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COMPENSATION LAWYERS



Permanent impairment compensation under Comcare - things you should know

Date: Sunday August 10, 2025

If you've suffered a work-related injury or illness under the Comcare workers' compensation scheme, you may be eligible for lump sum compensation due to permanent impairment. This blog explains how Comcare assesses permanent impairment, what thresholds apply, how the process works, and what lump sum entitlements you may be able to claim.

How do I apply for permanent impairment compensation under Comcare?

Firstly, you need to have an accepted Comcare claim. If you haven't yet made a claim for your work-related injury, then you need to do so as soon as you can.

Once you have an accepted Comcare claim, then there is no time frame in which you need to apply for permanent impairment benefits. The injured worker will need to complete a separate claim form, "Compensation Claim for Permanent Impairment and Non–Economic Loss Form," if they want to be assessed for permanent impairment compensation.

Self-insurers may have a separate form to be competed, but if you are covered by a self- insurer (e.g., Telstra, Optus, Australia Post, Fedex etc) then you should check their website or contact the compensation division of the company to find out what the process is to make application.

Will every Comcare claimant be entitled to permanent impairment compensation?

The short answer is 'no', unfortunately.

The legislation imposes a threshold of at least 10% whole-person impairment ('WPI') before you are entitled to payment of permanent impairment compensation. If you are assessed below 10% WIP (apart from a hearing loss claim), you will **not** be entitled to payment of permanent impairment compensation.

How is permanent impairment assessed?

Assessment of permanent impairment is essentially a medical process. Only a properly qualified medical doctor can perform an assessment of permanent impairment of any injured worker.

Doctors must refer to a document called *Guideline to Assessment of Degree of Permanent Impairment'*('the Guide'). This document is a compendium of different 'tables' which refer to different parts of the body. You are entitled to have your own doctor/specialist do an assessment of your permanent impairment, but they must base it on reference to this guideline. If they don't use the guide, then Comcare or the self-insurer won't consider the claim.

If your own doctor does not provide an assessment (or does not use the Guide for assessment), Comcare or the self- insurer will usually arrange for you to be assessed by an independent medical specialist of their choosing (no, you don't get to choose who the doctor is) and that doctor will assess your permanent impairment by reference to the Guide.

You can download the Guide here.

You will note that most tables use increments of 5%. Some use smaller ones. Again, you need to fall within an increment of 10% or more.

What if the doctor assesses me at below 10% WPI?

If you are assessed at below 10% WPI, you have the right to request a 'reconsideration' of this assessment. But if you are going to seek reconsideration, you should seek legal advice first, as an experienced lawyer can review the decision and advise you whether there might be a clear error in the application of the Guide.

An experienced Comcare lawyer can also assist you with your reconsideration request or advise you that you may need to get your own specialist report with an assessment of 10% or more.

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You only have 30 days from receipt of the original decision in which to request a reconsideration, so don't delay in considering your options.

What if a reconsideration decision assesses WPI at less than 10%?

If the reconsideration decision does not deliver a WPI of 10% or more, you have the right to apply to the Administrative Review Tribunal ('ART') for further review.

You have 60 days from receipt of the further reconsideration decision in which to file any ART application. At this point, you really should get some legal advice, as ART applications are not a particularly straightforward process.

How much compensation can I get if I meet the 10% WPI threshold?

You are, in fact, entitled to two lump-sum benefits!

Section 24 compensation (related to your WPI assessment percentage)

Section 27 compensation (for ‘non-economic loss’)

Section 24 compensation for permanent impairment

Section 24 compensation is not difficult to work out. It is a simple assessment using a table of percentage impairment and payments related to that percentage.

Let’s assume you are assessed at 10% WPI. The current (August 2025) **maximum** (100%) payment is just below $230,000. At 10% WPI, you would receive just under $23,000.

Section 27 compensation for permanent impairment

Section 27 compensation is a bit more complicated, as it involves two separate components of assessment. The first is based on the WPI percentage you are assessed at, and the second involves consideration (and then a rating score) of how the injury has impacted the following aspects of your life:

Pain;

Suffering;

Mobility;

Social relationships;

Recreations and leisure;

Other losses;

Loss of expectation of life.

Challenging a section 27 determination

As with challenging an initial WPI assessment (the percentage of impairment you have), you can also challenge the amount of compensation determined under section 27.

Within 30 days of receiving a s27 determination, you can request a reconsideration. Your request must be in writing and outline why you believe the determination is incorrect.

After reconsideration, if the decision is still unfavourable, you can appeal to the ART. This appeal must be lodged within 60 days of receiving the reviewed decision.

The ART will review the matter and can uphold the original determination, vary the original determination or overturn it.

If you intend to challenge a s27 determination, it is crucial that you seek legal advice and assistance from a lawyer experienced in Comcare matters.

Note: these maximums referenced above are indexed at 1 July each calendar year.

Get help from a Comcare lawyer

If you've got any concerns about your Comcare permanent impairment assessment or any other issues related to your Comcare claim, get in touch for some free initial advice.

Further reading on Comcare topics

- What to do if Comcare ceases your workers' compensation claim
- Loss of wages in Comcare claims - how are they calculated?
- Psychological injury claims under the Comcare workers' compensation scheme

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.