



Settlement Registration Guide



Introduction

The *Workers Compensation and Injury Management Act 2023* (WCIMA23) came into operation on 1 July 2024 and included changes to the way that agreements to settle a workers compensation claim are required to be registered and scrutinised.

It is important the Application and accompanying documents lodged to register a Settlement Agreement are clear, complete, accurate and comply with the WCIMA23.

Unfortunately, a large proportion of settlements lodged for registration since 1 July 2024 have included errors. This initially resulted in delays and a settlement registration backlog. WorkCover WA committed significant resources to address the settlement backlog and whilst settlement registration timeframes are back to normal, the rate of errors has not reduced to an acceptable level.

The Director has a statutory role to scrutinise settlements and determine if a settlement should be registered. Where an error is identified by the WorkCover WA Registry the Director may, depending on the type of error:

- Invite parties to rectify any errors within a set period of time; or
- reject the Application to register the Settlement Agreement (including where errors are not corrected within the period of time allocated); or
- refuse to register a Settlement Agreement and refer it to the Registrar.

To assist parties in the lodging of compliant Settlement Agreements and accompanying documents, WorkCover WA has produced this Settlement Registration Guide. The Settlement Registration Guide includes:

- an overview of the steps in registering a Settlement Agreement
- a high-level summary of common errors
- a checklist for parties to use when lodging a Settlement Agreement with WorkCover WA
- a detailed description of common errors and how to rectify them.

This Settlement Registration Guide should be read in conjunction with the WorkCover WA *Blueprint for Settlement Agreements* accessible via the 'Resources' menu on the [WorkCover WA website](#).

Disclaimer

This publication is intended to provide general information to stakeholders in order to raise awareness and facilitate the timely registration of settlement agreements without errors. The WCIMA23 provides the Director and Registrar with statutory powers with respect to the scrutiny, registration and determination of settlement agreements. This publication should not be read as determinative of the procedures to be followed, or as pre-empting the decisions and determinations of the Director or Registrar in exercising their statutory powers.

This publication should be read in conjunction with the *Workers Compensation and Injury Management Act 2023*. For more information, visit the WorkCover WA website at workcover.wa.gov.au. Workers compensation legislation is at legislation.wa.gov.au.

Overview of Steps in Registration of a Settlement Agreement

Settlement stages

Registering a Settlement Agreement can be split into the following stages:

- parties come together to discuss or negotiate finalising a claim via a Settlement Agreement
- where permanent impairment compensation is sought, the worker must, before any settlement is progressed, be assessed by an Approved Permanent Impairment Assessor (APIA)
- following an impairment assessment there must be agreement between the worker and employer on the workers' percentage permanent impairment which is formalised in Approved Form SF3 *Permanent Impairment Notice* (PI Notice)
- if agreement is reached this is formalised by parties completing Approved Form SF1 *Settlement Agreement* (Settlement Agreement), signed by the worker and employer
- an Application for Registration of a Settlement (Application) is made to the Director to register the Settlement Agreement using WorkCover WA Online and the Settlement Agreement and relevant documents are uploaded (including any permanent impairment report(s) and notice(s)).

Common errors

The table on page 5 sets out the main types of errors identified in Settlement Agreements, Applications, APIA permanent impairment assessment reports, and PI Notices. It also includes the types of errors that lead to agreements to settle a workers compensation claim being refused or referred to the Registrar.

The majority of mistakes made when lodging a Settlement Agreement for registration have been identified by WorkCover WA as simple avoidable errors. To avoid such errors, prior to lodgement the lodging party should:

- ✓ Compare the data entered into the lodgement screens on WorkCover WA Online (the Application) with the information in the Settlement Agreement for inconsistencies and correct as necessary
- ✓ Check all lodged documents carefully for typographical and administrative errors
- ✓ Check to make sure all fields in all approved forms lodged for registration have been completed
- ✓ Ensure all documents have been signed by the person authorised to do so
- ✓ Ensure all information is legible and clearly written
- ✓ Ensure all lodged document pages are uploaded and in the correct page order.

