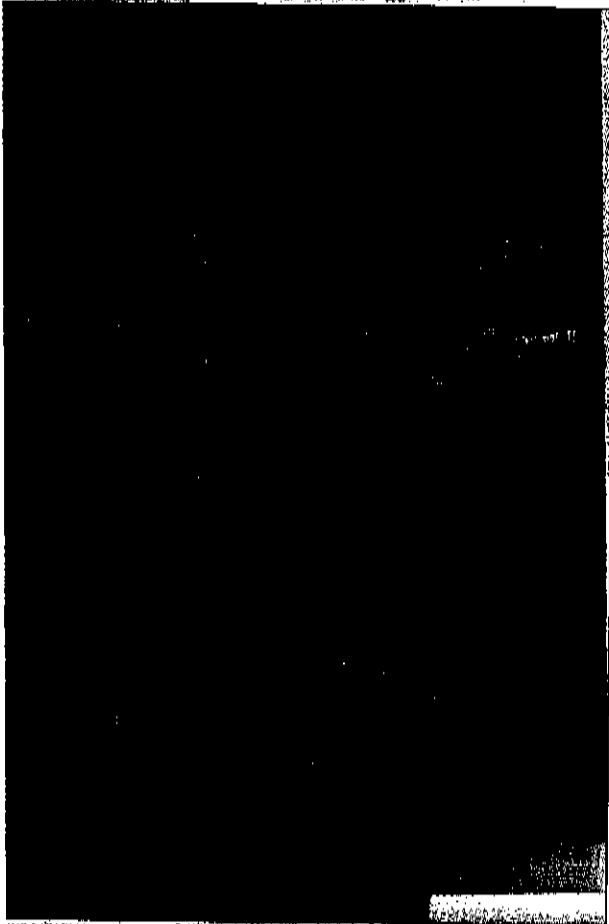


the Queen



Gallery on Thursday. Photo: MELISSA ADAMS

Comcare fails to get payout reduced

By Michael Inman
Court reporter

A former police officer who says his work induced a mental disorder has had an appeal against the level of compensation he receives thrown out.

The Federal Court on Thursday dismissed Comcare's application to have David O'Connell's entitlements downgraded. It is the third appeal Comcare has lost concerning its guide to the assessment of permanent impairment.

Mr O'Connell was diagnosed with post-traumatic stress disorder as a result of his exposure to distressing events while working in the police force.

Mr O'Connell said his condition was so severe that he had been unable to work since 2002, his marriage failed and he struggled to cope with daily living activities most people take for granted.

Comcare accepted his claim for compensation, but judged he only met the minimum 10 per cent whole person impairment level.

Mr O'Connell took the matter to the Administrative Appeals Tribunal in 2011, which overturned Comcare's decision and increased his compensation.

Comcare appealed that decision

to the Federal Court, which on Thursday rejected the application.

Justice Jayne Jagot found Comcare's appeal lacked "any valid basis".

The judge found the appeal was based on a series of misconceptions and ignored the reasoning behind the tribunal's decision.

Mr O'Connell's lawyer, Daniel Steiner, said Comcare's guide to assessing permanent impairment should be rewritten so as to be fairer to injured workers.

"The current guide was drafted exclusively by Comcare and people whose interests are aligned with [the workplace insurer] for the purpose of reducing the cost of claims," Mr Steiner said.

"The cause of this increase in litigation [against Comcare] is undoubtedly the biased and restrictive criteria contained in the guide which is used by Comcare to assess permanent impairment and which is compounded by Comcare's restrictive interpretation of the guide.

"As a result, all that has happened is that the guide has been criticised by the courts at huge expense to the taxpayer and, at the same time, genuinely impaired people are being left without proper compensation to rebuild their lives after what is often catastrophic injury."

AR PARK EVENT THIS WEEKEND!

MASSIVE

CHANGE OF POTS

WHEN THEY'RE GONE THEY'RE GONE