



**Australian Government**

**Department of Health**

# **Supporting Living Organ Donors Program**

## **Guidelines**

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# 1. Supporting Living Organ Donors Program overview

## 1.1 What is the Program?

The aim of the Supporting Living Organ Donors Program (the Program) is to reduce financial stress associated with being a living organ donor, raise the profile of living organ donors and encourage employers to support employees who have chosen to donate an organ.

The Program provides a financial contribution to employers who have paid an employee for leave to attend medical appointments to assess their suitability to become a living organ donor (kidney or partial liver) and/or undergo and recover from living donor surgery in the form of paid leave, or an ex-gratia payment in lieu of paid leave.

The Program does not provide full reimbursement of a donor's income, should this income exceed the National Minimum Wage. Payments are calculated for up to nine weeks of leave, based on a 38-hour week, at up to the National Minimum Wage (maximum of 342 hours of leave).

The payment to employers is to either replenish an employee's leave or contribute towards reimbursing the employer, where they have made a payment to their employee in place of income lost due to organ donation.

Self-employed donors are also able to participate in the Program. Payment is made directly to the donor and is a reimbursement for income lost due to organ donation (at up to the National Minimum Wage for a maximum of 342 hours).

The Program also reimburses donors, including those who are not employed, up to \$1000.00 for out-of-pocket expenses to cover costs such as travel and accommodation incurred due to the organ donation process.

## 1.2 Why do we have the Program?

Living organ donation is major surgery and is not without risk to the donor. Prospective donors are required to undergo extensive work-up testing to ensure they are physically and mentally able to donate. If surgery proceeds, the donor will require a significant amount of time off work to recover. Some donors may be required to take this period as leave without pay, or they may exhaust their paid leave entitlements. This can lead to financial stress with some donors feeling compelled to return to work against medical advice.

The Program is not an incentive to donate. It is designed to help support those people who wish to donate but cannot afford to due to loss of income and the financial stress it would cause for them and their family.

## 1.3 Who is eligible?

The Program is for directed donation; where a recipient has been identified and a hospital Transplant Coordinator is facilitating the necessary work-up testing, surgery and recuperation.

To be eligible to participate in the Program the donor must be:

- a. an Australian resident (as defined by the *Health Insurance Act 1973*) with a valid Medicare card;
- b. 18 years of age or older;
- c. intending to donate a kidney or partial liver;
- d. donating in Australia\*; and
- e. *[if seeking reimbursement for leave taken]* employed by:
  - i. a registered Australian business with an active ABN; and
  - ii. an employer willing to participate in the Program (or be self-employed with an active ABN).

\*If you are an Australian citizen donating in another country, you may be eligible for a similar scheme in that country. For example in New Zealand there is the Live Organ Donor Assistance scheme. You can only receive assistance from one scheme.

## 1.4 Program contact information

Visit [Department of Health website](#)

Email [livingorgandonation@health.gov.au](mailto:livingorgandonation@health.gov.au)

Phone (02) 6289 5055

## 1.5 Supporting Living Organ Donors Program documents

To participate in the Program, you will be required to complete and return the following:

### 1.5.2 Application Form

The Application Form is used to assess a donor's eligibility to participate in the Program and to verify the donors claim. Along with the supporting evidence, the form is used to calculate the payments to be made to the donor and employer (if applicable), for work-up, leave following surgery and out-of-pocket expenses incurred by the donor as a result of living organ donation. The Application form must be submitted within 90 days following surgery. Applications submitted after this date may not be accepted, without sufficient evidence to support the late claim.

- Part A is to be completed and signed by the donor and self-employed donors.
- Part B is to be completed and signed by the donor's employer, where the donor is employed and claiming for reimbursement of leave taken. The form must be submitted with the appropriate supporting documentation.

The Application form is to be completed and signed by the donor and if applicable, the employer and **must** include:

- appointment tracker (as described at 1.4.5)/medical certificates that verify the dates of appointments and surgery;
- receipts that confirm out-of-pocket expenses incurred on and around these dates; and
- evidence such as payslips, that align with the dates of the donors medical certificate to verify the donor was paid for their leave taken.

### 1.5.3 Work-up Testing Appointment Tracker (optional)

The work-up testing appointment tracker is an optional document for donors to use to keep track of medical appointments and have signed off by a medical professional, such as their surgeon or transplant coordinator.

When signed by a medical professional, this document can be used as evidence where a medical certificate has not been provided for appointments but you are claiming for paid leave and/or out-of-pocket expenses under the Program.

