

Comcare

Made easy for CEPU members



RYAN
CARLISLE
THOMAS

LAWYERS

clients, not cases

Injured at work?

CEPU and Ryan Carlisle Thomas have prepared this brochure to ensure injured workers and their families understand their rights and get the best legal advice.

Commonwealth Government employees and employees of certain large national firms have their own special compensation scheme. It's called Comcare.

If you are injured in the course of your employment, you are almost certainly entitled to some level of compensation under Comcare.

Comcare can pay your normal wages while you recover from injury.

Medical and care expenses are usually paid for.

If you are permanently injured, you may also be eligible for a lump sum payment, either through Comcare, or by suing under Common Law.

In the event of death, the family of the deceased worker may also be eligible for compensation.

A good lawyer can make lodging a Comcare claim a relatively quick and inexpensive task and is essential to suing for damages under Common Law.

CEPU members are entitled to a free, no obligation consultation from the expert workplace injury lawyers at Ryan Carlisle Thomas.

What is Comcare?

Comcare is a compensation scheme run by the Federal Government.

You are covered if you are employed by a Commonwealth Government department, Australia Post or Telstra and if you are full-time, part-time, temporary or on probation. Employees of some large national firms are also covered by Comcare.

You are covered for injuries sustained:

- Whilst at work, even during an authorised recess. For injuries which occurred prior to 13th April 2007, authorised recesses are also covered even if the injury occurred away from work.
- During travel to and from work to an approved training course, to obtain medical treatment for an accepted injury and/or travel in the course of employment. If the date of injury is prior to 13th April 2007, travel to and from work is also covered.
- Training at an approved centre.

The families of deceased workers may also be eligible for compensation.

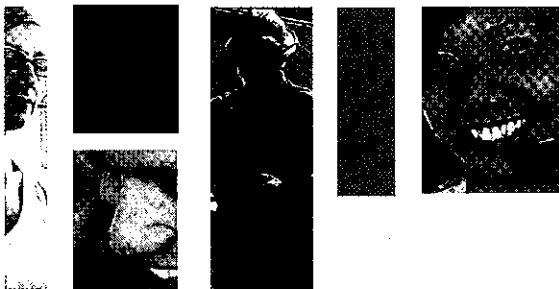
The role of your union

If you are injured, contact the CEPU. Your union will advise you about the management of your claim and, if necessary, refer you to a Ryan Carlisle Thomas lawyer for a free first interview.

Making a claim: a checklist

1. Report the injury

- You should report your accident/incident at the time the injury occurs. You should always submit an incident report to your supervisor, no matter how minor it may seem at the time.



2. Obtain a medical certificate from your doctor

- This should be given to your supervisor, or your lawyer, who will then attach it to your claim for forwarding to Comcare.

3. Lodge a Comcare claim

- Incident reports and claim forms are available from your supervisors. A Ryan Carlisle Thomas lawyer can help you ensure all the right steps are taken.

What are the benefits?

Compensation for death

In the event of death, the family and dependants of an employee covered by Comcare may be eligible for a compensation payout. The maximum compensation is \$212,026.74, regardless of the size of the family.

In addition, a weekly payment of \$70.65 per week per child is payable. Conditions apply.

Injury compensation

Injured workers may be eligible for the following compensation payments:

- Incapacitated for up to 45 weeks – 100% of your normal weekly earnings.
- Incapacitated for more than 45 weeks – 75% of normal weekly earnings.
- Partially incapacitated after 45 weeks – If you return to work but work fewer hours or at less pay, you can have a salary top-up of between 80 and 100%.
- All “reasonable” household and attendant care expenses are paid if you are incapacitated for longer than 28 days.
- All “reasonable” rehabilitation costs including medical, hospital and pharmaceutical are paid.
- Alterations to your residence, place of employment and care to help you lead a normal life may also be paid if you are permanently disabled.



Rehabilitation

If you are injured, your employer will help you devise a Rehabilitation and Return to Work Plan which is designed to re-introduce you to your workplace gradually. The plan is also meant to address any modifications that may have to be made to your workplace to make your job easier.

A rehabilitation plan must be developed at the written request of the worker.

Importantly, the plan must be agreed to by you, your doctor and your employer. If you are worried about your plan or if your employer breaches the plan, you should contact the CEPU immediately.

Permanent disability and lump sum claims

If you are permanently injured, you may be eligible for a lump sum payment. You can pursue a lump sum through your employer (via Comcare) or through the courts (Common Law) even if you are already being paid other benefits.

1. Comcare lump sum claims

- If your injury results in permanent impairment, you may file for a lump sum under Comcare. Importantly, you must pass a 10% impairment threshold.
- The maximum total lump sum payout is \$194,000 (subject to periodic indexation). These are "no fault" payments.

2. Common Law lump sum claims

- If you are injured or a family member has died because of employer negligence, you are entitled to sue for damages. A Common Law claim may only be pursued if there is a permanent impairment of at least 10% or a death. Common Law lump sums may be bigger than Comcare payments, but they can only be pursued if the employer was negligent.

Can I appeal?

You may appeal if:

- All or part of your claim is rejected;
- Compensation payments or payment of medical and other expenses cease; or
- Payments are suspended after a breach of or disagreement about the Return to Work Plan.