Invitation from the Director to rectify an error

If an invitation to rectify identified errors is issued by the Director, the parties are required to rectify the errors exactly as set out in the invitation and by the due date in the invitation.

Errors in only the Application can generally be actioned by the lodging party without needing the worker to co-sign them. The amended Application showing the signature of the lodging party must be uploaded to the case on WorkCover WA Online.

Errors in the Settlement Agreement and/or the PI Notice must be co-signed by both parties and the amendments dated. The amended documents showing the signatures of the parties must be uploaded to the case on WorkCover WA Online.

Where an invitation is issued by the Director for the parties to clarify information or provide further documents, a response must be uploaded to the case on WorkCover WA Online.

Other errors

The following less common errors have been identified by WorkCover WA. An application to register a Settlement Agreement will likely be rejected if:

- ✗ The Settlement Agreement purports to be used for settling liability to pay common law damages
- ✗ The Settlement Agreement provides for compensation in respect of miscellaneous expenses which have not been confirmed to be correctly attributed to expenses as set out in section 83 of the WCIMA23.
- ✗ The worker is a participant in the Catastrophic Injuries Support Scheme and the Settlement Agreement provides for compensation in respect of medical and health expenses compensation, miscellaneous expenses compensation or workplace rehabilitation expenses compensation
- ✗ More than one Settlement Agreement is lodged, or a duplicate is lodged, or a prior Settlement Agreement has been registered for the same claim.

Table: Summary of Errors and Consequences

Settlement Agreement	Permanent Impairment	Application
Errors: <ul style="list-style-type: none"> • Inconsistencies between Settlement Agreement and other documents • Administrative errors/ typos • Amounts and/or calculations wrong • Claim information incorrect/ missing 	Errors: <ul style="list-style-type: none"> • APIA report incomplete • Error in details of agreed PI • Item number typo between the APIA report and the Settlement Agreement/ Application 	Errors: <ul style="list-style-type: none"> • Inconsistencies between Application and other documents • Administrative errors/ typos • Amounts and/or calculations wrong • Claim information incorrect/ missing or unable to link to a claim • Third party contact details (e.g. broker) have been entered as the employer contact
Rejected: <ul style="list-style-type: none"> • Document unsigned • Incomplete document • Document not legible or corrupted 	Rejected: <ul style="list-style-type: none"> • Document unsigned • Incomplete document • APIA assessments or report missing • Documents not legible or corrupted • Employer hasn't agreed to PI% • WPI provided instead of PI% • PI Notice errors • Assessor is not an APIA • Worker not at MMI 	Rejected: <ul style="list-style-type: none"> • Incomplete document or documents illegible or not signed • Issues with PI Notice • Claim already settled • Common law damages question answered 'yes' • Miscellaneous expenses properly attributed question answered 'no' • More than one Settlement Agreement is lodged/ duplicate lodged
Refused: <ul style="list-style-type: none"> • Agreement is not genuine • Agreement is obtained by fraud, undue influence or improper means • The Director cannot be satisfied that the amount included for permanent impairment compensation is correct 	Refused: <ul style="list-style-type: none"> • Incorrect sequencing of documents (settlement made before agreement on worker's PI%) • APIA Report errors (PI lump sum incorrect) 	Refused: <ul style="list-style-type: none"> • The worker is a minor or there are other concerns about capacity of the worker to sign the documents

Checklist for Lodging a Settlement Agreement

Lodging party to check-off each item prior to lodging the Settlement Agreement with WorkCover WA.

