



Australian Government

Comcare

# INFORMATION FOR INJURED WORKERS— PERMANENT IMPAIRMENT (PI)

## SHOULD I APPLY FOR PERMANENT IMPAIRMENT UNDER THE *SAFETY, REHABILITATION AND COMPENSATION ACT 1988* (SRC ACT)?

At Comcare, all permanent impairment (PI) claims are managed by a team of Impairment Assessment Officers who specialise in managing these claims. Any injured worker can apply for a PI benefit, but for the claim to be successful you need to satisfy the assessment criteria that are discussed in detail in this fact sheet.

The purpose of this fact sheet is to help you and/or your representative understand the initial investigation process and make a well-informed decision before submitting an application for a PI award.

All the assessment criteria below need to be satisfied before a PI benefit can be paid:

1. Is there an impairment (as defined in the SRC Act)?
2. Is it permanent? In other words, have you undertaken all reasonable medical treatment and is your impairment likely to continue indefinitely?
3. Can the PI be assessed under the *Guide to the Assessment of the Degree of Permanent Impairment* (the Comcare Guide)? An electronic copy of the Guide is available at [www.comcare.gov.au](http://www.comcare.gov.au). In other words, is there a relevant table under the Comcare Guide? If not, is there a table under the *American Medical Association Guide Edition 5* (AMA 5) that deals with the type of impairment?
4. Does the permanent impairment meet the threshold of 10 per cent? In other words, as assessed under the criteria in the relevant table of the Comcare Guide, is there a 10 per cent or more PI?
5. Have you already been paid a PI benefit for the condition claimed?

These criteria are explained in more detail below.

### 1. Is there an impairment?

'Impairment' is defined under the SRC Act as a loss, loss of use, or the damage or malfunction of any part of the body or of any bodily system or function, or part of such system or function.

If your treating doctor or specialist is of the view that your work-related injury or disease results in an impairment as defined above, you may satisfy this criteria.

### 2. Is it permanent?

To consider whether your condition is permanent, a Comcare Impairment Assessment Officer will consider the medical evidence available on file, such as any specialist medical reports indicating that your work-related condition is now stabilised at the level of impairment indefinitely.

If your doctor or specialist recommends that you undertake any surgical procedures and/or treatment with an expected outcome of a reduced level of impairment, your impairment is not considered to be permanent. You should delay the submission of your PI claim to allow time for you to undertake the surgery/treatment and for convalescence. Your doctor or specialist should be able to advise you of the best time to submit your PI claim when your condition has stabilised at the maximum possible level of improvement.

### 3. Is there a PI assessable under the Comcare Guide or AMA 5?

If the Comcare Guide does not have a table that is applicable to your type of impairment, the impairment may be assessable under the American Medical Association Guide 5 (AMA 5). If there is no table under AMA 5 that applies to your impairment, then we cannot assess it. Therefore you are not eligible for PI benefit.

### 4. Does the permanent impairment meet the threshold of 10 per cent?

Using the Comcare Guide or AMA 5 as described above, you need to satisfy a 10 per cent level of PI to be eligible for PI benefit. The assessment can only be made by a medical expert who has reviewed your condition and performed any tests required to ascertain the percentage of impairment.

There are a few exceptions to this rule—there is no threshold for loss of a finger or toe, or loss of sense of taste or smell. If your work-related injury has resulted in an impairment to your finger or toe then you are eligible for a PI benefit assessed under the Comcare Guide or AMA 5.

The other exception is a hearing loss claim, where the threshold applicable since 1 October 2001 is a five per cent binaural (involving both ears) hearing loss. In the case of hearing loss, which can result from prolonged exposure to noise, the Impairment Assessment Officer will consider the number of years you were exposed to noise in Commonwealth and non-Commonwealth related employment as at the date the condition became permanent.

- > The percentage threshold applicable is guided by the last date of exposure to noise in Commonwealth employment, which is considered to be the date your condition became permanent. Depending on this date, the Impairment Assessment Officer will determine the threshold applicable to you.
- > If your condition was permanent before 1 December 1988, any percentage of hearing loss is compensable under the *Compensation (Commonwealth Employees) Act 1971*. Under that Act, the percentage loss is assessed under the 'Table of Maims'.
- > If your condition was permanent after 1 December 1988 and before 1 October 2001, you would need to have binaural hearing loss of 20 per cent to be eligible for a PI benefit.
- > If your condition was permanent after 1 October 2001 you must have five per cent binaural hearing loss to be eligible for PI benefit.

### 5. Have you already been paid a previous PI benefit?

Under the assessment criteria, the Impairment Assessment Officer needs to establish whether you have already been paid lump sum compensation under the SRC Act or previous enactments.

Where you have previously been paid a PI benefit under the SRC Act, you need to have a further 10 per cent or greater level of impairment to be eligible for a further PI benefit. The additional 10 per cent must be assessable under the Comcare Guide or AMA 5.

- > For example, where you have already been paid PI benefit under the SRC Act: if you suffered an impairment of the knee, the applicable table in the Comcare Guide is Table 9.3 and the maximum percentage impairment is 27 per cent. If you have already been compensated for a 20 per cent PI, you will not be eligible for further PI benefit under the SRC Act because you can only be assessed with a further impairment of seven per cent, not the required 10.

If you have already been paid a lump sum under a previous enactment, the transitional provisions under section 124 of the SRC Act apply. The effect of those provisions is that you are not eligible for a further PI benefit.

## WHAT IS YOUR ENTITLEMENT?

Where there is sufficient medical evidence to satisfy the above criteria, you can make an application to Comcare using the form given below. Your eligibility for a PI benefit under section 24 of the SRC Act for 'permanent impairment' needs to be assessed by an Impairment Assessment Officer based on the five key elements described above. If you are eligible for compensation under the section 24 award, you will automatically be entitled to receive a further lump sum for non-economic loss under section 27 of the SRC Act. The term 'non-economic loss' covers the effects of the work-related condition on your daily life under the categories of pain, suffering, mobility, social relationships, recreation and other loss.

Under the Non-economic loss questionnaire, you are required to self-assess each component by providing a score between zero and five for each category. You are also required to give examples to substantiate your scores and your treating doctor or specialist needs to make comments relating to your scores. The completed questionnaire should be submitted to Comcare for assessment together with your PI application form.

A request for a PI lump-sum benefit should be made by completing a *Compensation claim for permanent impairment and non-economic loss—form and checklist*.

When we receive your PI claim we will register it and send you an acknowledgement letter that will also provide the name of the Impairment Assessment Officer assigned to your case. The Impairment Assessment Officer will contact you to discuss your claim. Please note that your Claims Services Officer (CSO) continues to manage all other aspects of your compensation claim. The Impairment Assessment Officer will liaise regularly with your CSO.

## AM I ENTITLED TO AN INTERIM PERMANENT IMPAIRMENT LUMP SUM?

Under section 25 of the SRC Act, if your Impairment Assessment Officer is satisfied that your permanent impairment is 10 per cent or more but has not made a final determination of the degree of impairment (for instance, because your doctor/specialist indicates your impairment is likely to get worse), you should discuss the possibility of an interim payment of compensation with the officer, based on the evidence at hand at the time.

Please note:

- > the assessment criteria 1 to 5 described above, including the threshold requirement, must be satisfied before Comcare will make an interim payment of compensation
- > no amount is payable under section 27 of the SRC Act for non-economic loss at the time interim compensation is paid
- > once your impairment is considered to be stable and a final assessment can be made, the Impairment Assessment Officer can make a determination of the final amount of PI benefit and can also assess the non-economic loss component under section 27.

Asbestos and Lump Sum team  
Comcare