



Australian Government

Comcare

You are strongly advised not to sign this form unless you fully understand what it means and you have sought legal advice.

SECTION 45 ELECTION FORM

ELECTION TO INSTITUTE AN ACTION OR PROCEEDING FOR DAMAGES FOR NON-ECONOMIC LOSS

Note: this is an alternative to receiving compensation payments for permanent impairment and non-economic loss under sections 24, 25 and 27 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

I (Insert your full name)

of (Insert your full home address)

elect to institute an action or proceeding against the Commonwealth
(By this election you may sue your employer or another employee—if the Commonwealth is not your employer but you are employed by a Commonwealth authority, substitute the name of the authority)

and/or
(If you are electing to sue another employee, substitute the name of the employee you want to sue)

for damages for non-economic loss in respect of the injury suffered by me on or about / / (Insert the date you suffered your injury)

and which relates to Comcare claim reference number / (Insert Comcare claim reference number)

I understand, in making this election, I will lose my rights to receive compensation for permanent impairment and non-economic loss under sections 24, 25 and 27 of the SRC Act.

I also understand:

- > that I cannot change or withdraw this election—once submitted it can not be revoked
- > the SRC Act limits any damages for non-economic loss to a maximum of \$110 000
- > making false or misleading statements in support of this claim is punishable by law under the *Criminal Code Act 1995*, and in doing so, I may be liable for prosecution.

Signature Date / /

You should only complete and forward this form to Comcare if you have decided to sue your employer or another employee instead of receiving compensation under the SRC Act for permanent impairment and non-economic loss.

PRIVACY INFORMATION

Your privacy is important to us. For information about how we handle your personal information, please visit www.comcare.gov.au/privacy or contact us on 1300 366 979 and request a copy of our Privacy Policy.