Settlement Agreement and Application

- ☐ The names and addresses of the worker and employer are correct and consistent across the Settlement Agreement, Application and related documents
- ☐ The worker's date of birth and the employer's ABN are both correct and consistent across the Settlement Agreement and Application
- ☐ The Settlement Agreement reflects the correct date the agreement was made
- ☐ The date of injury, description of injury, claim number, and liability status are consistent across all documents and are confirmed against documents held by the lodging party (e.g. liability decision notice, claim form, or certificate of capacity)
- ☐ Prior amounts paid are correct, include provisional payments, and are consistent across the Settlement Agreement and Application
- ☐ The amounts agreed are exactly the same in the Settlement Agreement and Application
- ☐ The settlement amounts agreed do not exceed the maximum amount available for that type of compensation
- ☐ The sum of the Compensation Amounts Agreed, PI compensation and dust disease compensation equals the settlement total lump sum in both places on the Settlement Agreement and in the Application
- ☐ The Settlement Agreement is signed and dated by the worker and the employer or their appropriate legal representative
- ☐ The lump sum amount is correct and matches exactly across the Settlement Agreement and Application

When completing the Application

- ☐ Where miscellaneous expenses are claimed, the relevant box is ticked in the Application stating miscellaneous expenses are properly attributed
- ☐ The settlement to which the Application relates is not used to settle liability to pay common law damages
- ☐ Where the worker is a participant in the Catastrophic Injuries Support Scheme the Settlement Agreement does not provide for compensation in respect of medical and health expenses compensation, miscellaneous expenses compensation or workplace rehabilitation expenses compensation

Permanent Impairment Compensation

- ☐ Where permanent impairment compensation is claimed the relevant box is ticked on the Settlement Agreement and Application
- ☐ The relevant applicable General Maximum Amount has been included
- ☐ The APIA PI Assessment is uploaded with the Application and the relevant information is accurate and consistent in the Settlement Agreement and Application and the lump sum amount is correctly calculated
- ☐ The PI Notice is uploaded with the Application and the employer has indicated agreement to the PI%, based on an APIA PI Assessment submitted by the worker
- ☐ Where the employer did not agree to the PI% in the PI Notice the employer has arranged a subsequent APIA PI Assessment and both the subsequent APIA PI Assessment and PI Further Assessment Notice are uploaded with the Application
- ☐ The PI Assessment(s), PI Notice(s) are properly completed and include all required information
- ☐ The APIA PI Assessment states the worker is at maximum medical improvement
- ☐ All uploaded documents indicate the correct sequence or procedure e.g. the PI notice must be signed by the worker, then the employer and by both before either party signs the Settlement Agreement

Dust Disease Impairment Compensation

- ☐ Where dust disease impairment compensation is claimed the relevant box is ticked on the Settlement Agreement and Application
- ☐ The DDMP determination is uploaded with the Application
- ☐ The relevant published amount of the GMA (30%) at the date of the DDMP determination has been used

On all documents

- ☐ There are no critical typographical errors, blank fields, mistakes or inconsistencies
- ☐ All fields in the uploaded documents have been appropriately completed
- ☐ All documents have been signed by a person authorised to sign the document
- ☐ All information is legible and clearly written
- ☐ All uploaded documents are complete and in correct page order

Detailed Guide

This section provides a detailed guide on the things lodging parties should do, and not do, when applying to register a Settlement Agreement with WorkCover WA. It addresses:

1. Completing the Settlement Agreement and Application
2. Issues relating to settlements including permanent impairment compensation.

1. Settlement Agreement and Application

The Settlement Agreement and Application generally require the same information be inputted in various places. Whilst each has some unique elements and requirements (which are also dealt with in this section), it is convenient to address both together.

Party Particulars

The employer and worker the settlement relates to must be accurately identified in both the Settlement Agreement and Application. A large number of settlement documents require rectification because the name, address and/or ABN of the employer and the personal details of the worker are listed differently across the Settlement Agreement and the Application or are simply missing.

