

## AUSTRALIAN WORKERS' COMPENSATION COMPARISON SUMMARY: KEY ENTITLEMENTS

COMCARE	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	NORTHERN TERRITORY	ACT	QUEENSLAND
Definition of Injury	Definition of Injury	Definition of Injury	Definition of Injury	Definition of Injury	Definition of Injury	Definition of Injury	Definition of Injury	Definition of Injury
<p><b>Injury:</b> A physical or mental injury arising out of, or in the course of, the employee's employment, or an aggravation of a physical or mental injury (other than a disease) suffered by an employee.</p> <p><b>Diseases:</b> An ailment suffered by an employee; or an aggravation of such an ailment that was contributed to, to a significant degree, by an employee's employment.</p> <p><b>Psychological Injury:</b> Does not include a psychiatric or psychological injury or aggravation suffered as a result of reasonable administrative action taken in a reasonable manner in respect of the employee's employment.</p>	<p><b>Injury:</b> Any physical or mental injury that has arisen out of or in the course of employment. Employment must be a <b>significant contributing factor</b> for the following conditions: a) a heart attack or stroke injury b) a disease contracted by a worker in the course of employment (whether at, or away from, the place of employment) c) a recurrence, aggravation, acceleration, exacerbation or deterioration of any pre-existing injury or disease.</p> <p><b>Psychological Injury:</b> No entitlement to compensation if the injury has arisen as a result of reasonable management action taken in a reasonable manner in respect to the employee's employment.</p>	<p><b>Injury:</b> A personal injury arising out of or in the course of employment. Employment must be a substantial contributing factor to the injury.</p> <p>Includes a "disease injury", which means-- a) a disease that is contracted by a worker in the course of employment but only if the employment was the main contributing factor to contracting the disease, and the aggravation, acceleration, exacerbation or deterioration in the course of employment of any disease, but only if the employment was the main contributing factor to the aggravation, acceleration, exacerbation or deterioration of the disease.</p> <p><b>Psychological Injury:</b> No compensation is payable for a psychological injury if the injury was wholly or predominantly caused by reasonable action taken, or proposed to be taken, by or on behalf of the employer with respect of the employee's employment with respect to transfer, demotion, promotion, performance appraisal, retrenchment, or dismissal of workers or provision of employment benefits to workers</p> <p><b>COVID-19 Injury:</b> Section 19B has been inserted in the WCA 1987 Act, which creates a presumption that if a worker in <b>prescribed employment</b> contracts COVID-19 then it is to be presumed that the disease was contracted in the course of employment and that the employment was a substantial and main contributing factor to contracting the disease. The date of injury is deemed to be when the worker is diagnosed of COVID-19 or dies as a result of it.</p>	<p><b>Injury:</b> An injury that has arisen out of, or in the course of employment. Employment must be a significant contributing cause of the injury.</p> <p><b>Psychological Injury:</b> Employment must be a significant contributing cause of the prescribed event. Compensation is not payable if the injury was caused by a reasonable management action taken in respect to an employee's employment.</p>	<p><b>Injury:</b> A personal injury by accident arising out of or in the course of employment. Employment must be a contributing factor to a significant degree.</p> <p><b>Psychological Injury:</b> Compensation is not payable if injury was caused by a reasonable management action taken in respect to an employee's employment.</p>	<p><b>Injury:</b> a) An injury, not being a disease, arising out of, or in the course of employment. b) An injury, which is a disease, to which employment contributed to a substantial degree. c) Injuries that are a recurrence, aggravation, acceleration, exacerbation or deterioration of any pre-existing injury or disease employment must be the major or most significant contributing factor.</p> <p><b>Psychological Injury:</b> Compensation is not payable in respect of a disease which is an illness of the mind or a disorder to the mind and which arises substantially from a reasonable action taken in a reasonable manner by an employer in relation to the employee's employment.