**Note:** This tracker is for the purpose of claiming under the Program only. It should not be used for other purposes where a medical certificate is required e.g. evidence for your employer.

### 1.5.4 Out-of-pocket expenses tracker (optional)

The out-of-pocket expenses tracker is an optional document for donors to keep track of expenses incurred as a result of their donation.

The information provided on this form will assist the Department of Health to confirm costs incurred, when calculating reimbursement.

Costs included in the claim without appropriate evidence, i.e. a receipt, will not be included in calculations of reimbursement.

Out-of-pocket expenses may only be claimed for travel and accommodation by the donor. See 2.5.1 for details.

## 2. Full-time, part-time and casual employee donors

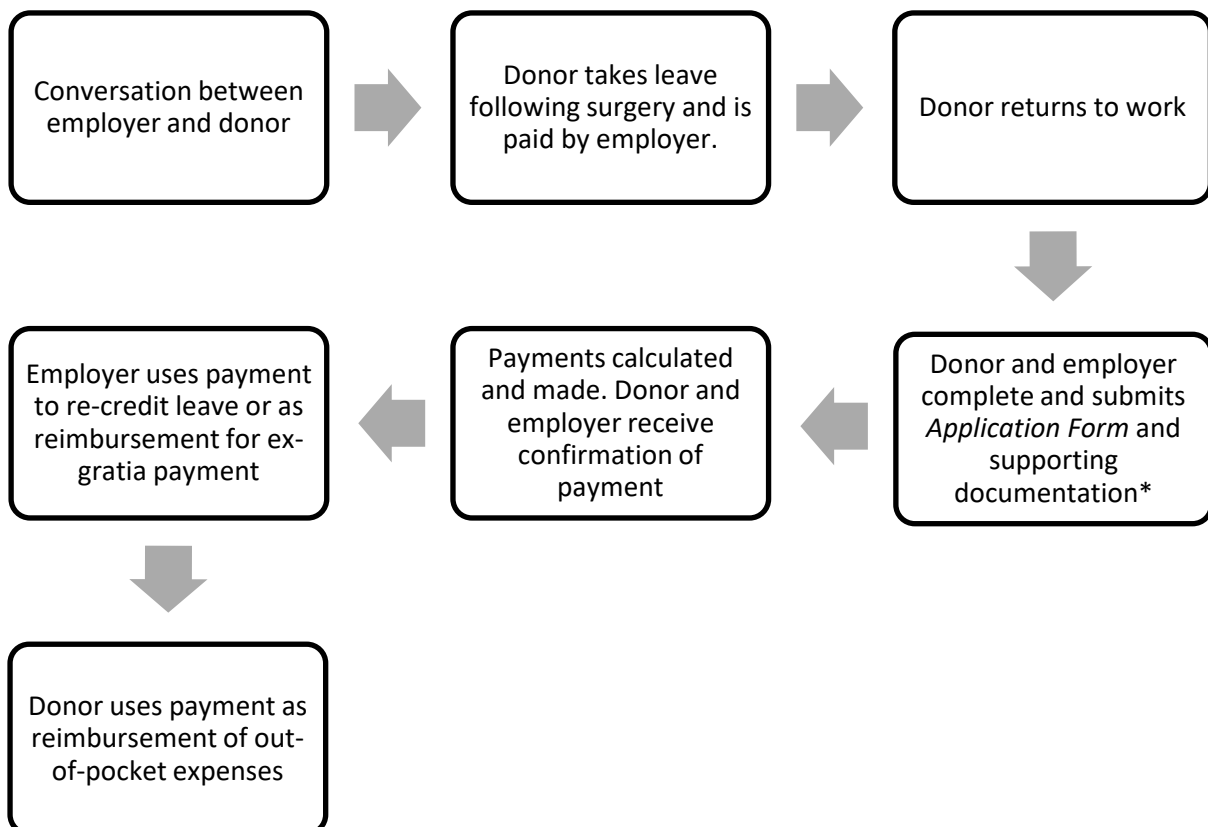
### 2.1 Process Overview

This section provides an overview of the key steps followed from the receipt of an Application, to finalising a payment under the Program for donors who are full-time, part-time, or casually employed.

