



# Customer Circular

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## Payment of lump sums for permanent impairment, in cases where the date of injury is prior to 1 December 1988

### Purpose

The purpose of this Circular is to explain Comcare's interim operational policy and procedural arrangements for claims for permanent impairment, in cases where the date of injury is prior to 1 December 1988.

Sections 24, 25, 27 & 124 of the Safety, Rehabilitation and Compensation Act 1988 (the SRC Act) refer.

The advice in this Circular is provided for your information only. There is nothing that you need to do in such cases. However, it is important that you know why, in certain cases, Comcare may be delaying finalisation of a permanent impairment claim for one of your employees.

### Background

Claims for permanent impairment, where the injury arose prior to 1 December 1988, when the SRC Act commenced (transitional impairment claims), have been the subject of numerous judicial and tribunal decisions.

Unfortunately, these decisions have resulted in some uncertainty in the interpretation of

the permanent impairment provisions in the SRC Act and the manner in which the provisions are to be applied to transitional claims. The Full Bench of the Federal Court is hearing a case in March 1997 which is expected to clarify the interpretation of the permanent impairment provisions in the SRC Act.

### Policy

Comcare has decided, as an interim measure, to defer consideration of all transitional impairment claims until the matter is clarified by the Federal Court.

While Comcare is concerned to ensure that employees and ex-employees receive their compensation entitlement promptly, we are equally concerned to ensure that benefits are paid accurately and in accordance with the provisions of the SRC Act.

As soon as the issue of the interpretation and application of the SRC Act in this matter is clarified, every effort will be made to quickly finalise any outstanding claims for lump sum compensation. The relevant claimants will be contacted no later than May 1997, to advise them of the current position.

Comcare's Claims Managers have sent a standard letter to relevant employees, and ex-employees, explaining this interim arrangement.

For more information please contact the National Business Manager, State Account Manager, or Claims Manager in your local Comcare Office. Contact details are listed below.

<b>NSW</b>	(02) 9550 8777
<b>VIC</b>	(03) 9652 3555
<b>QLD</b>	(07) 3233 1311
<b>WA</b>	(08) 9 480 1444
<b>SA/NT</b>	(08) 8224 1600
<b>TAS</b>	(03) 6223 1366
<b>ACT</b>	(02) 6276 0333

**Stress Claims Management Centre**  
(02) 6276 0365

**Claimant Helpline**

1800 150 555

**OH&S Hotline**  
1800 642 770

A copy of this Customer Circular has been distributed nationally to each Human Resource Manager and Case Manager.