</p>	<p><b>Injury:</b> An injury is a physical or mental injury arising out of or in the course of employment and includes: 1. a disease; and 2. the aggravation, acceleration, exacerbation, recurrence or deterioration of a pre-existing disease</p> <p><b>Psychological Injury:</b> A mental injury is not considered to be an injury for this Act if it is caused wholly or primarily by a management action taken on reasonable grounds and in a reasonable manner by or on behalf of the worker's employer in relation to an employee's employment.</p>	<p><b>Injury:</b> An injury is a physical or mental injury including aggravation, acceleration or recurrence of a pre-existing injury arising out of, or in the course of employment where employment is a substantial factor.</p> <p><b>Psychological Injury:</b> Does not include a mental injury completely or mostly caused by reasonable action taken, or proposed to be taken, by or on behalf of an employer in relation to the employee's employment.</p> <p>Examples of actions that may be reasonable management actions taken in a reasonable way – a) Action taken to transfer, demoted, discipline, redeploy, retrench or dismiss the worker b) A decision not to award or provide promotion, reclassification or transfer of, or leave of absence or benefit in connection with, the worker's employment</p>	<p><b>Injury:</b> An injury is a personal injury arising out of, or in the course of employment if the employment is a significant contributing factor to the injury</p> <p><b>Psychological Injury:</b> For psychiatric or psychological injuries, employment must be the significant contributing factor. Compensation is not payable if the psychological injury was caused due to a reasonable management action taken in a reasonable way by the employer in connection with the worker's employment</p>
Medical and Hospital Limits	Medical and Hospital Limits	Medical and Hospital Limits	Medical and Hospital Limits	Medical and Hospital Limits	Medical and Hospital Limits	Medical and Hospital Limits	Medical and Hospital Limits	Medical and Hospital Limits
No Limit	52 weeks from cessation of weekly payments, or in Medical Expenses Only claims, 52 weeks after entitlement commenced unless there are special circumstances as prescribed by the Act.	a) if over 20% permanent impairment - No compensation period limit b) if over 10% but less than 21%, 5 years after weekly payments cease to be payable or from the date of claim if no weekly payments are payable c) if equal to or less than 10% permanent impairment, 2 years after weekly payments cease to be payable or from the date of claim if no weekly payments are payable	No financial limit, but entitlements for non-seriously injured workers cease 1 year after end of weekly payments or 1 year after claim was made.	\$73,197 + \$50k in circumstances	Entitlements cease either after 1 year of weekly benefits cessation or, in the case of medical expense only claims, 1 year after claim was made, unless the Tribunal makes a relevant determination.	No Limit  After 260 weeks of paid weekly compensation, medical entitlement ceases after a further 12 months if Whole Person Impairment is less than 15%.	No Limit	Medical – no limit (reasonable and medically necessary expenses – having regard to relevant table of costs) Hospital. Surgery requests need to be submitted according to the table of costs
Common Law	Common Law	Common Law	Common Law	Common Law	Common Law	Common Law	Common Law	Common Law
Yes – limited Threshold – Employee must have a successful permanent impairment claim of 10% or higher	Yes - limited Threshold – Worker must be granted a 'serious injury certificate and have a WPI assessment of 30% or more.	Yes Threshold – Worker must have at least a 15% WPI.	Yes – limited Threshold – Worker must have at least a 30% WPI.	Yes – limited if WPI is less than 25% Threshold – A Worker must not have less than 15% WPI. Secondary Psychological, Psychiatric or Sexual conditions are excluded.	Yes Threshold – A Worker must be assessed at least 20% WPI.	No	Yes – No threshold or limits	Yes – No threshold

COMCARE	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	NORTHEN TERRITORY	ACT	QUEENSLAND
Wage Entitlement Breakdown	Wage Entitlement Breakdown	Wage Entitlement Breakdown	Wage Entitlement Breakdown	Wage Entitlement Breakdown	Wage Entitlement Breakdown	Wage Entitlement Breakdown	Wage Entitlement Breakdown	Wage Entitlement Breakdown
