



Australian Government

Comcare

# EXPLANATION OF PERMANENT IMPAIRMENT PROVISIONS

Where an employee's injury results in permanent impairment, Comcare may be liable to pay compensation as a lump sum for the impairment and if applicable, non-economic loss.

In determining a claim for permanent impairment, we must consider whether the employee has an impairment. If they do, we must conclude whether it is permanent, and whether the degree of impairment is at least 10 per cent (or a loss of a finger (or use of one), a toe (or use of one), taste, smell or binaural hearing loss of 5 per cent).

Permanent means 'likely to continue indefinitely'. When determining whether the impairment is permanent, we have to consider the duration of the impairment, the likelihood of improvement in the condition, and whether all reasonable rehabilitative treatment has been undertaken by the employee and any other relevant matters.

The amount payable for permanent impairment and non-economic loss is determined after assessment against the *Guide to the assessment of the degree of permanent impairment* (the Guide). An electronic copy of the Guide is available at [www.comcare.gov.au](http://www.comcare.gov.au)

Division 1 of the Guide deals with the assessment of an employee's permanent impairment and Division 2 deals with the assessment for non-economic loss.

Non-economic loss is based on the 'lifestyle effects' of the permanent impairment including pain, suffering, the individual's mobility, enjoyment of recreation, leisure activities, social relationships and any other loss, including any loss of expectation of life.

## ASSESSING THE DEGREE OF PERMANENT IMPAIRMENT

Medical practitioners are reminded of the importance of an objective assessment, as opposed to a subjective assessment of the degree of impairment.

Impairment means 'the loss of use, or the damage or malfunction, of any part of the body, or of any bodily system of function, or part of such system or function'.

A medical practitioner will need to identify any impairment or impairments which result from the injury, and identify whether any of them are permanent.

In assessing the degree of impairment in accordance with the relevant table of the Guide, a medical practitioner should, where possible, attempt to isolate the effects of the injury to a particular body part, system or function from the effects of any pre-existing or degenerative condition to the same body part, system or function. For any impairment above the threshold percentage, the medical practitioner should determine the percentage of impairment.



## WHAT IF THERE ARE MULTIPLE IMPAIRMENTS RESULTING FROM ONE INJURY?

Where there are multiple impairments arising from the one injury, irrespective of whether those impairments are above or below the percentage threshold, the impairments must be combined in accordance with the Guide.

## WHAT IF THERE ARE SEPARATE INJURIES RESULTING IN SEPARATE IMPAIRMENTS?

When an employee suffers from multiple impairments as a result of more than one injury, a separate assessment of the degree of permanent impairment is needed for each compensable injury resulting in impairment. It is not possible to combine impairments from different injuries.

### Example one

An employee has a pre-existing degenerative condition, causing some impairment to the spine. The employee then suffers a workplace spinal injury. Based on medical records, it is possible to isolate the additional effects to the spine caused by the workplace injury from the pre-existing degenerative condition. Assessment of impairment is undertaken with reference to the further impairment caused by the workplace injury only.

### Example two

An employee has a physical injury arising from a workplace incident, which leads to the development of a psychological injury. Both injuries result in permanent impairment. An assessment of the degree of impairment will need to be undertaken for each injury. The assessments cannot be combined.

### Example three

An employee suffers a workplace injury to her right knee, resulting in permanent impairment. The employee later suffers a workplace injury to her left knee, resulting in the same level of permanent impairment as the impairment to her right knee. Each impairment must be assessed separately. The assessments cannot be combined.

## MORE INFORMATION

For more information, call 1300 366979 or visit [www.comcare.gov.au/claims](http://www.comcare.gov.au/claims)

## PRIVACY INFORMATION

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