



## Assessment of Permanent Injuries before and after 14 November 2005

On 14 November 2005, a new method of assessing permanent injuries for the Western Australian workers' compensation scheme was introduced.

This new system applies to all new injuries from 14 November 2005 where an impairment assessment is required. The old system remains in place for pre-14 November injuries.

The critical factor in determining which system applies is the date of the worker's injury – was it before or after 14 November?

If the injury occurred before 14 November 2005 any assessment made is a **disability assessment**, whether it is to determine common law access or the amount of compensation the worker may be entitled to under Schedule 2 of the *Workers' Compensation and Injury Management Act 1981* (the Act).

The tables below highlight the differences in terminology and assessment methods to be used for pre- and post-14 November 2005 injuries.

### Pre-14 November 2005 injuries

Terminology	Methodology
<ul style="list-style-type: none"><li>• The assessment of the injury for common law purposes is a 'disability assessment'.</li><li>• Do not use the phrase 'Whole person impairment'.</li><li>• The <i>Western Australian Medical Association's Assessment of Disability Guides under the Workers' Compensation and Rehabilitation Act</i> (WA AMA Guides).</li><li>• The <i>American Medical Association's Guides to the Evaluation of Permanent Impairment Fourth Edition</i> (AMA4 Guides).</li><li>• Schedule 2 assessments are about 'loss of efficient use' against a particular 'Item' number (between Item 1 to 39).</li></ul>	<ul style="list-style-type: none"><li>• Assessments for common law are to be made in the first case against Schedule 2 of the Act.</li><li>• If the injury cannot be assessed using Schedule 2, the <i>Western Australian Medical Association's Assessment of Disability Guides under the Workers' Compensation and Rehabilitation Act</i> (WA AMA Guides) should be used.</li><li>• If the injury cannot be assessed using the WA AMA Guides, then the <i>American Medical Association's Guides to the Evaluation of Permanent Impairment Fourth Edition</i> (AMA4 Guides) is to be used.</li></ul> <p>Note: NOT the <i>American Medical Association's Guides to the Evaluation of Permanent Impairment Fifth Edition</i> (AMA5 Guides).</p> <ul style="list-style-type: none"><li>• The results of an assessment using the AMA4 Guides must be converted using the formula on page 8 of the WA AMA Guides.</li></ul>

## Post-14 November 2005 injuries

Terminology	Methodology
<ul style="list-style-type: none"> <li>The assessment of the injury for common law access, Schedule 2, specialised retraining programs and additional sums for medical expenses under clause 18A(2)aa is an 'impairment assessment'.</li> <li>The <i>WorkCover WA Guides for the Evaluation of Permanent Impairment</i> (WorkCover WA Guides).</li> <li>The <i>American Medical Association's Guides to the Evaluation of Permanent Impairment Fifth Edition</i> (AMA5 Guides).</li> <li>Schedule 2 assessments are about the 'degree of permanent impairment' against a particular 'Item' number (between Item 40 to 82).</li> </ul>	<ul style="list-style-type: none"> <li>Assessments for common law access, Schedule 2, specialised retraining programs and additional sums for medical expenses under clause 18A(2)aa must be carried out in accordance with the <i>WorkCover WA Guides for the Evaluation of Permanent Impairment</i> (WorkCover WA Guides).</li> <li>The WorkCover WA Guides refer to sections of the <i>American Medical Association's Guides to the Evaluation of Permanent Impairment Fifth Edition</i> (AMA5 Guides).</li> </ul>

## Who can undertake these assessments?

Pre-14 November 2005 injuries	Post-14 November 2005 injuries
<ul style="list-style-type: none"> <li>Any registered medical practitioner can carry out an assessment for common law access or Schedule 2 entitlements.</li> </ul>	<ul style="list-style-type: none"> <li>Only a medical practitioner designated as an approved medical specialist can undertake these impairment assessments.</li> </ul>

NOTE: Using the wrong terminology or assessment methodology may be considered as not complying with the *Workers' Compensation and Injury Management Act 1981* and could result in the matter not being registered by the Dispute Resolution Directorate.

## About WorkCover WA

WorkCover WA is the government agency responsible for overseeing the workers' compensation and injury management system in Western Australia.

This includes monitoring compliance with the *Workers' Compensation and Injury Management Act 1981*, informing and educating workers, employers and others about workers' compensation and injury management, and providing an independent dispute resolution system.

## Further information

Copies of WorkCover WA Guides are available from WorkCover WA or the State Law Publisher, 10 William Street, Perth (telephone 08 9321 7688). Medical practitioners should also read *WorkCover WA Guidance Notes for approved medical specialists: Procedures for the permanent impairment assessment process* available from WorkCover WA (contact details below).

WorkCover WA also provides information publications, administration forms and current listings of all approved medical specialists.

## Disclaimer

This fact sheet is intended to provide general information only. You should not act or omit to act on the basis of anything contained herein. You should seek appropriate legal/professional advice about your particular circumstances.



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