It is vital that you contact the CEPU or your Ryan Carlisle Thomas lawyer as appeals must be lodged within 30 days of the Comcare decision. You may be asked to provide witnesses and documentation to support your claim, so keep a diary and all relevant paperwork.

Legal services for CEPU members

As a CEPU member you are entitled to a free initial consultation on any legal matter with the union's lawyers Ryan Carlisle Thomas.

You can access "no fee 'til you win" arrangements for injury compensation cases. Other party's costs and some out of pocket expenses may apply, however, Ryan Carlisle Thomas will pay for medical reports to support your claim.

After-hours consultations are available to CEPU members by arrangement on any legal matter at Dandenong and Geelong.

You can also call our toll free injury line on **1300 366 441**



CEPU – your union

Your union is your best protection in the workplace. CEPU will assist you in your workers' compensation claim. Should that claim be disputed, CEPU will refer you to an appropriate Ryan Carlisle Thomas legal expert.

CEPU Telecommunications & Services Branch, Victoria

Level 1, 139 Queensberry St
 Carlton South 3053
 Tel: (03) 9349 4411
 Fax: (03) 9349 3488
 Email: cdtsvic@victs.cepun.asn.au
 Home page: www.cepun.asn.au

Branch officials and organisers



Len Cooper,
 Branch Secretary
 0438 389 302



John Ellery,
 Assistant Secretary
 0419 823 580



Comprehensive legal services

Ryan Carlisle Thomas and our regional partner Stringer Clark have more than 160 staff across 17 locations throughout Victoria. In addition to Comcare services we offer legal advice on:

Personal injuries

Compensation claims for financial loss, pain and suffering resulting from exposure to asbestos, tobacco and other toxic substances, accidents, medical negligence, defective products and wrongful death.

Motor vehicle injuries

Claims for loss of earnings, medical expenses and permanent disabilities, and damages for serious injuries caused by a motor vehicle, train or tram.

Criminal law

Defence of charges in police and traffic matters, and appearances in criminal courts.

Family law

Applications for divorce, maintenance, custody, access and restraint orders, division of property in matrimonial and de-facto relationships and separate representation of children.

Employment

Claims for unfair and wrongful dismissal, award breaches and under-payment of wages and advice on contracts of employment.

Sexual/physical abuse

Compensation claims for victims abused by an individual or through contact with an organisation (e.g. church, school, residential institution).

Military compensation

Compensation claims for members of the armed forces and Reservists.

Anti-discrimination and equal opportunity claims

Sexual harassment and discrimination on grounds such as age, race, religion, sex, sexual orientation and disability.

Superannuation

Advice on termination and retirement entitlements, claims for disability benefits and Superannuation Complaints Tribunal applications.

Wills and probate

Preparation of Wills, administration of deceased estates and obtaining grants of probate and letters of administration.

Conveyancing

Sale and purchase of houses and land. Section 32 vendor's statements.

Migration law

Immigration and refugee applications and appeals, student visas and family reunions.

July 2007

Our network of offices

In 2007 Ryan Carlisle Thomas joined forces with leading regional law firm Stringer Clark to create Victoria's biggest network of legal services. With offices in 17 metropolitan and regional locations, plus affiliates in Beechworth, Bendigo, Bright, Mildura, Mt Beauty, Myrtleford, Shepparton, Warrigal and Wodonga, Ryan Carlisle Thomas can provide expert local service to clients throughout Victoria.

Ryan Carlisle Thomas offices:

Ballarat

29 Lydiard St Sth
Tel: 5331 7898
Fax: 5332 1810
ballarat@rct-law.com.au

Dandenong

41 Robinson St
Tel: 9238 7878
Fax: 9238 7888
dandenong@rct-law.com.au

Melbourne

Level 30, 80 Collins St
Tel: 9240 1414
Fax: 9240 1444
melbourne@rct-law.com.au

Pakenham

114 Main St
Tel: 5941 5722
Fax: 5941 5733
pakenham@rct-law.com.au

Bayswater

Unit 11, 653 Mountain Hwy
Tel: 9720 9311
Fax: 9720 9225
bayswater@rct-law.com.au

Frankston

Level 2, 108-120 Young St
Tel: 9770 0544
Fax: 9238 7888
frankston@rct-law.com.au

Melbourne

Level 4, 540 Elizabeth St
Tel: 9342 0100
Fax: 9349 4383
anf@rct-law.com.au

Werribee

67 Watton St
Tel: 9731 0811
Fax: 9731 0822
werribee@rct-law.com.au

Cranbourne

98A High St
Tel: 5996 8788
Fax: 5996 8811
cranbourne@rct-law.com.au

Geelong

127 Myers St
Tel: 5221 6266
Fax: 5223 1905
geelong@rct-law.com.au

Melton

112 McKenzie St
Tel: 9747 6822
Fax: 9731 0822
melton@rct-law.com.au

Stringer Clark offices:

Ararat

165 Barkly St
Tel: 5352 1866
Fax: 5352 1863

Colac

13 Murray St
Tel: 5231 6955
Fax: 5231 6266

Hamilton

44 Brown St
Tel: 5571 2528
Fax: 5571 2531

Horsham

157 Bailey St
Tel: 5382 2430

Portland

10 Henty St
Tel: 5523 1288
Fax: 5523 5778

Warrnambool

179 Koroit St
Tel: 5562 5733
Fax: 5562 8817

Client advice line: 1300 366 441

www.rct-law.com.au