



Transport
Accident
Commission

TAC impairment benefits



TAC impairment benefits

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A one-off lump sum payment is available to you if:

- You have a permanent physical condition, or
- A permanent psychological condition caused by your transport accident.

The TAC can make this payment if you have an impairment assessed at 11% or more.

This payment is to compensate you for a permanent loss of function and movement.

The impairment benefit doesn't affect your entitlement to other benefits and payments. This could be things like medical services, income support or common law compensation.

The TAC can assess unemployed children under the age of 18 for impairment.

If we assess the child at 11% or more impairment, we can pay a modest weekly benefit to the parents or guardian. We can pay this until the child turns 18 years. We call this benefit a 'Minors Additional Benefit'. We can pay it from 18 months after the transport accident.

The TAC will determine the minor's eligibility for a lump sum payment when they are aged 18 years.



Understanding the term ‘impairment’

Impairment is:

- A permanent physical condition, or
- A permanent psychological condition caused by your transport accident injuries.

Examples of injuries which may lead to a permanent impairment:

- A brain injury
- A fused joint
- A spinal cord injury
- Restricted shoulder movement
- A psychological condition which is permanent

You can read a case study about impairment on page 5.

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

- A broken leg that heals after treatment
- A whiplash or muscle strain that gets better
- Pain and suffering caused by injury

You can read a case study about what isn't impairment on page 7.

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

How impairment is measured

Before a doctor can measure your impairment, your injuries must be considered stable. This means they are not expected to change over time due to surgery.

When your injuries have stabilised, specially trained doctors test your injuries for function and range of motion. They measure this against what is in the normal range for most people. The doctor gives each injury a percentage rating, based on the level of impairment. The doctor will give the percentage rating to the TAC so we can assess your eligibility for an impairment benefit.

When we assess impairment we 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.

A step-by-step guide to impairment

Before the TAC can make a decision about impairment, your injuries must be stable.

The assessment process can take time, in some cases up to 18 months. This is because:

- You may need to attend more than one examination
- There may be waiting time to see a medical specialist for a specific injury
- It may take time for the TAC to receive the medical information we need to make a decision, or
- Because your injuries are not stable and are expected to change over time.

Step 1

Starting the impairment process

If you are likely to be eligible for an impairment benefit, the TAC will contact you to start the impairment process.

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 you have a solicitor, the steps in the impairment process may be different. For more information, visit tac.vic.gov.au/protocols

Step 2

Getting information

Your TAC Impairment benefits coordinator will gather the necessary information about your injuries. They will also get information about your treatment and progress from the doctors and hospitals that have treated you.

If you have a solicitor, they will gather the necessary information and submit it to the TAC.

Step 3

Attending medical examinations

If your injuries are:

- Stable, and
- Likely to be assessed at 11% or more.

Your TAC Impairment benefits coordinator may arrange for you to attend medical examinations. Independent doctors trained in how to assess impairment will use legal guidelines to assess your injuries.

We may ask you to attend some different medical examinations as each doctor specialises in a different field. If you have a solicitor, the TAC will work with them to make sure you only need to attend one set of examinations. We call this the Joint Medical Examinations process.

Step 4

How we assess your impairment

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

We combine the impairment percentages from your different injuries to arrive at a total score. We use a prescribed mathematical formula to do this.

Your Impairment benefits coordinator will write to you and explain the result.

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

For example, if you receive an impairment rating of 15% you will receive a payment of \$14,550*.

A full list of impairment payments is available on the TAC website.

* The TAC updates impairment benefit amounts each year on 1 July.

Step 5

Making the payment

Your Impairment benefits coordinator will make the payment to you via EFT or cheque.

If you are unable to manage your finances, an administrator may be appointed if you do not have one.



Barry's story

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

Barry was having memory problems as well as difficulty moving his wrist after his accident. He saw a counsellor for help with the psychological difficulties he had because of the accident.

The TAC gathered medical information about Barry's injuries. We then asked Barry to attend medical examinations with an orthopaedic surgeon to assess his wrist and pelvis impairment. Barry also went to a medical examination with a neurologist, neuropsychologist and psychiatrist. They assessed Barry's head injury and his psychological reaction to the accident.

