



Finalising your personal injury claim once settlement is agreed

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Personal injury claims can take a long time and be exhausting and, at times, frustrating. So, when the parties involved finally reach an agreement to settle a personal injury claim, it can be a big relief for the injured person. However, although a bulk of the “heavy lifting” is over, there are still a few processes that need to be completed until the settlement funds can be paid to the claimant.

This blog looks at the process of finalising lump sum damages claims, including for the following types of matters:

- [Worker's compensation common law claims](#);
- [Motor vehicle accident claims](#);
- [Public liability claims](#); and
- [Medical negligence claims](#).

Documents required to finalise a personal injury claim

For both parties to a personal injury claim (the claimant and the respondent) to be clear and certain about the settlement terms, there is some additional paperwork that will need to be completed.

The main document to be completed once an agreement to settle has been reached is a Deed of Settlement, Discharge and Release (“**Deed of Settlement**”).

There may also be other documents required, including documents that:

confirm your personal details and payment information (to pay your compensation); and

request information from any government agencies or authorities to confirm whether they need any involvement in the settlement (for example, where reimbursements may be required).

If IM Lawyers is assisting you with your personal injury claim, we will help to complete all of this paperwork and guide you through the settlement process.

What is usually included in a personal injury claim Deed of Settlement?

Some of the terms that are frequently included in a Deed of Settlement include:

a confidentiality obligation;

details of the claim being settled;

details of the parties involved in the claim being settled;

the agreed settlement terms, including the sum of compensation to be paid; and

a release of the respondent (the party being sued) from any further claims relating to any aspects of the personal injury claim being settled.

Generally, a Deed of Settlement serves the following purposes for each of the parties:

For the claimant

The Deed of Settlement provides certainty about the settlement amount and how the settlement will be paid to you; and

For the respondent

The Deed of Settlement confirms that payment of the settlement amount will finalise the personal injury claim and that the claimant will not try and claim any further liability in the

future.

Are there any amounts that might be taken out of the settlement payment?

Once an agreement is reached between the parties to settle a personal injury claim, there may be certain amounts that need to be allocated to other parties from the settlement amount, including (but not limited to):

Centrelink, if you have received payments from them in respect of your claim-related injuries;

Medicare, if you have received Medicare-funded or partially funded treatment in respect of your claim-related injuries;

the National Disability Insurance Scheme (NDIS), if applicable; and

Income Protection or Total and Permanent Disability (TPD) insurance, if applicable.

We can assist by calculating these amounts for your consideration. We discuss this with our clients prior to them reaching an agreement to settle so that there are no surprises.

You can learn more about refunds to government and other organisations in some of our earlier blogs:

- [Refunding Medicare after a personal injury claim settlement](#)
- [Refunding NDIS after a personal injury claim settlement](#)
- [Refunding private health and income protection insurers after a personal injury claim settlement](#)

How long will it take to receive my personal injury compensation payment once settled?

While on some occasions, this may only take three to four weeks, we usually advise our clients to allow up to 12 weeks from the date of signing the Deed of Settlement for the settlement processes to occur and the settlement monies to be paid to the claimant.

Important information when providing your payment details to avoid financial scams

Please be aware that when personal injury claim compensation payments are ready to be paid to you, you will likely be required to confirm your payment details in writing **as well as** vocally (i.e in person or on the phone along with other details to confirm your

identity).

As many insurers (who will frequently respond to personal injury claims), law firms and claimants have been the target of recent hacking attempts and other financial scams (including intercepting emails and changing details), this is an important security measure to protect your settlement payment.

It is critical to ensure that you assist with this process to make sure your payment can be processed as quickly as possible and arrive in the correct bank account.

Get help from a personal injury lawyer

If you've recently come to an agreement to settle a personal injury claim without the assistance of a lawyer, it is crucial that you seek legal advice **before** signing any documents, particularly a Deed of Settlement.

The law related to personal injury claims is very complex and it is easy for a claimant (without legal representation) to miss critical components of a claim that could see considerably more compensation benefits paid to them.

We can provide you with free initial advice about your claim and act for you to ensure you receive **all** the compensation you deserve, not just what the insurer offers you in the first instance.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.