

Your Ref:

Our Ref: Accident Compensation / Tort Law Committee: 21000204/53

14 March 2012

Business Manager  
Compensation Recovery Team – Centrelink  
Department of Human Services  
Locked Bag 33  
BRISBANE QLD 4001

**Attention: Mr David J Tait**

Dear Sir

## **PERSONAL INJURY CLAIMS – COMPENSATION ESTIMATE SERVICES**

I write on the advice of the Queensland Law Society's Accident Compensation / Tort Law Committee to raise concerns expressed by many of our members regarding the accuracy of the results produced by the new on-line compensation estimate service.

I am advised that in September 2011 the Department of Human Services introduced a new on-line compensation estimate service to be used by Centrelink customers and their legal representatives. It appears that this on-line compensation estimate calculator simply provides a theoretical estimate of the total amount that may be re-payable to Centrelink in a personal injuries claim, depending on the magnitude of the potential settlement amount, rather than in regard to expenses actually incurred.

This new facility differs from the system that was previously in place whereby Centrelink customers and their legal representatives were able to obtain a specific estimate of the refund owing to Centrelink and also the possible length of any preclusion period, based on the customer's individual circumstances (including details of the amount that a customer may have received from the time of the accident and the type of any benefit that may have been paid).

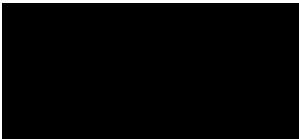
Many of the Society's members are concerned that under the new on-line compensation estimate service they are unable to provide clients with an accurate estimate of the potential Centrelink refund they may have to make. You will appreciate that practitioners who undertake personal injury work representing injured Plaintiffs have an obligation to advise their clients in relation to the amount of money that they may be left with from a suggested settlement sum in order that the injured Plaintiff can properly consider a settlement proposal. In order to comply with this obligation it is necessary for the practitioner to be able to advise, at least with a certain degree of precision, the potential amount of a Centrelink refund.

In the circumstances, I would be grateful if you could give consideration to either:

- (a) making adjustments to the on-line compensation estimate service so that specific advice based on individual circumstances can be given in relation to potential estimates to Centrelink customers and/or their legal representatives; or
- (b) reverting to the previous system whereby specific estimates were provided in writing.

If you would like to discuss the matter further, please do not hesitate to contact the Chair of the Accident Compensation / Tort Law Committee, Michael Garbett on [REDACTED], or alternatively, our Principal Policy Solicitor, Matthew Dunn on [REDACTED].

Yours faithfully



Dr John de Groot  
**President**