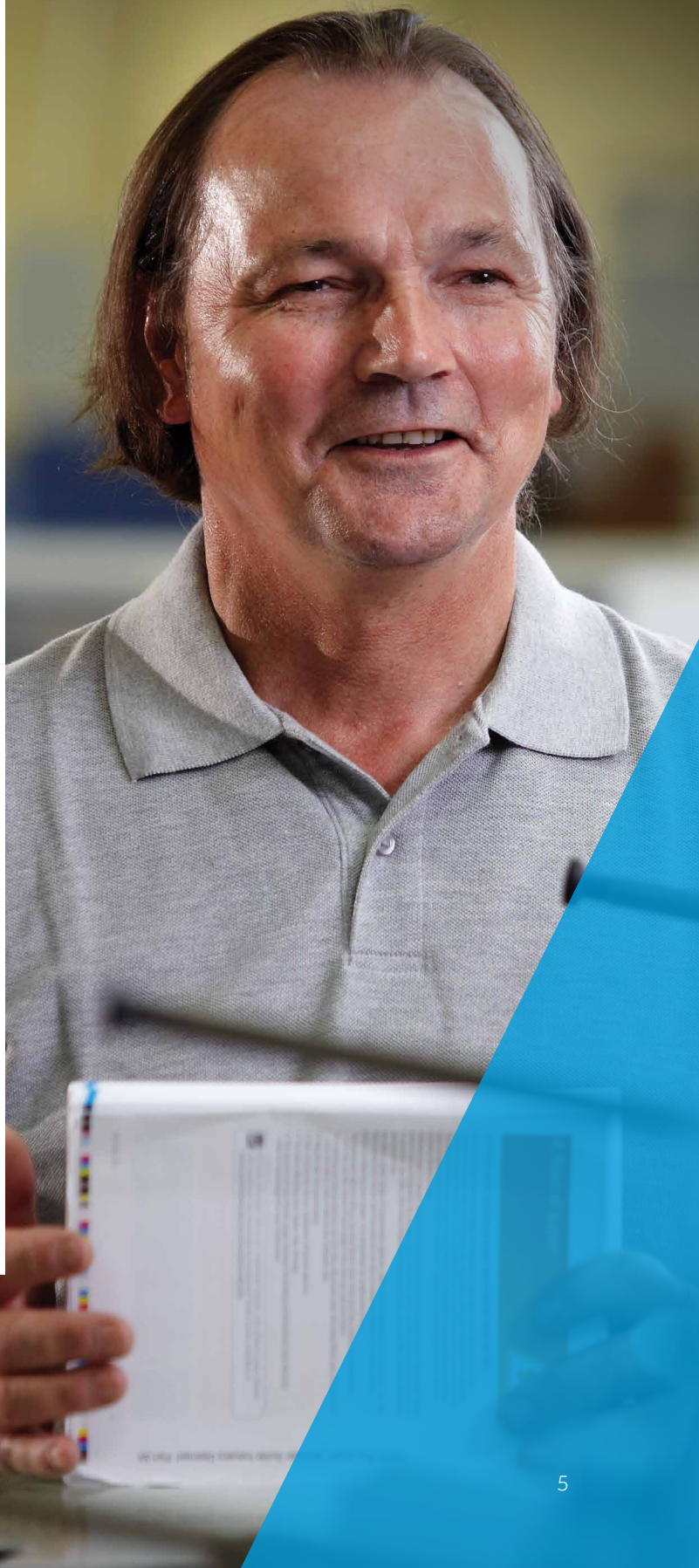
The orthopaedic surgeon found that Barry's pelvis had healed fully with no permanent impairment.

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 after the accident.

Barry's Impairment benefits coordinator reviewed this information. They also reviewed all the information on Barry's TAC claim file. The Impairment benefits coordinator used the prescribed mathematical formula to determine that Barry's whole person impairment combined to a rating of 12%. Barry received a lump sum payment of \$9,900*.

For more information about the different amounts of lump sum payments, please visit the TAC website **www.tac.vic.gov.au/impairment**

* The TAC updates this amount every year on 1 July.



Are individual circumstances considered when assessing impairment?

No. Specialist doctors assess injuries 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, despite how the accident may have affected your lifestyle. For example, a 30 year-old professional sportsperson who can no longer compete receives the same lump sum payment as a 75 year old retiree.

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 the doctor doesn't ask you certain questions about your injuries.

Most examinations are strictly clinical assessments of your injuries. It's important to remember that the examination will be very different from a visit to your family doctor or medical specialist. You can talk to your regular doctor about any issues you have about your injuries.

Where are the medical examinations?

Most of the independent doctors practise in Melbourne.

Working together

The role of your TAC Lump sum coordinator

- Gives information to help you understand the impairment process
- Lets you know when the TAC has your medical information
- Keeps you updated about the progress of your impairment claim
- Talks about the medical examination process with you and arranges your examinations with your solicitor, if you have one
- 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 Impairment benefits coordinator
- Provide any information your Impairment benefits coordinator requests from you as soon as possible
- Attend medical examinations arranged for you
- Keep us updated if your contact details change
- Call your Impairment benefits 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.

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 our Privacy Policy or visit the TAC website at **www.tac.vic.gov.au/yourprivacy**



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