

Definitions below are commonly used by the NDIA in relation to compensation for personal injury. For the full definition of the terms listed in the below glossary, please refer to the [Compensation Operational Guideline](#).

## **Amortisation**

An accounting term used to describe the action or process of reducing the value of the Compensation Reduction Amount (CRA) over a period of time. Most commonly, the value of the CRA is applied across the life of a participant's future NDIS plans.

## **Authorised representative**

A person who has the authority to make decisions for a participant, or prospective participant who may be a parent, plan nominee, a legal guardian, power of attorney, financial manager or administrator.

## **Commutate**

An agreement between an insurer and a participant where the insurer agrees to pay out the participant's entitlement to compensation in either one lump sum or a series of period payments.

## **Compensable injury**

An injury which gives rise to a right to claim compensation.

## **Compensable event**

Means the event that resulted in an injury which gave rise to the compensation payment or potential compensation payment.

## **Compensation**

Money a participant receives following an accident or event that resulted in an injury.

## **Compensation payer / Insurer**

The person who is responsible for paying the money for a compensation claim.

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## Compensation Reduction Amount (CRA)

A reduction made to a participant's funding for reasonable and necessary supports to account for compensation already paid by another compensation payer.

## Compensation Rules

The rules the NDIA apply to guide decisions about compensation.

## Consent Judgement

A decision made by a Court or Tribunal which the parties have agreed on.

## Cost of supports that may be provided to a participant

Supports that may be funded by the NDIS to a participant.

## Damages

An award of compensation intended to place a person, insofar as money can do so, in the position they would have been in had they not sustained an injury.

## Disability requirements

Requirements which form part of a set of criteria the NDIA applies to determine whether a person is eligible to become a participant in the NDIS.

## Domestic Care and Assistance

Describes care required as a result of an injury. This may include cleaning, gardening, personal care, shopping and preparing meals. This care may be paid care or care provided by family, friends or a member of a community.

## Early intervention requirements

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Requirements which form part of a set of criteria the NDIA applies to determine whether a person is eligible to become a participant in the NDIS.

## **Early intervention supports**

Supports for a person that are of benefit and are likely to reduce the need for future supports relating to disability.

## **Economic Loss**

Money paid for loss of income or capacity to earn an income as a result of an injury.

## **Fixed**

An amount of compensation money that is final and unchangeable.

## **General Damages**

Amounts that can't be directly measured by money. For example, pain and suffering, discomfort, loss of pleasure from work, hobbies, sport and family, loss of independence or loss of taste or smell.

## **Gratuitous care**

Care from a family member or friend that you don't pay for.

## **Ineffective**

A contract which has been declared ineffective. For example, if one of the parties to the contract lacked capacity to understand the consequences of the agreement.

## **Judgement**

A decision made by the Court or Tribunal.

## **Lump sum payment**

A payment which includes money for multiple items for different purposes.

## Medical and like expenses

A term used to describe medical treatments, medications, prosthetics, therapy, aides, home and vehicle modifications which a participant needs following an injury.

## NDIS amount

Amounts paid in respect of reasonable and necessary supports funded in a participant's NDIS plan.

## NDIS component

An amount of compensation under a judgement or settlement that relates to supports that may be funded under the NDIS after the date of the judgement or settlement. This may include periodic payments.

## Non-consent judgement

A decision handed down by the Court or Tribunal when the parties don't agree.

## Notifiable amount

The amount specified in a recovery notice issued to a compensation payer or insurer.

## Personal injury

An injury sustained by a person in an accident or event.

## Periodic payment

Payments made at intervals following a claim for compensation.

## Person

Is a general term used to describe an individual, corporation or other organisation.

## Potential compensation payer

The person who an injured person makes a claim for compensation against.

## **Pre-existing impairment**

An impairment which meets the disability requirements that a participant had prior to sustaining a compensable injury.

## **Prospective participant**

Means a person whose access request to enter the NDIS has yet to be decided.

## **Recoverable amount**

An amount recovered from a participant in relation to past NDIS supports.

## **Recovery Notice**

A notice which sets out the amount the NDIA proposes to recover from a compensation payment. The notice is issued to the appropriate party for example: the insurer, compensation payer or, in rare cases, the participant.

## **Settlement**

Where all parties agree to resolve a claim for compensation.

## **Scheme of insurance**

Examples of Commonwealth, State and Territory schemes of insurance include, but are not limited to:

NSW: iCare

Vic: Transport Accident Commission, Victorian WorkCover Authority

Qld: Motor Accident Insurance Commission, NIIS Queensland

WA: Insurance Commission of Western Australia, WorkCover WA

SA: Lifetime Support Authority, ReturnToWorkSA

Tas: Motor Accident Insurance Board, WorkSafe

ACT: Lifetime Care and Support Scheme

NT: Motor Accidents Compensation Commission, Territory Insurance Office

Aus: Comcare, Department of Veteran Affairs

## **To any extent**

Means any contribution of any kind, however minimal.

## **Total of all NDIS amounts**

Means the total of all amounts paid in respect of reasonable and necessary supports funded in a participants plan.

## **Unenforceable**

A contract may be unenforceable for reasons including, but not limited to:

- where the terms are unfair for one party
- it does not meet statutory requirements
- it was made under duress or influence
- on fraud or public policy grounds; or
- the person who entered into the contract did not have the authority to do so.

## **Void contract**

A contract which is not valid or legally binding. For example, if the terms are uncertain or illegal.

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This page current as of  
14 April 2020