<p><b>No work capacity</b> <b>&lt;45 weeks</b> 100% of Normal Weekly Earnings (NWE).</p> <p><b>&gt;45 weeks</b> 75% the lower of NWE or 150% of Average Weekly Ordinary Time Full Time Adults (AWOTEFA)</p> <p><b>Current work capacity</b> <b>&lt;45 weeks</b> 100% of NWE less Amount Earned or able to earn.</p> <p><b>&gt;45 weeks</b> Not working: 75% of Normal Weekly Earnings. If working, top up pay is subject to Section 31 of SRC Act.</p>	<p><b>No work capacity</b> <b>0-13 Weeks</b> 95% of Pre-Injury Average Weekly Earnings.</p> <p><b>&gt; 13 Weeks</b> 80% of Pre-Injury Average Weekly Earnings.</p> <p><b>Current work capacity</b> <b>&gt; 14 Weeks</b> 80% of Pre-Injury Average Weekly Earnings.</p> <p><b>&gt;130 Weeks</b> If working at least 15hrs / week 80% of Pre-Injury Average Weekly Earnings</p>	<p><b>No work capacity</b> <b>0-13 Weeks</b> 95% of Pre-Injury Average Weekly Earnings.</p> <p><b>&gt; 13 Weeks</b> 80% of Pre-Injury Average Weekly Earnings.</p> <p><b>&gt; 130 Weeks</b> 80% of Pre-Injury Average Weekly Earnings, subject to the Claims Agent's Work Capacity Assessment.</p> <p><b>Current work capacity</b> <b>0-13 Weeks</b> 95% of Pre-Injury Average Weekly Earnings less Current Weekly Earnings.</p> <p><b>&gt; 13 Weeks - 130 Weeks</b> 95% of Pre-Injury Average Weekly Earnings &gt; 15 hours work less Current Weekly Earnings. 80% of Pre-injury average weekly earnings &lt; 15 hours work less Current Weekly Earnings.</p> <p><b>&gt;130 Weeks</b> 80% of Pre-Injury Average Weekly Earnings if working &gt; 15 hours, less Current Weekly Earnings, subject to the Claims Agent's Work Capacity Assessment.</p>	<p><b>No work capacity</b> <b>&lt; 52 Weeks</b> 100% of Average Weekly Earnings.</p> <p><b>&gt; 52 Weeks</b> 80% of Average Weekly Earnings.</p> <p><b>&gt; 104 Weeks</b> Nil unless seriously injured (30% Whole Person Impairment)</p> <p><b>Current work capacity</b> <b>&lt; 52 Weeks</b> 100% of Average Weekly Earnings less earnings</p> <p><b>&gt; 53 Weeks</b> 80% of Average Weekly Earnings less earnings.</p> <p><b>&gt; 104 Weeks</b> Nil unless seriously injured (30% Whole Person Impairment)</p>	<p><b>Under an Industrial Award</b> <b>0-13 Weeks</b> First 13 weeks – Total pay including overtime averaged out for 13 weeks prior to incapacity.</p> <p><b>&gt; 13 Weeks</b> Award plus any regular over award payment but excluding overtime.</p> <p><b>Not Under an Industrial Award</b> <b>&lt; 13 Weeks</b> Weekly Payments will consist of the workers average weekly earnings (including overtime, bonuses and allowances) averaged over the 12 months prior to date of injury</p> <p><b>&gt; 14 Weeks</b> Weekly Payments step down to 85% of the workers average weekly earnings.</p>	<p><b>No work capacity</b> <b>0-26 weeks</b> 100% of the greater of Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity.</p> <p><b>26-78 weeks</b> 90% of the greater of Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity; or 95% if employer unable to provide suitable duties</p> <p><b>&gt; 78 weeks</b> 80% of the greater of Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity; or 85% if employer unable to provide suitable duties</p> <p><b>Current work capacity</b> <b>0-26 weeks</b> 100% of the greater of Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity less actual earnings or earnings that could be earned.</p> <p><b>26-78 weeks</b> If working &gt;50% of Normal Weekly Hours, the difference between Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity less actual earnings; or if working &lt;50% of Normal Weekly Hours, 90% of the difference between Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity less actual earnings</p> <p><b>&gt; 78 weeks</b> If working &gt;50% of Normal Weekly Hours, the difference between Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity less actual earnings; or if working &lt;50% of Normal Weekly Hours, 80% of the difference between Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity less actual earnings</p>	<p><b>No work capacity</b> <b>0-26 weeks</b> 100% of Normal Weekly Earnings.</p> <p><b>&gt; 26 weeks:</b> 75% of their loss of earning capacity subject to a maximum of 250% of average weekly earnings.</p> <p><b>Current work capacity</b> <b>0-26 weeks</b> 100% of Normal Weekly Earnings less earnings.</p> <p><b>&gt; 26 weeks:</b> Between 75% of their loss of earning capacity subject to a maximum of 250% of average weekly earnings.</p> <p><b>&lt; 104 weeks:</b> Weekly benefits may reduce or cease, if the worker has been deemed to have an earning capacity, provided that suitable employment is reasonably available.</p> <p><b>&gt; 104 weeks:</b> Weekly benefits may reduce or cease, if the worker has been deemed to have an earning capacity, without having regard to the availability of suitable employment.