



TRANSPORT  
ACCIDENT  
COMMISSION



## TAC impairment benefit

# Understanding impairment

Impairment is a permanent **physical** or **psychological** condition caused by your transport accident injuries.

## Examples of injuries which may lead to a permanent impairment:

- ✓ A brain injury
- ✓ A spinal cord injury
- ✓ A restricted shoulder movement
- ✓ A psychological condition which is permanent

## Examples of injuries that would not usually lead to a permanent impairment:

- ✗ A broken leg that heals after treatment
- ✗ A whiplash injury that improves
- ✗ Pain and suffering caused by injury

It is important to remember that as you go through the impairment process your TAC lump sum coordinator will support you every step of the way. For information on the role of your lump sum coordinator, please go to page 6.

## Measuring impairment

Your injuries must be stable, for example not expected to change over time due to surgery, before your impairment can be assessed.

Specially trained doctors measure how and to what degree, each injury affects your function or movement.

These doctors will assess each injury for function and range of motion and give you a percentage rating that reflects your level of impairment. This percentage rating is then given to the TAC to assess your eligibility for an impairment benefit.

When assessing impairment the TAC must follow Victorian legislation called the *Transport Accident Act 1986* (the Act). The Act sets out who is eligible for impairment benefits, how and when the TAC must conduct assessments and when and how much the TAC can pay.

## The impairment benefit

An impairment benefit is a modest one-off lump sum payment made to you if your impairment is assessed at 11% or more. This payment is made **in addition** to the benefits you receive from the TAC, such as payment of medical services and income support.

The impairment benefit will only cover impairment arising from injuries sustained in a transport accident. For a step-by-step guide to the impairment process, please go to page 3.

## What is the difference between an impairment benefit and common law damages?

If your level of impairment is assessed at 11% or more you are entitled to an impairment benefit, irrespective of who was at fault in the transport accident. To be eligible for common law damages you must prove another party was at fault and your injuries must reach an impairment rating of 30% or more, or be deemed a 'serious injury' as defined by the Act.

If you believe that you meet the common law criteria, it is important that you seek legal advice and pursue common law damages within six years of your transport accident.

For more information about common law damages, please call the TAC Customer Service Centre on 1300 654 329.

# A step-by-step guide to impairment

## STEP 1:

### Starting the impairment process

If you are likely to be eligible for an impairment benefit, the TAC will contact you to advise what you need to do.

If you think you may be eligible for an impairment benefit, you or your solicitor can also get the process started by writing to the TAC.

If your accident occurred on or after 20 October 2010, the TAC must consider any claim for an impairment benefit within six years.

## STEP 4:

### Assessing impairment

The TAC uses reports from the independent doctors to calculate your impairment rating.

The impairment percentages from your different injuries are combined using a prescribed mathematical formula to arrive at a total score.

Your lump sum coordinator will write to you explaining the result.

Adults assessed as having an impairment of 11% or more will receive a one-off lump sum payment.

## STEP 2:

### Obtaining information

Your lump sum coordinator or solicitor will gather the necessary medical information about your injuries, treatment and progress from the doctors who have treated you. The TAC will also obtain records from any hospital you attended during the course of your treatment.

## STEP 5:

### Making the payment

Your lump sum coordinator will make the payment to you via EFT or cheque.

If you are unable to manage your own finances, an administrator may need to be appointed.

## STEP 3:

### Attending medical examinations

Your lump sum coordinator may arrange for you to attend medical examinations with independent doctors who are specially trained in how to assess impairment. The doctors use guidelines that are prescribed by law to assess your injuries.

You may be asked to attend a number of different medical examinations as each doctor specialises in a different field.



## When would you qualify for an impairment benefit?

- ✓ When your level of impairment is assessed at 11% or more
- ✓ When you are 18 or older (for information about impairment benefits for children, please go to page 7)
- ✓ When your injuries are stable

## What is not relevant when assessing impairment?

- ✗ Pain and suffering
- ✗ Impacts to lifestyle, such as whether you can still play golf or do housework
- ✗ Whether the accident was your fault
- ✗ Whether you are working

### Barry's Story

Barry was the driver of a vehicle in a head-on collision. As a result of the accident he had a head injury, a broken wrist and a fractured pelvis. Barry had various operations on his pelvis and wrist to help heal the fractures.

Barry was having memory problems as well as difficulty moving his wrist following the accident. He was also seeing a counsellor to help him with psychological difficulties he was having as a result of the accident.



After gathering medical information about Barry's injuries, the TAC asked Barry to attend medical examinations with an orthopaedic surgeon to assess his wrist and pelvis impairment. He also had to attend medical examinations with a neurologist, neuropsychologist and psychiatrist to assess the head injury and his psychological reaction to the accident.