Prior to lodgement the lodging party should:

- ✓ Check the parties' names and addresses on the Settlement Agreement and the Application match across both documents and match the details the lodging party have on record in relation to the claim
- ✓ Check the worker's date of birth against records held and against each document
- ✓ Check the employer ABN and cross reference this across the Settlement Agreement and Application. It may also be necessary to check against the [Australian Government ABN Lookup](#) to ensure the correct employer/ ABN has been identified
- ✓ Ensure the insurer has lodged the claim data with WorkCover WA so that the settlement can be linked to the claim
- ✓ Ensure that there are no third-party details (e.g. broker details) entered for the employer

The parties will be required to make corrections within a specified timeframe where:

- ✗ There are inconsistencies between details in the Settlement Agreement and Application. This includes typographical errors, incorrect ABNs, and other information. Details across the Settlement Agreement and Application must match

A Settlement Agreement will likely be rejected if:

- ✗ The above-mentioned errors are not corrected within the time allowed

Agreement

The agreement section of the Settlement Agreement and Application provides the settlement amount and the date of the agreement. It informs parties to the settlement that settling a claim for the lump sum agreed permanently discharges the employer's liability for the worker's entitlement to compensation and that the settlement is made in accordance with the WCIMA23.

Prior to lodgement the lodging party should:

- ✓ Ensure the lump sum agreed matches exactly across both places it is entered in the Settlement Agreement and in the Application
- ✓ Ensure the total lump sum amount does not exceed the total compensation available to the worker (further details below)
- ✓ Ensure the agreement date is included and reflects the date the Settlement Agreement was executed by the parties (generally the date the last party signs it)

Agreement Particulars

A small number of Settlement Agreements lodged in Registry have been found to have an incorrect claim number or no claim number included. The lodging party should refer to relevant claim paperwork to ensure the claim number is included and is accurately reflected across the Settlement Agreement and the Application.

Prior to lodgement the lodging party should:

- ✓ Refer to the Workers Compensation Claim Form and First Certificate of Capacity to ensure the date of injury and description of injury are accurately recorded
- ✓ Refer to the liability decision notice (where one has been issued) to ensure the correct insurer claim number and liability status is included in the Settlement Agreement and Application
- ✓ Ensure the injury and claim details included in the Settlement Agreement and Application are consistent across both documents and correct

The parties will be required to make corrections within a specified timeframe where:

- ✗ Documents refer to a claim which cannot be located in claims data submitted to WorkCover WA, preventing the settlement from being linked to a claim
- ✗ Claim details information is inconsistent or missing
- ✗ Liability status information is inconsistent or missing
- ✗ Liability status is inconsistent between documents lodged and the claims data submitted to WorkCover WA

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The above-mentioned errors are not corrected within the time allowed

Prior Amounts Paid

The Settlement Agreement and Application must include the amounts of compensation the worker has received prior to the date of the agreement. This includes provisional payments. Care should be taken by lodging parties to ensure the amounts included across the Settlement Agreement and Application are consistent and correct.

The figures must be accurate because they will be used to ensure the relevant heads of compensation paid in the Settlement Agreement do not exceed the relevant Maximum Amount. For example, the sum of prior amounts paid for medical and health expenses and the amount the Settlement Agreement provides for medical and health expenses compensation must not exceed the general limit available for medical and health expenses.

The parties will be required to make corrections within a specified time where:

- ✗ There are inconsistencies in prior amounts paid between details in the Settlement Agreement and Application

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The above-mentioned errors are not corrected within the time allowed

Compensation amounts and signatures

It is important to ensure details of each type of compensation to which the Settlement Agreement relates are correctly included on the Settlement Agreement and Application. Settlement Agreements that contain different amounts across the two documents will result in the Director requiring the parties to make corrections in a specified timeframe.

Prior to lodgement the lodging party should:

- ✓ Double check the settlement amounts are accurate across the Settlement Agreement and Application
- ✓ Ensure the sum of the amounts agreed to and prior amounts paid do not exceed the maximum amounts available

The General Maximum Amount (GMA) available to a worker can be found on the WorkCover WA website under the '[Indexation of Workers Compensation Payments](#)' tab. Care should be taken that the appropriate Indexation of Workers Compensation Payments Schedule is used in relation to the worker's entitlement(s). For example, the amount payable for permanent impairment compensation is based on the amount payable on the date of the worker's injury. The maximum amount payable for medical and health expenses compensation is not tied to the date of the worker's injury.

