

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2012-2013**

**Agency - Comcare**

**DEEWR Question No. EW0588\_13**

**Senator Wright provided in writing.**

**Question**

**Comcare amendments to Comcare leg**

Can Comcare confirm that the amendments to the Comcare legislation after *Canute v Comcare* mean that individuals who have received multiple injuries must have these assessed separately? Will individuals therefore be ineligible for compensation for a number of injuries with values less than 10% impairment, even if the sum of these injuries is significant? If so, does Comcare intend to alter the legislation, thus allowing individuals with separate injuries to be compensated if each individual injury is less than 10% but combined have a higher value?

**Answer**

Comcare has provided the following response:

The *Safety, Rehabilitation and Compensation 1988* (the SRC Act) has not been amended in response to a High Court decision, *Canute vs Comcare* [2006] HCA 47 (Canute).

The decision in *Canute* means that where a claimant suffers a number of injuries, each injury is assessed as a separate injury which individually must satisfy the required threshold of 10% degree of impairment.

On 24 July 2012, the Minister for Employment and Workplace Relations, the Hon Bill Shorten MP announced an independent review of the SRC Act). In its discussion paper, the review framed the following question: "Should permanent impairment compensation be calculated on the basis of "whole person" impairment by combining all impairments resulting from multiple injuries that arise from a single incident (for example, a motor vehicle accident or a fall)?"

Comcare's submission to the SRC Act provided that "Comcare would strongly support a new statutory approach to this issue which would see the level of permanent impairment viewed holistically, and not on the current artificial basis of assessing each injury in isolation". The SRC Act review is due to report to Government in February of 2013.