</p>	<p><b>No work capacity</b> <b>0-26 Weeks</b> 100% average Pre-Incapacity Weekly Earnings.</p> <p><b>&gt; 26 Weeks</b> If the average Pre-Incapacity Weekly Earnings is less than the national minimum wage, the average Pre-Incapacity Weekly Earnings.</p> <p>If 65% of the Pre-Incapacity Weekly Earnings is less than the national minimum wage, the national minimum wage.</p> <p>If 65% of the Pre-Incapacity Weekly Earnings is more than the national minimum wage, 65% of the Pre-Incapacity Weekly Earnings.</p> <p><b>Current Work Capacity</b> <b>0-26 Weeks</b> 100% average Pre-Incapacity Weekly Earnings less earnings paid, or which could be paid in suitable duties.</p> <p><b>&gt; 26 Weeks</b> If the average Pre-Incapacity Weekly Earnings is less than the national minimum wage, the average Pre-Incapacity Weekly Earnings less earnings paid, or which could be paid in suitable duties.</p> <p>If the <u>relevant percentage</u> of the Pre-Incapacity Weekly Earnings is less than the national minimum wage, the national minimum wage less earnings paid, or which could be paid in suitable duties.</p> <p>If the <u>relevant percentage</u> of the Pre-Incapacity Weekly Earnings is more than 150% of average weekly earnings, then 150% of average weekly earnings.</p> <p>For these purposes the relevant percentage is between 65% and 100%.</p> <p>For further details, refer to page 107 of the Comparison of Workers' Compensation report (see foot note)</p>	<p><b>Under an Industrial Award</b> <b>&lt; 26 Weeks</b> The greater of 85% of the workers normal weekly earnings or amount payable under the workers industrial instrument (II), less earnings if working.</p> <p><b>27 Weeks – 104 Weeks</b> The greater of 75% of the workers normal weekly earnings or 70% of Queensland Ordinary Time Earnings, less earnings if working.</p> <p><b>&gt; 104 Weeks – 5 years</b> Payable dependent on degree of impairment; the greater of 75% of normal weekly earnings or 70% of the Queensland Ordinary Time Earnings.</p> <p><b>Not Under an Industrial Award</b> <b>&lt; 26 Weeks</b> The greater of 85% of workers normal weekly earnings or 80% of Queensland Ordinary Time Earnings, less earnings if working.</p> <p><b>&gt; 27Weeks – 104 Weeks</b> The greater of 75% of the workers normal weekly earnings or 70% of Queensland Ordinary Time Earnings, less earnings if working.</p> <p><b>&gt; 104 Weeks – 5 years</b> Payable if the degree of impairment is more than 15%; the greater of 75% of normal weekly earnings or 70% of the Queensland Ordinary Time Earnings. If 15% or less, an amount equal to the single pension rate</p>
Cessation Date	Cessation Date	Cessation Date	Cessation Date	Cessation Date	Cessation Date	Cessation Date	Cessation Date	Cessation Date
Retirement	130 weeks	<p>Weekly benefits: 130 weeks unless deemed unfit for work, or not working &gt; 15 hours per week.</p> <p>260 weeks for all workers who continue beyond 130 weeks.</p> <p>Provisions apply to injured workers with greater than 20% impairment.</p>	104 weeks for non-seriously injured workers	There are prescribed amounts to compensation, medical & hospital expenses and rehabilitation payments. Once exhausted, claim ceases unless the Injured Worker meets certain criteria and is assessed at 15% WPI which enables them access to pursue common law.	<p>Cessation of entitlement to weekly payments depends on the worker's degree of whole person impairment (WPI):</p> <p>a) 9 years if &lt; 15% WPI</p> <p>b) 12 years if ≥15% WPI but &lt; 20% WPI</p> <p>c) 20 years if ≥20% WPI but &lt; 30% WPI, or</p> <p>d) To pension age if ≥ 30% WPI.</p> <p>Retirement provisions also apply</p>	<p>104 weeks where weekly benefits may reduce or cease if employee is assessed as having a capacity to earn.</p> <p>260 weeks in all other cases unless the worker has a whole person impairment &gt;15% Retirement provisions also apply</p>	Employee is either fit to return to work, commutation of claim or when employee is deceased.	<p>The entitlement of a worker to weekly compensation payments stops when the first of the following happens:</p> <p>a) The incapacity due to the work-related injury stops.</p> <p>b) The worker has received weekly payments for the incapacity for 5 years.</p> <p>c) Compensation reaches the maximum amount (statutory maximum).</p> <p>If a worker's incapacity is continuing and the medical information obtained indicates that the condition will not worsen, and the injury will not improve with further treatment, the injury is considered to be stable and stationary.</p> <p>It is then appropriate to have a permanent impairment assessed. If they are assessed with greater than 1% then the claim will finalise within 20 business days of the notifies of assessment.</p>