The parties will be required to make corrections within a specified time where:

- ✗ There are inconsistencies between the compensation amounts agreed in the Settlement Agreement and Application or amounts agreed exceed the relevant maximum amount

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The above-mentioned errors are not corrected within the time allowed

Miscellaneous expenses

The Application requires the lodging party to attest that any sum for miscellaneous expenses is correctly attributed to expenses as set out in section 83 of the WCIMA23.

If the Settlement Agreement includes provision for Miscellaneous Expenses, prior to lodgement the lodging party should:

- ✓ Ensure the question in the Application with respect to miscellaneous expenses is answered 'Yes'

The parties will be required to make corrections within a specified time where:

- ✗ There are inconsistencies between the compensation amounts agreed in the Settlement Agreement and Application

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The above-mentioned errors are not corrected within the time allowed
- ✗ Miscellaneous expenses are claimed and the Application does not confirm expenses are correctly attributed to expenses of a kind set out in section 83 of the WCIMA23 or the lodging party answers 'No' to the lodgement question about miscellaneous expenses

Settlement Total Lump Sum

Prior to lodgement the lodging party should:

- ✓ Ensure the sum of the compensation amounts agreed, dust disease impairment compensation (where relevant), and permanent impairment compensation (where relevant) is accurately calculated
- ✓ Ensure the lump sum amount agreed matches exactly in both the Settlement Agreement and the Application
- ✓ Ensure the settlement total lump sum amount does not exceed the total compensation amount available to the worker

The parties will be required to make corrections within a specified time where:

- ✗ The settlement total lump sum amount does not match across the Settlement Agreement and Application, or the amount exceeds the total compensation amount available to the worker

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The above-mentioned errors are not corrected within the time allowed

Attestations

The Settlement Agreement must be signed and dated by the worker, acknowledging the consequences of agreeing to settle their claim.

The worker statement in the Settlement Agreement can only be signed by:

- the worker personally or
- a duly appointed attorney under power of attorney or
- a guardian or administrator under order.

The Settlement Agreement must also be signed by the employer or their representative (often this would be the insurer), including that person's typed name, position, and the date of the signing.

Electronic signatures may be used in signing the Settlement Agreement. Electronic signatures increase the potential for fraud if the identity of the person signing in this manner is not verified at the time the Settlement Agreement is executed. Parties are encouraged to utilise verification platforms and processes to minimise the risk of fraud and assist the Director in assessing the genuineness of agreements. Notations made onto settlement related documents by a verification platform during the verification process will not be considered errors.

Prior to lodgement the lodging party should:

- ✓ Ensure the Settlement Agreement is signed by the worker and employer, or, if authorised, their appropriate representative

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The Settlement Agreement is unsigned

A Settlement Agreement will likely be refused registration and referred to the Registrar where:

- ✗ The Settlement Agreement appears to be signed by a person not authorised to sign the document

2. Permanent Impairment Compensation

Settlements comprising permanent impairment compensation require additional compliance checks because the WCIM23 requires formal evidence of agreement between the worker and employer about the worker's degree of permanent impairment. The Director must also be satisfied the correct amount of permanent impairment compensation is paid.

A detailed explanation of the permanent impairment process and how it relates to registration of a Settlement Agreement can be found in the Blueprint for Settlement Agreements and is not repeated in detail here.

If permanent impairment compensation is payable, the Settlement Agreement should indicate 'Yes' in the relevant tick-box.

Note: as part of the role of scrutinising settlements, the Director may refuse an application for settlement if it appears the injured worker has a permanent impairment, but the Settlement Agreement does not provide an amount for permanent impairment compensation.

