



Australian Government

Comcare

# NOTES TO ASSIST COMPLETION OF PERMANENT IMPAIRMENT APPLICATION FORM

To help us determine your claim for compensation for permanent impairment (PI) and non-economic loss (NEL) for your compensable conditions, we invite you to complete the *Compensation claim for permanent impairment and non-economic loss—form and checklist* (PI and NEL Claim Form).

These notes will help you complete the form, and will explain the concepts of PI and NEL and the process under which we will assess your claim for statutory benefits under sections 24 (permanent impairment) and 27 (non-economic loss) of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

## THE CLAIM FORM

**Part A** of the PI and NEL Claim Form asks for your details so that we can:

- > relate your PI and NEL claim to an existing and accepted claim for compensation
- > clarify the body part(s) or system(s) you are claiming a PI benefit for
- > check whether you have previously received a PI and NEL or insurance award for the same matter.

**Part B** of the PI and NEL Claim Form lets your treating medical practitioner give us their diagnosis, opinion and assessment of the PI component of your claim.

**Part C** of the PI and NEL Claim Form lets you and your treating doctor or specialist enter scores and provide comments against the non-economic loss questionnaire sections of pain, suffering, loss of amenities, mobility, social relationships, recreational and leisure activities, and other losses.

**Part D—Declaration and Medical Release Authority** asks you to sign and date a declaration and consent to release information. The 'More information' section below provides more details.

**Part E—Treating and examining practitioner/specialist's assessment of loss of life expectancy** asks your treating practitioner to complete this section.



## RECEIPT OF CLAIM FORM

Before you send us your PI and NEL Claim Form, please use the Checklist at the end of the form to ensure all relevant sections have been completed and you have signed and dated the declaration and release at Part D.

When we receive your form, your Claims Manager may need to obtain further medical or specialist opinion to make an assessment. You may be asked to attend an examination by a medical practitioner who is considered appropriate in making PI and NEL assessments under the SRC Act.

Your Claims Manager will contact you and confirm receipt of your claim form, discuss whether an examination with a medical practitioner will be arranged, and advise you of the expected timeframes involved in the assessment process.

If, following the assessment, compensation would be payable under sections 24 (PI), 25 (an interim payment of PI) or 27 (NEL) of the Act, we will advise you of this and the options you may wish to consider (see below).

## ALTERNATIVE ACTION FOR DAMAGES

When you are advised that PI and NEL is payable, you have the right to decline the payment and instead take your own legal action for damages for non-economic loss against the Commonwealth or your Commonwealth Authority employer or another employee. Any such action will need to be formalised in writing to us [using this form](#).

An election to take action for damages is irrevocable. Therefore, we strongly recommend you do not make an election unless you have sought legal advice.

Note that the maximum award amount payable under an action for damages is capped at \$110 000.

You should also note that a PI and NEL payment under the SRC Act, or an award received following an action for damages, does not affect any ongoing eligibility for benefits such as rehabilitation, medical treatment and weekly incapacity payments.

## ACCEPTING A PI AND NEL AWARD

If you do not elect to take action for damages, we will formalise our assessment by making payment of the determined PI and NEL amount. We will notify you in writing about the terms of the decision and the reasons for it. We will also provide a statement saying that if you are dissatisfied with the decision, you can ask for it to be reconsidered.

If your level of impairment is not yet stable, but is over 10 per cent whole person impairment, we can make an interim PI award determination (which would also be subject to the same decision notice terms outlined above). When your impairment is considered stable at a later date, a final assessment of PI award can then be made, in addition to the NEL assessment.

## MEDICARE REQUIREMENTS

Medicare administers the Compensation Recovery Program and is responsible on behalf of the Australian Government for recovering the medical benefits paid to a claimant for a condition in circumstances where the claimant is entitled to recover compensation for that same condition.

Comcare needs to inform Medicare of any permanent impairment application, even if you have not claimed any treatments from Medicare that relate to your compensable condition. If you are entitled to more than \$5,000, Comcare would be required to first reimburse Medicare any benefits that Medicare has paid you for the treatment of the injury or disease.

**Comcare is also required to deduct the amount payable to Medicare from your entitlement.**