

Resolving disputes about a 'motor accident injury'

What is a dispute about a 'motor accident injury'?

A dispute is when you (or another party) disagree with icare Lifetime Care's decision about whether your injury is a 'motor accident injury'.

To be accepted as a participant in the Lifetime Care and Support Scheme, your injury must meet the legal definition of a 'motor accident injury'. Both the motor accident and the motor vehicle involved must meet the legal definition outlined in Section 3 of the *Motor Accidents Compensation Act 1999*.

A motor accident injury dispute is different to an eligibility dispute. A motor accident injury dispute is about the legal definition of a motor accident injury. This is a legal dispute and is resolved by an independent panel of legal professionals.

An eligibility dispute is when someone disagrees with our decision about whether your injury meets the criteria in the *Lifetime Care and Support Guidelines*. This is a medical dispute and is resolved by an independent panel of medical and health care professionals. For details, see our information sheet: *Resolving disputes about eligibility*, this is on our website www.icare.nsw.gov.au.

Is a dispute different to a complaint?

Yes. A dispute is when someone disagrees about:

- whether your injury meets the eligibility criteria to become a participant in the Scheme
- whether your injury meets the legal definition of a 'motor accident injury'.

A complaint can be about any aspect of icare lifetime care, the level or service provided to you, or the services paid for by us. Anyone can make a complaint to us.

A dispute is resolved in a different way to a complaint. For more information, see the complaints and disputes information on our website www.icare.nsw.gov.au. You can also see our information sheet about compliments and complaints: *Your feedback - Tell us what you think*, this is on our website.

Who can lodge a motor accident injury dispute?

This type of dispute can only be referred by an 'interested person' who is affected by our decision.

An interested person could be:

- you (the injured person)
- the insurer of a claim
- the nominal defendant. (If you make a Compulsory Third Party claim and the vehicle at fault isn't insured or can't be identified, and the accident happened in NSW, the State Insurance Regulatory Authority will pass your claim to a Compulsory Third Party insurer).

When can a motor accident injury dispute be lodged?

A dispute can only be lodged after you've received our written decision about your eligibility. The written decision needs to outline that you are not eligible for the Scheme because the motor accident or motor vehicle does not meet the legal definition.

The dispute needs to be lodged within 6 months of receiving the decision.

How do I lodge a motor accident injury dispute?

Disputes need to be lodged in writing, either by a letter or email to us. The letter or email needs to explain why you (or another interested person) disagree with our decision. You should include why you think you meet the motor accident injury criteria in the *Lifetime Care and Support Guidelines*. The *Guidelines* are on our website www.icare.nsw.gov.au.

You should include a copy of your compulsory third party claim form (if you have one) and other supporting material. You can contact our Customer Resolution Team on 1300 738 586 for more information.

Who assesses the dispute?

We will refer the dispute to the Personal Injury Commission, to be determined by 3 non-presidential members, assigned to the Motor Accidents Division.

We will let you know when it has been referred to the Personal Injury Commission and include a copy of all relevant material including your dispute application.

What happens next?

The Personal Injury Commission will make a decision on whether your injury is a motor accident injury, in accordance with 20(3) of the Motor Accidents (Lifetime Care and Support) Act 2006.

This will affect whether you are eligible to participate in the Scheme on the basis of your motor accident. This is different from whether your injuries meet the criteria for participation. This is a separate determination that we will make if the Personal Injury Commission finds that your injury is a motor accident injury.

Their decision is final and is legally binding. There is no provision in the legislation to appeal this decision.

For more information contact:

- Customer Resolution Team on 1300 738 586; or
- The Personal Injury Commission on phone 1800 742 679 (1800 PIC NSW)

icare NSW

GPO Box 4052, Sydney NSW 2001

General Phone Enquiries: 1300 738 586

www.icare.nsw.gov.au