The key steps in the process of claiming under the Program are:

1. Conversation between employer and donor prior to surgery.
2. Donor takes leave for the purpose of organ donation and is paid during this time by the employer.
3. Donor returns to work and submits a completed Application Form with supporting documentation.
4. Payment is calculated (up to 342 hours at the National Minimum Wage) and made to the employer and, if claiming out-of-pocket expenses, the donor. Notification of payment is sent to the employer and donor via email.
5. Employer uses the payment to re-credit the donor's leave, or as a reimbursement where an ex-gratia payment was made to the donor.
6. Donor uses payment as reimbursement of out-of-pocket expenses.

See Part 4 for more details on claiming out-of-pocket expenses.



\*The Application form must be received within 90 calendar days of the donation surgery date.

## 2.2 Process Steps

### 2.2.1 Have a conversation with your employer

Prior to surgery and submitting the Application form for the Program, the Department of Health recommends that you have a conversation with your employer to ensure that you both understand the Program, and that your employer agrees to participate. Your employer **must** agree to participate and pay you for your time off if you are claiming for reimbursement of leave or ex-gratia payments.

If you are employed casually or do not have sufficient leave credits, it is recommended that you and your employer agree on how you will be paid during your leave. Should employers pay donors at their normal wage for the period of leave taken following surgery, they may be out-of-pocket if the donor's normal wage is above the National Minimum Wage.

Alternatively, your employer may choose to pay at the National Minimum Wage for time off following surgery, for which they would be fully reimbursed under the Program (for a maximum of 342 hours; nine weeks, based on a 38 hour week).

For casual employees, it is recommended that employers pay the donor based on the donor's average weekly hours (calculated by averaging the weekly hours worked over an 8 week period prior to surgery).

### 2.2.2 Complete the Application Form for eligibility assessment and claim processing

In order to participate in the Program, you must complete and submit an Application Form following your return to work and within 90 calendar days of your donation surgery. If you are claiming for reimbursement of leave, your employer **must** complete and sign this form to indicate that they agree to participate in the Program.

Incomplete applications cannot be assessed. If your application is incomplete, you will be contacted for more information.

If you are found ineligible, you and your employer will receive an email notification to advise you of this outcome. If you are not satisfied with the decision about your eligibility, you can request a review.

### 2.2.3 Making a claim for leave

Your completed Application form must be submitted with evidence to support your claim. You must provide a medical certificate/appointment tracker that verifies the amount and dates of leave taken, including for leave taken to attend work-up testing and evidence such as payslips, that align with the dates of the your medical certificate to verify the you were paid for the leave taken.

Hours of leave claimed without the support of a medical certificate and evidence of payment will not be used in calculating the payment.

You can make a claim for leave taken to undergo work-up tests, donation and recovery or both.

- a) Work-up tests – time claimed must be a minimum of 7.6 hours and a maximum of 76 hours.
- b) Donation – time claimed cannot exceed 342 hours.
- c) Work-up and donation – these can be claimed together, as long as the total period of leave taken does not exceed 342 hours.

You cannot submit an application until you have completed all leave related to the donation and your employer has paid you for this time off work. Your employer must complete Part B of the Application Form. Applications will not be progressed until all supporting documentation has been received by the Department of Health.

Program payment calculations **do not** include:

- unpaid leave;
- leave taken for purposes other than donation (i.e. carer's leave);
- casual loading for casual employees; and
- paid public holidays.

A person is only eligible to claim once for the Program.

