



Calculating compensation payable in Comcare lump sum claims

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[Comcare is a workers' compensation scheme](#) available to employees of certain national companies who choose to self-insure through the Comcare scheme. Through this scheme, injured workers may be entitled to:

medical expenses;

weekly payments; and

lump sum payments.

This article takes a deep dive into the method for calculating Comcare lump-sum benefits for both permanent impairment and for non-economic loss.

What lump-sum benefits are available under the Comcare workers' compensation scheme?

There are two types of 'lump-sum' benefits that may be available to eligible injured workers under the Comcare scheme who meet the applicable minimum thresholds (you can [read more about this here](#)). To refresh your memory, though,

these are lump sum benefits for:

['permanent impairment'](#); and

'non-economic loss'.

Why are there two different lump-sum benefits in the Comcare scheme?

Each type of lump-sum benefit is designed to compensate the injured worker for different aspects of their injury.

The 'permanent impairment' lump sum benefit is a payment which is designed to compensate the injured person to recognise the actual extent of the injury, as calculated by a medical professional (multiple medical professionals depending on the extent and type of the injuries which are subject of the claim).

The 'non-economic loss' benefit, on the other hand, doesn't require a medical professional in order to calculate and compensate the injured worker for the impact the injuries have had on them.

How is the Comcare permanent impairment lump-sum benefit calculated?

As mentioned previously, the permanent impairment lump sum benefit payable is calculated as a result of examinations by a medically qualified person. The doctor will consider the worker's injury and calculate a whole person impairment ('WPI'). This will involve the medical professional reviewing medical documents about the and will generally also include a clinical examination with the injured worker.

The doctor calculates the WPI with reference to the ['Guideline to Assessment of Permanent Impairment'](#). Although there are other guides that may be used in other workers' compensation or personal injury schemes, it is very important that the right guidelines are used when assessing the WPI for a Comcare claim. It is also important to note that these guides are updated from time to time, and the doctor must be using the [most up-to-date guidelines](#).

Once the WPI has been provided, a legislative formula is then applied to calculate the damages payable to the injured worker. A helpful Excel document is available on the [Comcare website](#) to help calculate the potential damages for various WPI assessments.

How is the non-economic loss lump sum benefit calculated?

Unlike the permanent impairment benefit, the non-economic loss lump-sum benefit is calculated by considering the impact the injury has had on the individual injured worker, specifically. The factors considered in calculating this benefit include:

pain;

suffering;

mobility;

social relationships;

recreational and leisure activities; and

other loss.

The injured worker, when applying for a Comcare lump-sum benefit, will need to provide more information in the form of a comment about how their life is affected by the various factors. The injured worker will also need to provide a “score” out of five for how that factor has impacted their life. There are guidelines in the [application form](#) for what kinds of impacts are appropriate for each score.

One similarity to the permanent impairment lump-sum assessment is that non-economic loss lump-sum benefit calculations still have reference to medical professionals. The injured person’s treating doctor or specialist (e.g. GP, psychiatrist, other specialist) will provide their assessment of the impact of the injury on each applicable factor, as will the examining doctor. Both of these doctors will be required to provide comments in the Comcare application form (similar to the worker).

The Comcare Impairment Assessment Officer will then review all the information provided. Once a score is calculated for each factor, another legislative formula is applied to calculate the non-economic loss lump-sum benefit. This calculation is also included in the Excel document available on the [Comcare website](#).

How do I apply for both Comcare lump-sum benefits?

Lump-sum benefits can be applied for with a separate application form. If your employer is covered by Comcare Australia, then you can download the [application form via the Comcare website](#). If your employer is a self-insurer, then contact your supervisor or rehabilitation officer and ask for the necessary form to be sent to you.

What if I’m not happy with the Comcare lump-sum decision?

The process of seeking a review in relation to a Comcare decision about lump-sum impairment is the same as if the decision was about the primary claim. The first step is to seek a ‘reconsideration’ of the initial decision. The request for reconsideration must be submitted within 30 days of the date of receipt of the initial determination.

If you are unhappy with the reconsideration decision, you may apply for this to be reviewed with the Administrative Appeals Tribunal (‘AAT’) within 60 days of the date you receive the ‘reconsideration decision’.

How can IM Lawyers help?

Comcare claims are not necessarily straightforward, and there can be many hurdles to overcome to secure a successful claim. Our lawyers have significant experience in worker's compensation claims, both for Comcare and state-based claims.

Contact us for a free initial consultation. It costs you nothing to find out where you stand and to ensure everything is done to maximise the prospects of a successful claim.

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.