Maximum Wages	Maximum Wages	Maximum Wages	Maximum Wages	Maximum Wages	Maximum Wages	Maximum Wages	Maximum Wages	Maximum Wages
\$2,654.70* per week	\$2,590* per week	\$2,341.70* per week	\$3,325.8* per week	\$2,872.00* per week	No Maximum	\$3,543* per week but only applicable post 26 weeks of incapacity	\$2,620.35 per week, but only applies post 26 weeks to workers with a partial incapacity.	For compensation payable as weekly payments 216.15 times QOTE Currently QOTE = \$1,671.40* Maximum annual payment = \$361,275

COMCARE	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	NORTHERN TERRITORY	ACT	QUEENSLAND
Journey Claims	Journey Claims	Journey Claims	Journey Claims	Journey Claims	Journey Claims	Journey Claims	Journey Claims	Journey Claims
Not included, some exceptions for travelling out of or in the course of employment.	Not included, some exceptions for travelling out of or in the course of employment.	Not included, some exceptions for travelling out of or in the course of employment. Some occupation exceptions.	Limited to where there is a real and substantial connection between the employment and the accident out of which the injury arises	Not included, some exceptions for travelling out of or in the course of employment.	Not included, some exceptions for travelling out of or in the course of employment.	Included unless the injury is sustained in a motor accident as defined by the Motor Accidents (Compensation) Act 1979.	Travel to and from work is included.	Travel to and from work is included.
Recess Claims	Recess Claims	Recess Claims	Recess Claims	Recess Claims	Recess Claims	Recess Claims	Recess Claims	Recess Claims
Yes, for both onsite and offsite breaks.	Yes, for both onsite and offsite breaks.	Yes, for both onsite and offsite breaks.	Yes, for both onsite and offsite breaks.	Break onsite – No. Break offsite – No reference in the Act. Coverage depends on factual circumstances or common law.	Break onsite – Yes Break offsite – No, with some exceptions.	Yes, for both onsite and offsite breaks.	There is no reference in the Act for Recess claims.	Yes, to both onsite and offsite breaks.
Permanent Impairment	Permanent Impairment	Permanent Impairment	Permanent Impairment	Permanent Impairment	Permanent Impairment	Permanent Impairment	Permanent Impairment	Permanent Impairment
Economic \$204,880.70* Non-Economic \$76,830.30*	Combined maximum - \$644,640*	Maximum amount payable for permanent impairment is \$637,270* (plus additional 5% for back impairment) Indexed to \$669,133.50*	Lump sum of up to \$400,290* – economic loss  Lump sum of up to \$539,820* – non-economic loss	Percentage of prescribed amount for permanent impairment, with the value being dependent on the nature of injury. Maximum value is \$239,179.	415 x Basic Salary which equates to \$404,674.80 as at 1 January 2022	Combined - \$352,601.60* (208 multiplied by the AWE of \$1,695.20*)	\$164,143 for single losses \$246,215 for multiple losses (indexed to 26/07/22)	A workers DPI is calculated by multiplying the maximum statutory compensation of \$361,273 x %
Death Benefits – Lump Sum	Death Benefits – Lump Sum	Death Benefits – Lump Sum	Death Benefits – Lump Sum	Death Benefits – Lump Sum	Death Benefits – Lump Sum	Death Benefits – Lump Sum	Death Benefits – Lump Sum	Death Benefits – Lump Sum
\$596,838.09*	\$660,970*	\$862,350*	\$539,820*	\$609,978*	415 x Basic Salary which equates to \$404,674.80 as at 1 January 2022	\$617.052.80* (364 x AWE)	\$583,419 (indexed to 30/06/22)	\$ \$676,700* (as at 1/7/22) (payments of funeral expenses and dependants also apply as prescribed)

Source Data – Comparison of Workers’ Compensation arrangements in Australia and New Zealand 28<sup>th</sup> Edition  
 \*Indexed figures as at 1 July 2022

The information in this document is provided for general guidance only in understanding the differences in entitlements across all workers’ compensation jurisdictions. It does not highlight every difference across all schemes, just those that are frequently asked. We refer you to the Comparison of Workers’ Compensation arrangements in Australia and New Zealand report 2021 located at: <https://www.safeworkaustralia.gov.au/doc/comparison-workers-compensation-arrangements-australia-and-new-zealand-2021> for further information on the scheme differences.