



Comcare reconsideration deadline: how a two-year delay cost an injured worker his claim

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On 22 September 2026, the **Administrative Review Tribunal (ART)** handed down its decision in **Richard Darjani v Commonwealth Bank of Australia**, a stark warning for injured workers covered by the federal Comcare scheme. Mr Darjani did not request an internal reconsideration of his rejected claim within the 30-day period set by the [Safety, Rehabilitation and Compensation Act 1988 \(Cth\) \(SRC Act\)](#), and the Tribunal declined to step in.

For employees covered by Comcare, including workers at self-insured corporations such as the Commonwealth Bank of Australia, the lesson is clear. Delay in challenging a decision to reject or cease your claim can permanently end your right to challenge it, regardless of how strong the facts of your case are.

How does the two-tier Comcare reconsideration process work?

To understand the significance of the Tribunal's decision, you need to be aware of how the Commonwealth workers' compensation system operates when it comes to the rights of injured workers to seek a review of decisions they are not happy with. Unlike state-based schemes (such as WorkCover in Queensland or NSW), the Comcare framework relies on a strict, two-tiered internal administrative process that must be completed before the Administrative Review Tribunal (ART) can then conduct a truly independent review of their case.

When an employee lodges a workers' compensation claim for an illness, injury, or disease, the initial decision made by Comcare or a self-insured licensee is known as a primary "determination". If this determination is a rejection - whether the employer claims the injury is not work-related or asserts a defense like "reasonable administrative action" - the worker cannot immediately appeal this decision to the ART.

Instead, the SRC Act mandates that the worker must first formally request a "reconsideration" from the determining authority

(Comcare Australia, or the employer if it's a 'self-insurer'). This internal review is conducted by a separate officer (within Comcare or the self-insurer) who was not involved in the original decision. Only after the insurer issues this "second-tier" decision, formally known as a "reviewable decision," does the law grant jurisdiction to the [Administrative Review Tribunal](#) to step in and conduct what is called an 'independent merits review'.

What is the 30-day deadline for a Comcare reconsideration request under section 62?

The pitfall exposed in *Richard Darjani v. Commonwealth Bank of Australia* relates directly to the quite strict timeline governing this first-to-second-tier transition. Under Section 62 of the SRC Act, an injured employee who disagrees with an initial claim rejection has exactly 30 days from the day they receive the written determination to lodge a formal request for an internal reconsideration.

While the SRC Act does technically allow a determining authority to extend this 30-day window, granting such an extension is entirely discretionary. If a worker allows the **30 days** to lapse without taking active, legally compliant steps to either formally request a reconsideration, or secure an official extension of time from the employer or Comcare, they run the risk of their claim essentially dying at that point.

And that's exactly what occurred to Mr Darjani. By failing to move forward with a timely request for reconsideration following the rejection of his application by the Commonwealth Bank of Australia, the statutory clock ran out. When the CBA refused to accept Mr Darjani's request for reconsideration, outside the 30-day time frame, he had to ask the ART to direct the bank to accept the request. Unfortunately for Mr Darjani, the Tribunal Member declined to exercise its discretion to direct the Bank to accept his request (well) outside the 30-day time period.

Why did the Tribunal not find in Mr Darjani's favour?

Many injured workers assume a tribunal exists to deliver broad justice and will overlook what seems a "minor" administrative delay, however serious the injury. The ART does have a broad discretion in cases like this. But Darjani confirms that each case is decided on its own facts, and the Tribunal must consider the impact of the late step on both the injured worker and the insurer.

The cases identify about five matters the Tribunal considers when deciding whether to extend a time limit under the SRC Act. In practice, when an insurer refuses a late reconsideration request, the key issue is usually how far the insurer says it has been "prejudiced" by the delay.

The length of the delay often decides that argument. It is hard for Comcare or a self-insurer to show prejudice (such that a fair hearing is no longer possible) if the delay is only days or weeks. Once the delay stretches to months or years, its argument becomes much stronger.

Without going through the Tribunal's full reasons, it was the two-year delay that gave the Bank enough to persuade the Tribunal it had been unduly prejudiced. For Mr Darjani, the door to compensation was shut, leaving him with no way to challenge the rejection of his claim on its merits.

Common pitfalls that can cost injured workers their Comcare claim

The Darjani decision sheds light on several real-world pitfalls that can trip up employees navigating what is, unfortunately, quite a complex workers' compensation scheme:

The Illusion of Flexibility: Whilst all workers' compensation systems or general civil litigation rules offer flexible mechanisms to cure late filings, workers often assume that such flexibility is unlimited. It is not, and most systems involving a mechanism for review of adverse (to the injured worker) decisions involve careful consideration of how delay impacts the insurer's ability to properly (fairly if you will) deal with the delayed request (for review/reconsideration of their original decision).

Extensions are never automatic: Courts (or in this case Tribunals) are responsible for deciding matters on their merits and according to the law, and that often takes into account competing positions/interests (injured worker versus the insurer), and both parties have rights and responsibilities generally provided by the terms of the applicable compensation legislation. The law which applies is not straightforward and do not assume that, as an injured worker (regardless of how severe your injury might be), you will automatically be granted extensions of time periods in which to take steps necessary to continue to advance your compensation matter.

Nobody else is protecting your deadline: Do not assume that someone else (union representative, co-worker, manager, or other person at work) is taking steps on your behalf to protect your ability to continue with your claim. It is your responsibility to ensure all important steps are taken (both within the prescribed time frame, and provision of necessary information/documentation) to advance your claim (especially when it comes to seeking a review or appeal). Take the time to at least ask questions of the insurer's representative about time frames etc, and then email them back to confirm what was discussed with you. Then record the critical date(s) in your phone (calendar or some other 'bring-up' app). Or write it in a wall-calendar- it's your case!

Don't let a missed deadline end your Comcare claim

The ruling in Darjani v. CBA is a sobering reminder that a worker's right to compensation does not just depend on the medical evidence of the extent of injury; it also involves strict procedural compliance with the relevant compensation legislation (state or the SRC Act). Do not let a calendar error or oversight result in you losing important compensation rights.

What should you do if you have missed the 30-day deadline?

Act as soon as possible. Ask the insurer in writing to accept a late request for reconsideration and explain the reasons for the delay. If it refuses, you may be able to ask the ART to direct it to accept the request, but as Darjani shows, the longer you wait, the harder that becomes. Getting legal advice early gives you the best chance of protecting your rights.

Need help with a Comcare reconsideration? Speak to our Comcare lawyers

If you have received a Comcare or self-insurer decision you disagree with, don't wait. Cameron Hall Compensation Lawyers act for injured workers across Australia. Because the Administrative Review Tribunal is a federal tribunal and matters are now handled online, we can assist you wherever you live or work. Contact us today for advice on your reconsideration deadline and your options.

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.