The orthopaedic surgeon found that Barry's pelvis had healed fully with no permanent impairment. An impairment rating of 3% was allowed for the wrist because of restrictions in movement. The neurologist found that Barry had an impairment of 5% for his head injury due to ongoing memory problems. He used the report from the neuropsychologist to help reach this conclusion. The psychiatrist found that Barry had a 4% impairment from ongoing psychological difficulties following the accident.

Barry's lump sum coordinator reviewed this information along with all of the information on his file and using the prescribed mathematical formula determined that Barry's whole person impairment combined to a rating of 12%. This resulted in Barry receiving a lump sum payment of \$8,300\*.

For more information about the lump sum payments available, refer to the TAC website [www.tac.vic.gov.au](http://www.tac.vic.gov.au)

\*This amount is indexed every year on 1 July according to CPI.

## Are individual circumstances considered when assessing impairment?

No. Injuries are assessed in the same way, irrespective of your circumstances. For example, whether you are 18 or 80, male or female, the loss of an eye has the same impairment percentage of 24%. This also means the lump sum payment is the same in spite of how the accident may have affected your lifestyle. For example, a 30 year-old professional golfer who can no longer play golf will receive the same lump sum payment as a 75 year-old retiree.

## How long will it take?

The impairment process can take time, generally up to 18 months. This is because:

- You may need to wait until your injuries stabilise
- You may need to attend more than one examination
- There may be a waiting time to see the doctor
- It may take time for the TAC to receive medical information

## What to expect at the medical examination

The doctor may ask you questions about your medical history. Depending on your type of injury, the doctor may undertake a physical examination. The examination may last anywhere from a half hour to more than an hour, depending on the injury or condition.

Don't be concerned if you're not asked certain questions about your injuries, or asked to provide information, as most examinations are strictly clinical assessments of your injuries. It's important to remember that the examination will be very different to a visit to your family doctor or medical specialist and any issues you have about your injuries can be discussed with your regular doctor.

## Where are the medical examinations?

Most of the independent doctors practise in Melbourne.



# Working together

## The role of your TAC lump sum coordinator

- Provides information to help you understand the impairment process
- Informs you when the TAC obtains your medical information and keeps you updated about the progress of your impairment claim
- Discusses the medical examination process with you and arranges your examinations
- Assesses the medical reports received from specialist impairment doctors
- Pays your lump sum benefit to you if your impairment is assessed at 11% or more

## Your role

- Complete and return forms to your lump sum coordinator
- Provide any information your lump sum coordinator requests from you as soon as possible
- Attend medical examinations arranged for you
- Keep us updated if your personal details change
- Call your lump sum coordinator if you have any questions about your impairment claim and the impairment benefit

## Lisa's Story

Lisa was a pedestrian who had a broken leg and a sore neck after being knocked over by a car.

Lisa wore a soft collar on her neck for six weeks after the accident and had two months of physiotherapy.

Lisa's neck is sometimes stiff. Lisa's leg went on to heal but still gives her some pain in cold weather.

Based on medical information obtained by the TAC Lisa's injuries were unlikely to rate 11% or more.

The TAC did not send Lisa to medical examinations as it was unlikely that she would qualify for an impairment benefit.





The TAC has a strict privacy policy which regulates how we manage your personal and health information.

### Impairment benefits for children

Children under 18 who are not employed may be assessed for impairment. If their impairment is assessed at 11% or more a modest weekly benefit will be paid to the parents or guardian until the child turns 18. For example, if a minor's impairment is determined at 11%, a weekly payment of \$18.26\* will be paid. This benefit is called a 'Minor's Additional Benefit' and can be paid from 18 months after the transport accident. The TAC will determine the child's eligibility for a lump sum payment when they turn 18.

\*This amount is indexed every year on 1 July according to CPI.

### Protecting your privacy

The TAC understands and respects that your privacy is important. The TAC follows privacy legislation and has a strict privacy policy which regulates how we manage your personal and health information.

For more information, call the TAC and ask for a copy of the brochure *Your privacy and the TAC* or visit the TAC website at [www.tac.vic.gov.au](http://www.tac.vic.gov.au).

## Contact us

### Telephone

8.30am to 5.30pm, Monday to Friday

**1300 654 329** (local call)

**1800 332 556** (toll-free outside  
the Melbourne metropolitan area)

### Address

60 Brougham Street  
Geelong VIC 3220

### Mailing address

TAC  
PO Box 2751  
Melbourne VIC 3001

### Website

[www.tac.vic.gov.au](http://www.tac.vic.gov.au)

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**For information about the TAC in your own language, call one of the numbers listed here**

العربية 1300 138 639	Tiếng Việt 1300 139 074	Ελληνικά 1300 138 642	English 1300 139 076
廣東話 1300 138 640	Italiano 1300 138 643	Türkçe 1300 139 073	All other languages 1300 139 075
Polski 1300 139 072	普通话 1300 139 071	Hrvatski 1300 138 641	