

# What is Compensation?

## A Guide for Consumers



### What is compensation?

Below are some of the common financial resolutions (often referred to as compensation) that individuals seek after a health care or service experience has been unsatisfactory for them:

- A refund of costs or fees paid to the service provider
- Fees to be waived by a service provider
- A corrective procedure or treatment to be undertaken at no additional expense
- Financial compensation for pain and suffering
- Financial compensation for lost wages or lost capacity

It is important to note that the Office of Health Review does not provide legal advice and cannot enforce either a consumer or a service provider to reach any agreement over compensation.

### Financial Settlements

The Office of Health Review can accept and deal with complaints through the conciliation process in relation to individuals seeking a refund of costs or fees paid to the service provider, the waiver of fees, or further treatment from the same health care provider (at no additional expense).

Before a financial settlement is finalised you may be asked to sign a Deed of Release, which means that no further action can be taken in the future by either yourself or the service provider in relation to the subject of the complaint. In return for signing the Deed of Release you will receive the agreed financial sum. It is always in your best interests to receive legal advice before signing a Deed of Release. No one can be coerced into signing a Deed.

If a financial settlement such as a refund of costs or fees is reached during conciliation you may need to repay Medicare, your private health fund or Centrelink money you have received. You should contact these organisations for more information prior to accepting any financial settlement.

### Financial Compensation or Damages

Damages are a financial payment made to a consumer which may include a sum of money for pain and suffering and/or loss of wages or earning capacity.

If you are seeking damages as part of your complaint to the Office of Health Review we would recommend that you obtain legal advice regarding whether or not medical negligence has occurred. As this is a highly specialised area, it is important to choose a solicitor who has experience in this area. An experienced solicitor can be found through:

- The Health Consumers Council (phone: 9221 3422)
- Community law centres (consult White Pages for local centres)
- The Law Society (9322 7877)
- Legal Aid (1300 650 759)

If your negative healthcare experience occurred in the Public Hospital system, we recommend that you contact the hospital's complaints department to request information about making a claim for damages.

**For further information contact the Office of Health Review:**

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**Our mission:** To make health and disability services better through the impartial resolution of complaints.