**\*If you are also claiming for out-of-pocket expenses, please refer to Part 4 of these Guidelines.**

### 3. Self- employed donors

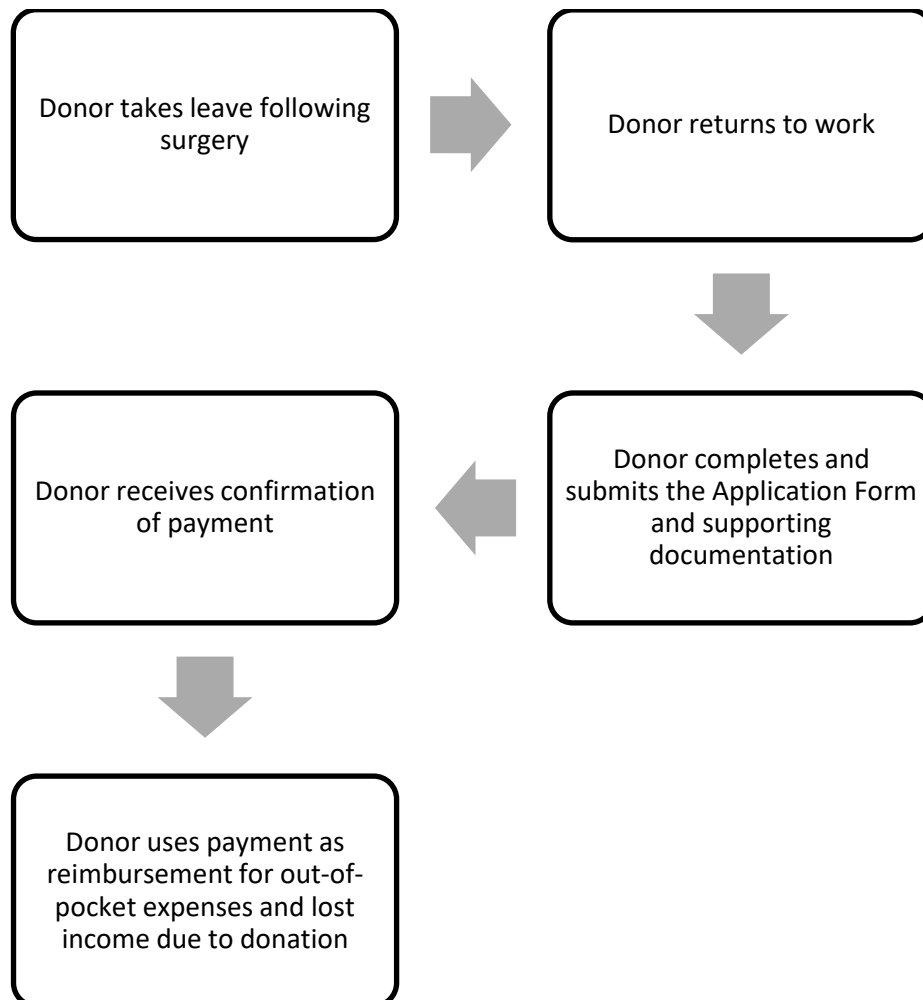
This section provides an overview of the key steps followed from the receipt of an Application, to finalising a payment under the Program for donors who are self-employed.

#### 3.1 Process overview

The key steps in the process of claiming under the Program for self-employed donors are:

1. Donor completes an Application Form and has eligibility assessed.
2. Donor returns to work and submits a completed Application Form with supporting documentation.
3. Payment is made to the donor. Notification of payment is sent to the donor via email.
4. Donor uses the payment as reimbursement for out-of-pocket expenses and income lost due to donation.

See Part 4 for more details on claiming out-of-pocket expenses.



## 3.2 Process steps

### 3.2.1 Complete the Application Form for eligibility assessment

In order to participate in the Program, you must complete and submit an Application Form following your return to work and within 90 calendar days of your donation surgery.

Self-employed donors **must** provide suitable evidence of income in the form of your most recent tax return, a Business Activity Statement, or profit and loss statement.

Incomplete applications cannot be assessed. If your application is incomplete, you will be contacted for more information.

If you are found ineligible, you will receive an email to advise you of this outcome. If you are not satisfied with the decision about your eligibility, you can request a review.

### 3.2.2 Making a claim for leave

Your completed Application form must be submitted with evidence to support your claim. You **must** provide a medical certificate/work-up testing appointment tracker that verifies the amount and dates of leave taken, including for leave taken to attend work-up testing. Hours of leave claimed without the support of a medical certificate/appointment tracker will not be used in calculating the payment.

You can make a claim for leave taken to undergo work-up tests, donation and recovery or both.

- a) Work-up tests – time claimed must be a minimum of 7.6 hours and a maximum of 76 hours.
- b) Donation – time claimed cannot exceed 342 hours.
- c) Work-up and donation – these can be claimed together, as long as the total period of leave does not exceed 342 hours.

You cannot submit a claim until you have completed all leave related to the donation and returned to work.

Claims will not be progressed until the Claim Form and all supporting documentation has been received by the Department of Health.

A person is only eligible to claim once for the Program. The total claim cannot be more than 342 hours in a lifetime.

If you are also claiming for out-of-pocket expenses, please refer to Part 4 of these Guidelines.



## 4. All living donors – claiming out-of-pocket expenses

This section provides an overview of the key steps for all donors, employed and not employed, to claim for out-of-pocket expenses under the Program.

