Rehabilitation and Compensation

– Workers' Compensation

Permanent impairment >

This information bulletin outlines the permanent impairment provisions covered in Sections 70 to 72 of the *Workers Rehabilitation and Compensation Act*.

Payment for permanent impairment

If a worker is left with a permanent impairment as a result of a work related injury or illness there is provision under the *Workers Rehabilitation and Compensation Act* for a lump sum payment in respect of that permanent impairment.

Payment to the worker may be made to compensate for the permanent impairment once the injury or illness has stabilised.

This payment does not affect the worker's rights to weekly compensation benefits, medical or rehabilitation expenses.

The level of permanent impairment is assessed as a percentage of the whole person using the prescribed guides which are the 'American Medical Association Guides to the Evaluation of Permanent Impairment (4th Edition)'.

No benefit is payable if the assessed impairment percentage is assessed at less than five percent (5%) of the whole person. For injuries occurring prior to 15 October 1991, no benefit is payable if the permanent impairment percentage is assessed at less than 15%.

Permanent impairment payment calculations

The entitlement is calculated using the assessed impairment percentage as a percentage of the maximum amount payable of 208 times average weekly earnings (AWE) (as published by the Australian Bureau of Statistics). The average weekly earnings change every year.

Impairments assessed at 15% and up to and including 84% of the whole person attract a benefit equal to the actual percentage given, of the maximum amount.

For example: If your assessed impairment is 34% of the whole person then the amount payable is 34% of 208 times AWE.

Impairments assessed at 85% or more of the whole person, attract the maximum benefit.

For example: If your assessed impairment is 87% of the whole person then the amount payable is 208 times AWE.

For injuries occurring prior to 15 October 1991, the entitlement is calculated using 104 times AWE.

If the assessed impairment percentage is 5% and up to and including 14% of the whole person, the amount of compensation payable is calculated on a **sliding scale**. This means that the percentage of the whole person that you are assessed at will translate to a lesser percentage as per the table below.

Sliding Scale Table

Column 1		Column 2
Assessed Whole Person Percentage		**Sliding Scale Percentage** – This is the % that is used to calculate your permanent impairment payment.
5% to 9%	=	2%
10%	=	3%
11%	=	4%
12%	=	6%
13%	=	8%
14%	=	12%

For example: If your assessed impairment is 8% of the whole person then the amount payable is 2% of 208 times AWE.

Assessment procedure

If a worker believes that they have a permanent impairment, they may apply to their employer's insurance company, or their own doctor, for an assessment of that impairment. If the worker arranges his or her own assessment, the assessment report must be sent to the employer's insurer.

If the worker or the insurer is dissatisfied with the percentage level of permanent impairment, either may apply to NT WorkSafe for a reassessment. Such applications must be in writing.

NT WorkSafe must receive an application for a reassessment within 28 days of the insurer or worker being notified of the result of the initial assessment.

Reassessment procedure

Upon receipt of an application for permanent impairment reassessment, NT WorkSafe must organise a panel of three doctors to carry out the reassessment.

The panel of doctors must include at least one medical practitioner who, according to NT WorkSafe, has specialist knowledge of the type of impairment in question and must not include the medical practitioner who originally assessed the level of impairment.

The panel's chairperson prepares the panel's consolidated report determining the level of permanent impairment in accordance with the prescribed guides.

The level of impairment determined by the panel is final and binding on both the worker and insurer. However, a worker may appeal a decision on permanent impairment assessment or permanent impairment reassessment if the injury deteriorates or if there is evidence that the permanent impairment assessment or reassessment process is considered by the Work Health Court as being flawed.

The cost incurred in carrying out a permanent impairment assessment or reassessment is paid by the employer's insurer.

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