



# Compensation Recovery Program



## Making a compensation payment to the Australian Government

**Under the *Health and Other Services (Compensation) Act 1995 (the Act)*, a compensation payer or insurer must inform Medicare Australia within 28 days of a claim for compensation reaching judgment or settlement for more than \$5000 (including all costs).**

For the purposes of the Act, compensation is a payment:

- finalised by judgment or settlement of a claim for an injury or illness
- of more than \$5000 (including all costs) with or without liability
- made by one person or organisation (defendant) to another person (claimant) to compensate the claimant for injury or illness caused to them by the defendant.

**Note:** an ex gratia payment is compensation if taking the payment cancels the claimant's right to make any further claim for the incident, or is part of any compensation that may later be decided.

Compensation does not include a payment:

- under an insurance scheme which the recipient has contributed, or
- by an individual who was not insured and not required by law to be insured, unless the individual was a member of a representative organisation which could pay compensation in respect of the individual, for example, doctors who are also members of a Medical Defence Union, or

- for criminal injuries compensation paid by a state or territory government under state or territory legislation, or
- that is not required to be paid under Australian law, unless the payment cancels the claim for compensation by agreement.

In deciding if a payment is compensation, Medicare Australia will consider each individual case and whether:

- an uninsured individual was a member of a representative organisation, or
- the claimant signed a document that gave up their right to make further claims in the matter.

Medicare Australia may require evidence to confirm details of the judgment or settlement.

A claimant or compensation payer may apply to Medicare Australia for a *Notice of past benefits* (outlining the amount of Medicare benefits, nursing home benefits and residential care subsidies paid for treatment of the injury or illness) before judgment or settlement. Requests must be submitted in writing or on a *Request for Medicare history statement* form. For a copy of the form go to [www.medicareaustralia.gov.au](http://www.medicareaustralia.gov.au) then **For individuals and families > Forms and publications > Other programs and services**

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## For more information

Online [www.medicareaustralia.gov.au](http://www.medicareaustralia.gov.au)

Email [NSW.comp.mgr@medicareaustralia.gov.au](mailto:NSW.comp.mgr@medicareaustralia.gov.au)  
[QLD.comp.mgr@medicareaustralia.gov.au](mailto:QLD.comp.mgr@medicareaustralia.gov.au)

Call **132 127\***

TTY **1800 552 152\*\*** (Hearing and speech impaired)

TIS **131 450\*** (Translating and Interpreting Service)

If you need help translating this information call the TIS on **131 450\***.

Arabic - إذا احتجت لمساعدة في ترجمة هذه المعلومات، يمكنك الإتصال بخدمة الترجمة التحريرية والشفهية على الرقم\*131 450

Korean - 본 정보의 이해를 위해 번역사의 도움이 필요하시면, 131 450\*번으로 TIS 에 전화하십시오

Serbian - Ако вам је потребна помоћ да преведете информације, назовите TIS на 131 450\*

Spanish - Si necesita ayuda para traducir esta información, llame al TIS al 131 450\*

Turkish - Bu bilgiyi tercüme etmek için yardıma ihtiyacınız varsa 131 450\* numaradan TIS'i arayınız

Vietnamese - Nếu quý vị cần nhờ dịch thông tin này xin gọi cho TIS số 131 450\*

\* Call charges apply.

\*\* Call charges apply from mobile and pay phones only.