

# The Comcare Guides

**W**hen a Commonwealth employee suffers a compensable injury that results in a permanent impairment, the governing legislation requires the "Guide to the assessment of the degree of permanent impairment" to assess whether there is a minimum 10% whole person impairment before a lump sum is payable.

The "Guide" has not been revised since its inception in December, 1988 and has been criticised by the Federal court due to,

amongst other things, its ambiguous drafting. The latter may be due, in part, to the fact that Comcare was "indebted" to the American Medical Association's Guide when it produced it.

Since 1995, Comcare, the commission established to administer the governing Commonwealth compensation legislation, has sought to revise the Guide. Sparke Helmore and the Australian Government Solicitors were appointed to prepare a draft following consultation with the medical profession, liaising with relevant parties and having regard to judicial commentary regarding the "Guide".

In June, 1998 a "Working Draft" was released and circulated for comment to all relevant parties and organisations. Due to wide condemnation of the draft, Comcare has since referred the working draft back for amendments.

To date, there is no indication as to when the next draft is to be released. Perhaps the drafters are awaiting the 5th edition of the AMA Guides for "inspiration and guidance". Until then, the 1988 Guide still applies to assess permanent impairments. **PL**



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## ORTHOPAEDIC MEDICO-LEGAL ASSESSMENTS

### DR R. L. THOMSON & ASSOCIATES

Most personal injuries are orthopaedic in nature and our Practice has three Consultant Orthopaedic Surgeons and one Consultant General Surgeon.

The Practice also handles medical negligence/malpractice cases and Dr Thomson is a professional member of APLA, and also a member of the Medical Negligence/Malpractice Special Interest Group of APLA.

We also undertake file reviews.

The rooms are located at 3 Bruce Street, Crows Nest, Sydney, close to major railway stations, with ample car parking nearby, and there are also regular attendances at Parramatta, Newcastle and Wollongong.

*There is currently little waiting time, urgent assessments can be reported same or following day, and block bookings are available.*

**PHONE (02) 9959 5004** ENQUIRIES DR RON THOMSON – MEDICAL DIRECTOR **FAX (02) 9929 4592**

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