



Australian Government

Comcare

PUTTING YOU *FIRST*

WHAT YOU NEED TO KNOW ABOUT YOUR RECONSIDERATION

Comcare has received your application for reconsideration, and we have appointed a Review Officer to your matter. Please take the time to read the information below as this outlines the reconsideration process. You will have the opportunity to ask any questions or clarify the information below when your Review Officer contacts you shortly.

WHAT IS THE PROCESS OF A RECONSIDERATION

A reconsideration is conducted 'on the papers'. This means that your Review Officer will review all the documents on the claim file and any additional information you or another party provide during the reconsideration process. The Review Officer is independent from the management of the worker's claim.

Depending on who has requested the reconsideration, another party may include:

- > the worker
- > their employer
- > the rehabilitation case manager
- > specialist medical practitioner's
- > the worker's health professionals.

If you wish to draw your Review Officer's attention to particular documents on the claim file, you can do so either when your Review Officer contacts you or at any time during the reconsideration process by calling or writing to us. If Comcare considers that further evidence is needed to clarify an issue, Comcare will request information, and will inform you of this request. Comcare will provide you with a copy of any information it receives in the reconsideration process.

Once Comcare receives all relevant information from a worker and employer affected by a request for reconsideration, the Review Officer will complete the reconsideration and issue a decision, known as a reviewable decision.

Your request for reconsideration will have a completed reviewable decision within a maximum of 30 calendar days from the date all relevant information is received by Comcare from a worker and their employer. If this timeframe needs to be extended, your Review Officer will communicate the delay and the reasons why directly to you. You will be informed of the reviewable decision verbally and in writing. Please tell your Review Officer if you do not want to be contacted in writing.

WHAT IF I NEED MORE TIME TO PROVIDE SUBMISSIONS

If you would like to provide more information, but need more time to do so, you can request additional time by request to your Review Officer. The Review Officer will need to know what information you intend to provide, when you will provide it by and the purpose of the information. The Review Officer will assess your request and advise you if your request is approved or not. If your request is not approved, the Review Officer will advise you of the reason.

ONUS OF PROOF

Onus of proof is a legal term that defines how Comcare assesses information on the claim file to make a decision. In the reconsideration process, that means that a worker must demonstrate that an entitlement to compensation exists on the balance of probabilities. In other words, the information on the claim file must demonstrate that it is more probable than not that a compensation entitlement exists.

WHAT IS NATURAL JUSTICE

Natural justice means that if any person that is potentially affected by a reconsideration provides information to Comcare that affects another person's interests, we need to release this information to that person and provide them with an opportunity to respond.

TYPES OF DECISIONS

A reviewable decision can do the following in relation to a determination under review:

- > affirm—the determination under review does not change;
- > vary—the determination under review is changed in some way
- > revoke—the determination under review is overturned and replaced with the reviewable decision.

EMAIL

Comcare provides the reviewable decision in writing and sends it via post. If you wish to have your reviewable decision emailed to you for quicker receipt, please provide your Review Officer with your email address either during the reconsideration process or when they advise you that your reconsideration has been completed.

WHAT HAPPENS AFTER THE RECONSIDERATION

If either a worker or the employer disagree with Comcare's reviewable decision, then either party may appeal to the Administrative Appeals Tribunal (AAT) by lodging an *Application for review*.

Your appeal must be lodged to the AAT within 60 days from the day the reviewable decision is received by you. We will provide details of your closest AAT registry in the reviewable decision.

CONTACTING COMCARE

You can call Comcare on 1300 366 979, email us at review.team@comcare.gov.au, or visit our website at www.comcare.gov.au