



# Comcare lump sum compensation for permanent impairment

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Comcare is the federal worker's compensation scheme responsible for the safety, rehabilitation and worker's compensation matters for Commonwealth employees. When someone is injured at work and covered by Comcare, they are entitled to a range of benefits, including loss of wages, medical expenses and lump sum compensation. In this blog, we will explore an injured worker's right to Comcare lump sum compensation for permanent impairment.

## Who is covered by Comcare?

Comcare is a scheme which covers Commonwealth government employees and some employees of private companies who 'self-insure' through the Comcare scheme.

## What benefits and compensation are available under Comcare worker's compensation?

Most people who are injured at work and [make a claim under the Comcare scheme](#) are entitled to:

weekly compensation for loss of the employee's normal weekly earnings for the first 45 weeks and then at 75% of the employee's normal weekly earnings while the worker is incapacitated until they reach retirement age;

medical and rehabilitation expense; and

certain other out of pocket expenses.

Some injured workers covered by the Comcare scheme who sustained a permanent impairment may also be able to claim lump sum benefits in addition to the ongoing benefits discussed above, including:

lump sum payment for permanent impairment; and

lump sum payment for non-economic loss (ie, to compensate the injured worker for their pain and suffering).

## Who is entitled to lump sum benefits?

For a Comcare claimant to be entitled to access lump sum benefits, the following applies:

They must be assessed as having a 10% whole person impairment ('WPI') in accordance with the [relevant Comcare-approved Guides](#); or

If the claimant's injury is hearing loss, they must be assessed as having a 5% WPI in accordance with the Comcare Guides; or

They have an injury which involves the loss of:

a finger or toe; or

sense of smell or taste.

## When can I apply for Comcare lump sum benefits?

A claimant is entitled to apply for the two types of lump sum benefits:

a lump sum payment for permanent impairment; and

a lump sum payment for non-economic loss,

at any stage during their accepted Comcare claim.

There are other types of payments, though, which have strict time limits. It is important that you seek expert legal advice as soon as possible to make sure you can take steps to preserve all your rights.

# How do I claim Comcare lump sum compensation for permanent impairment?

To start the process, an injured worker should contact Comcare directly or their employer if they are a 'self-insurer' and request the [appropriate forms](#) to apply for lump sum benefits.

The forms should be completed fully and accurately. Your claim will require input from your medical practitioner (eg, your GP, surgeon, specialist or psychiatrist). Both you and your medical practitioner will be required to provide information about your medical condition or injury, including information about:

pain;

suffering;

loss of amenities;

mobility;

social relationships;

recreational and leisure activities; and

other types of loss.

Like many insurance claim processes, it is important that you and your representatives are actively involved in the permanent impairment assessment process right from the beginning to ensure that the insurer has been provided with all the relevant and necessary information.

The necessary information and documents can include:

medical reports;

medical records;

statements; and

other documents showing how the injury has impact the claimant's life.

In fact, Comcare should be provided with all information which may be relevant to how the injury has caused a permanent and adverse impact on your life.

IM Lawyers has the expertise to:

review the available information to understand whether it is relevant to be provided as part of the application; and

obtain and compile any other relevant information or documentation from other parties.

[Book an initial free consult: 1800 001 339](#)

Once your application has been completed, it can be returned to Comcare or the self-insurer.

At this point, the insurer will arrange for you to be examined by an appropriate medical specialist.

Considering all available medical evidence, information and other supporting evidence, an assessment will be made about your whole-person impairment rating. This will be done in accordance with the ['Guide to the Assessment of the Degree of Permanent Impairment'](#). This will determine whether you are eligible for lump sum compensation and how much lump sum compensation may be payable.

## Can I review Comcare's decision if they reject my permanent impairment claim?

Like other decisions made in relation to a Comcare claim, if you're not happy with a Comcare (or self-insurer) decision regarding assessment of permanent impairment, you can formally request a 'reconsideration' of that assessment/decision.

If you are unhappy with the reconsideration decision, then you can appeal to the [Australian Administrative Appeals Tribunal](#). If unsuccessful at the AAT, it is possible that a further appeal can be made to the Federal Court.

IM Lawyers has the experience needed to assist you with these reviews, including drafting all the necessary review paperwork and representing you through the review processes.

## Get help from a Comcare lawyer

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.

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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.*