The applicable GMA must also be entered into the Settlement Agreement. The GMA for permanent impairment compensation to be included on the Settlement Agreement is the GMA that applied at the date of injury (unless the injury is a dust disease, in which case it is the date the Dust Disease Medical Panel assessed the worker) and can be found on the WorkCover WA website under the '[Indexation of Workers Compensation Payments](#)' tab.

Note: whilst the amount provided for in the Settlement Agreement for permanent impairment compensation must not exceed the GMA available at the date of the injury, the Settlement Agreement may not provide for an amount of income compensation and permanent impairment compensation combined that is greater than the GMA available at the date of the agreement to settle the claim.

Prior to lodgement the lodging party should:

- ✓ Ensure the relevant box is ticked to indicate whether permanent impairment compensation is, or is not, being claimed
- ✓ Ensure the relevant GMA has been included in the Settlement Agreement and Application

The parties will be required to make corrections within a specified time where:

- ✗ The sum of income compensation and permanent impairment compensation exceeds the relevant General Maximum Amount

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The above-mentioned errors are not corrected within the time allowed

A Settlement Agreement will likely be refused registration and referred to the Registrar where:

- ✗ The amounts for permanent impairment compensation are not correct due to errors in the APIA assessment or the calculation of the permanent impairment compensation lump sum
- ✗ The Director considers it appears likely the injured worker has a permanent impairment, but the Settlement Agreement does not provide any amount for permanent impairment compensation

Supporting documents

A Settlement Agreement including provision for permanent impairment compensation must include the following supporting documents:

- A properly completed and correct PI Notice which indicates the agreement as to the degree of permanent impairment; and
- a copy of the APIA's Permanent Impairment Assessment – Report(s) and Certificate(s); or
- where applicable, a copy of the determination of an Arbitrator regarding the worker's degree of permanent impairment.

Approved Form APIA1 *Permanent Impairment Assessment — Report and Certificate* (APIA PI Assessment), must be included with the Application.

The information contained in the APIA PI Assessment should be carefully transcribed into the permanent impairment compensation table in the Settlement Agreement and the Application, ensuring all details are correct and the lump sum amounts are correctly calculated.

An application to register a Settlement Agreement which includes permanent impairment compensation must be lodged with the PI Notice indicating the employer agrees with the assessed degree of permanent impairment as stated in the PI Notice and the APIA PI Assessment. A Settlement Agreement will be rejected if the APIA PI Assessment indicates the worker has not reached MMI.

Errors in APIA PI Assessments

Whilst lodging parties are unable to control mistakes made by an APIA in various approved forms, for example where the APIA has incorrectly calculated figures included in the table for impairment rating in the PI Notice, all documents lodged for settlement should be reviewed and where potential errors are identified, returned to the APIA for review.

A key issue is that an assessment of permanent impairment may only be conducted where a worker's condition has stabilised, and the worker has reached maximum medical improvement (MMI). As such, the APIA PI Assessment must indicate the worker has reached MMI for permanent impairment compensation to be paid. A Settlement Agreement lodged for registration that indicates the worker has not reached MMI will likely be rejected.

Prior to lodgement the lodging party should:

- ✓ Ensure the accurate transcribing of relevant information from the APIA PI Assessment and correct calculation into the Settlement Agreement and Application
- ✓ Ensure the Permanent Impairment Assessment is conducted by an APIA in the approved form (APIA PI Assessment)
- ✓ Ensure the APIA registration number is correct by checking against the [WorkCover WA Register of APIAs](#)
- ✓ Ensure the Settlement Agreement and Application is supported by the relevant APIA PI Assessment and PI Notice (where the employer agrees)
- ✓ Ensure the APIA PI Assessment is fully completed by the APIA, including the date of assessment. Where there is a potential error identified, return to the APIA for correction

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The person conducting the assessment is not an APIA
- ✗ It is not clear that the employer agrees with the permanent impairment assessment in the PI Notice
- ✗ Permanent impairment compensation is provided for in the Settlement Agreement, but the PI Notice has not been lodged
- ✗ The APIA PI Assessment in support of a PI Notice has not been lodged
- ✗ The APIA PI Assessment does not indicate the worker has reached MMI

A settlement will likely be refused registration and referred to the Registrar where:

- ✗ There are typographical or calculation errors or errors in description or processes in the APIA's assessment of the worker's degree of impairment

Where the employer agrees with the assessment

A common issue identified by WorkCover WA is employers not properly indicating their agreement as required by the PI Notice. Care should be taken by the employer or their authorised representative to ensure the employer has indicated their agreement to the assessed % permanent impairment in the PI Notice.

