relevant overseas documents. Further, if the documents are not in English, you must provide a certified translation of the document to your insurer.

How will I receive my Workcover payments while I am overseas?

Upon moving overseas, should you decide to receive your WorkCover benefits to an overseas bank and close your Australian bank account, the WorkCover insurer must be notified of your new bank details.

Additionally, please be aware that it is likely that you will continue to receive your weekly payments in Australian dollars and not in the currency of the country that you have relocated to. Further, as you are no longer a resident in Australia, there may be tax implications regarding your weekly payments.

What if my WorkCover insurer stops my WorkCover benefits?

If after you have undertaken an independent medical examination and provided the insurer with required certificates of capacity and they are not satisfied that you have NCWC, it is likely that your weekly payments, as well as any future entitlements to medical and like expenses will cease.

If this happens, you can challenge the WorkCover insurer's decision through the Workplace Injury Commission. You can learn more in our earlier blog, ["Can I review a decision made by WorkCover?"](#)

Am I entitled to a lump sum impairment claim and common law damages if I live overseas?

If you live overseas, you are most definitely entitled to an [impairment benefit claim](#) and [common law damages](#) (where your injuries were due to the negligence of your employer or a third party) so long as all requirements are met.

Similar to your weekly payments claim, if you are required to see an independent medical examiner within Australia, your accommodation and travel will be funded by the insurer.

Will my WorkCover benefits be impacted if I go on an overseas holiday?

Because you are not permanently leaving Australia, your WorkCover benefits should not change if you decide to travel overseas for a holiday or for another temporary reason. You should, however, advise the WorkCover insurer of your intention to travel overseas.

So long as your insurer is provided with valid certificates of capacity, you will continue to receive your WorkCover benefits.

Because certificates of capacity are only provided for a maximum period of 28 days, it is recommended that you obtain a certificate of capacity before you leave Australia, and if you are travelling for longer than 28 days, you obtain future certificates from an overseas doctor while on holiday.

As mentioned, you must ensure that the document you obtain is equivalent to the certificate of capacity provided to you in Australia.

If you believe you will not be able to obtain a certificate of capacity while on holiday prior to your departure, you can request an extension from your WorkCover insurer for the number of days which your certificate of capacity may be valid for.

Upon making your request, you must provide to your insurer any exceptional circumstances as to why you may not be able to see a doctor while on holiday.

What if I aggravate my injury while overseas?

If your injuries happen to be aggravated after you move overseas or while you are overseas on holiday, it is circumstantial, however, it is unlikely that you will be covered by WorkCover.

This is because your injuries (including any aggravation) must have been sustained as a result of your employment. Therefore, if you are unable to return to work due to your work-related injury being aggravated by an activity unrelated to work, it is unlikely that you will be entitled to any WorkCover benefits.

Get help from a WorkCover lawyer

If you are on WorkCover and are planning to relocate overseas or travel overseas temporarily (including for a holiday), it is important that you inform the WorkCover insurer of your intentions. There are things you will need to arrange prior to travelling overseas and depending on the length of time you are away, there may be further requirements whilst you are overseas.

If your WorkCover benefits have been terminated due to overseas travel or you have any other issues related to your WorkCover claim, you should seek legal advice. Likewise, if you intend to lodge an impairment claim or a common law claim (or have already done so), it is recommended that you seek advice and assistance from a lawyer experienced in worker's compensation claims.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

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This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.