### 4.1 Process overview

The key steps in the process of claiming out-of-pocket expenses under the Program are:

1. Donor keeps receipts and a record of expenses incurred as a result of work-up testing and donation.
2. Following donation surgery, donor submits Application Form and includes copies of:
  - a. medical certificates/appointment tracker to confirm dates of appointments and surgery/recovery;
  - b. out-of-pocket expense tracker (optional); and
  - c. itemised receipts for all expenses included in the claim.
3. Payment is calculated and made to the donor. Notification of payment is sent to the donor via post or email.

Donor uses the payment as reimbursement for out-of-pocket expenses incurred due to donation.

#### 4.1.1 What can be claimed?

This part of the Program only applies to expenses incurred on or after 1 July 2017.

Under the Program, donors can make a claim for the following out-of-pocket expenses:

- Accommodation (Based on reasonable amounts as per *Taxation Determination - TD 2020/5* – See Part 5.1.7 of these Guidelines)
- Economy airfares
- Public transport including bus, train and taxi fares
- Car hire
- Parking
- Petrol
- Road tolls

Other expenses such as meals, childcare and medical expenses cannot be claimed under the Program.

Expenses incurred by others who are not the registered donor under the program, cannot be claimed under the Program. i.e. partner or carer.

Expenses must fall within a reasonable period of the dates on a medical certificate. For example, if claiming for petrol, the receipt should demonstrate that it was purchased within a week of the dates of your appointments/surgery.

If you have misplaced a receipt, a statutory declaration describing the cost and date it was incurred will need to be provided to support your claim.

### 4.2 Process steps

#### 4.2.1 Complete the Application Form for eligibility assessment and claim processing

In order to participate in the Program, you must first apply with the Department of Health by completing and submitting an Application Form. If you are employed, please complete this form as described in Part 2 or Part 3 of these Guidelines.

If you are not employed, you will only need to complete Part A of the Application form. The form should be submitted after you have completed your leave following surgery.

Incomplete applications cannot be assessed. If your application is incomplete, you will be contacted for more information.

If you are found ineligible, you will receive an email to advise you of this outcome. If you are not satisfied with the decision about your eligibility, you can request a review. For more information, please see the Program FAQs.

#### **4.2.2 Making a claim for out-of-pocket expenses**

You can make a claim for out-of-pocket expenses (as described in Part 4.1.1) incurred to undergo work-up tests, donation and follow up appointments.

To claim for out-of-pocket expenses, you **must** provide a medical certificate that verifies the dates of your appointments and surgery and itemised receipts that demonstrate out-of-pocket expenses incurred on and around these dates.

You should not submit an application until you have completed your recovery related to the donation.

Claims will not be progressed until the Application Form and all supporting documentation has been received by the Department of Health.

To assist with recording expenses to be claimed under the Program, the Out-of-Pocket Expenses Tracker can be completed.

A person is only eligible to claim once for the Program. The total reimbursement for out-of-pocket expenses will not exceed \$1,000.00.

## 5 Supporting Living Organ Donors Program definitions

This section provides definitions of terms used in the Supporting Living Organ Donors Program.

### 5.1 Definitions

#### 5.1.1 Living organ donor

For the purpose of this Program, a living organ donor is a person who donates a kidney or partial liver to someone with end stage kidney disease or liver failure.

This Program does not cover living donors of other tissues, such as blood, bone marrow, or reproductive tissues. The Program is for donors with a recipient who are under the care of a hospital Transplant Coordinator.

#### 5.1.2 Prospective donor

Someone who has made a fully informed decision to undergo medical evaluation to be a living organ donor.

#### 5.1.3 Work-up

Tests of physical and mental health that are taken to ensure the donor is medically suitable to proceed to donation.

#### 5.1.4 Regular (hours)

Casual employees should calculate their 'regular' hours by averaging their weekly hours worked over the 8 weeks, or 56 days, prior to submitting the Individual Registration Form.

#### 5.1.5 Ex-gratia payment

For the purposes of this Program, an ex-gratia payment is a sum of money provided as a favour (i.e. without there being any legal obligation or legal liability to do so) by an employer to an employee and at the discretion of the employer where the employee has no entitlement to paid leave.

#### 5.1.6 Out-of-pocket expenses

Out-of-pocket expenses are extraordinary costs incurred by a donor as a result of having to travel to attend appointments, e.g. for accommodation and transportation.

#### 5.1.7 Reasonable amounts for accommodation - 2020-21 (TD 2020/5)

Location	Amount (per night)
Adelaide	\$209
Brisbane	\$257
Canberra	\$246
Darwin	\$293
Hobart	\$196
Melbourne	\$265
Perth	\$265
Sydney	\$265