Where the employer does not agree with the assessment

Where an employer does not agree to the assessed % of permanent impairment in the PI Notice given to the employer, a subsequent assessment must be arranged by the employer. The subsequent assessment will result in an additional APIA PI Assessment (referred to here as the subsequent APIA PI Assessment).

Where a settlement is eventually agreed to, Approved Form SF4 *Permanent Impairment Notice - Further Assessment* (PI Further Assessment Notice) must be lodged along with:

- The subsequent APIA PI Assessment; and
- the initial APIA PI Assessment; and
- the Settlement Agreement and Application.

The parties will be required to make corrections within a specified time where:

- ✗ The agreed degree of permanent impairment indicated in the PI Notice and included in the Settlement Agreement and Application is not:
 - the original APIA assessed degree of impairment, or
 - the subsequent APIA assessed degree of impairment, or
 - within the range of the original and subsequent APIA assessments

An application to register a Settlement Agreement will likely be rejected if:

- ✗ The Application is not supported and accompanied by all the required documents for settling permanent impairment compensation

Agreement on PI% prior to settlement

A common issue noted by WorkCover WA Registry relates to the date documents are signed. The dates referred to in the APIA PI Assessment(s), PI Notice, PI Further Assessment Notice, Application, and Settlement Agreement must be appropriately sequenced.

The WCIMA23 is prescriptive as to the correct order of the signing of some specific documents. For example, with respect to a circumstance where the employer agrees to the degree of permanent impairment provided in the worker's PI Notice the following sequence is mandatory:

- The APIA signs the APIA PI Assessment; then
- the worker or their representative signs the PI Notice; then
- the employer or the insurer/ legal representative signs PI Notice; then
- the parties or their legal representatives sign the Settlement Agreement.

If the above documents are signed in the incorrect sequence (e.g. the Settlement Agreement is signed by the parties before the PI Notice, or the employer signs the PI Notice before the worker) the Settlement Agreement will be refused registration and referred to the Registrar.

Care should be taken by lodging parties to ensure all supporting documents to the Application and Settlement Agreement are correctly dated in the appropriate order according to the WCIMA23.

A Settlement Agreement will likely be refused registration and referred to the Registrar where:

- ✗ The dates referred to in settlement documents comprising permanent impairment compensation are not correctly sequenced. For example, an APIA PI Assessment which is dated later than the Settlement Agreement or PI Notice, or a PI Further Assessment Notice that post-dates the Application

Dust Disease Impairment Compensation

Dust disease impairment compensation only relates to a determination the worker suffers from one of four dust diseases as assessed by the Dust Disease Medical Panel (DDMP). If a determination has not been made by the DDMP, a worker cannot settle their claim for Dust Disease Impairment Compensation.

Prior to lodgement the lodging party should:

- ✓ Ensure the relevant box is ticked to indicate if dust diseases compensation is being claimed (including where it is not being claimed)
- ✓ Where dust disease compensation is claimed, ensure the DDMP determination is attached to the Application
- ✓ Accurately calculate 30% of the GMA (or include N/A where dust disease compensation is not being claimed)

The GMA to be included on the Settlement Agreement is the GMA that applied at the date of the DDMP determination and can be found on the WorkCover WA website under the '[Indexation of Workers Compensation Payments](#)' tab.

The parties will be required to make corrections within a specified time where:

- ✗ The sum of income compensation and dust disease impairment compensation exceeds the relevant GMA