

	NSW	QLD	VIC	ACT	WA	SA	TAS	NT	Commonwealth
Worker type covered	Contract of service	PAYG Works under a contract	Performs work for employer	Contract of service, labour only and works under a contract (with exceptions)	Contract of service and certain sole traders	Contract of service and prescribed classes	Contract of service	Contract of service, PAYG taxpayer (or should have been PAYG taxpayer) (with several exceptions, including relating to family members, company directors)	Employee/ Seafarer
Employment contribution	Substantial contributing factor The main contributing factor for a disease No compensation for heart attack or stroke injury unless nature of employment results in significantly greater risk	A significant contributing factor	Material contributing factor for injuries simpliciter and for continuing entitlement to compensation. Significant contributing factor for disease, heart attack and stroke injuries Mental injuries on or after 31 March 2024 require: - a DSM diagnosis and significant behavioural, cognitive or psychological dysfunction - primary mental health injuries are to have predominantly arisen out of the course of employment and not predominantly caused by stress or burnout (other than in context of traumatic event.	Out of or in the course of employment Substantial contributing factor (diseases and specific pre-existing conditions)	Contributing factor to a significant degree	"A" significant contributing cause (physical), "the" significant contributing cause (psychiatric)	Major or most significant factor	The real, proximate or effective cause of the injury or disease (or aggravation, acceleration or exacerbation of a disease) Contact with bodily fluids compensable in some circumstances Heart attack or stroke injury, requires material contribution (defined)	Out of or in the course of employment (injuries) To a material degree (diseases before 13 April 2007) To a significant degree (diseases after 13 April 2007) Out of or in the course of employment (injuries) Material degree (diseases) – no amendment to significant degree for seafarers.
Entitlements									
0-13 weeks	No work capacity - AWE x 95% - D Capacity for not less than 15 hours or returned to work not less than 15 hours - (AWE x 95%) - (E + D), or AX - (E + D)	The greater of 85% NWE or 100% under industrial instrument	95% up to maximum (which is \$2,930)	<u>For total incapacity:</u> 100% of a worker's average pre-incapacity weekly earnings <u>For partial incapacity:</u> - The difference between the worker's average pre-incapacity earnings and the average weekly amount that the worker is paid or could earn	100% capped at \$3,163 gross per week	100% with a cap at twice state average weekly earnings (current prescribed at \$3,860.60 gross per week)	100%	100% of claimants NWE (Normal Weekly Earnings) (for partial or total incapacity) during periods of medically certified incapacity, less any actual earnings	100% 100%
14-26 weeks	No work capacity – AWE x 80% - D, or MAX – D Returned to work not less than 15 hours per week – AWE x 95% - (E + D), or MAX – (E + D) Working capacity but has not returned to work or working < 15 hours per week – AWE x 80% - (E + D), or MAX – (E + D)	The greater of 85% NWE or 100% under industrial instrument	80% up to maximum	As per 0-13 weeks	100% of AWE capped at \$3,163 gross per week	100%	100%	100% of claimants NWE (for partial or total incapacity) during periods of medically certified incapacity, less any actual earnings	100% for first 45 weeks 100% for first 45 weeks
27-52 weeks	As per 14-26 weeks	The greater of 75% of NWE* or 70% of QOTE (Queensland Ordinary Time Earnings)	80% up to maximum	<u>For total incapacity:</u> - If 100% of APIWE is less than the statutory floor = then 100% of APIWE (Average Pre Injury Weekly Earnings) - If 100% of APIWE is more but 65% of APIWE is less than the statutory floor = then statutory floor	85% AWE over 1 year before the date of injury	100%	90% or 95% if criteria met	Total or partial incapacity, 75% of LOEC (loss of earning capacity), assessed including taking into account the MPE (most profitable employment) reasonably available to the claimant, to a maximum of 150% of statistical (ABS) average weekly earnings	100% for first 45 weeks. After 45 weeks if totally incapacitated the lower of 75% NWE or 150% of the Average Weekly Ordinary Time Earnings for Full Time Adults (AWOTEFA). 100% for first 45 weeks. After 45 weeks: If totally incapacitated lower of 75%

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				- If 65% of APIWE is more than statutory floor = the higher of 65% of APIWE or the statutory floor. <u>For partial incapacity:</u> - Worker is entitled to the difference between the weekly amount the worker is paid or could earn and: - If 100% of APIWE is less than statutory floor = then 100% APIWE - If relevant percentage of APIWE is less than statutory floor = the statutory floor - If relevant percentage of APIWE is more than statutory ceiling = then statutory ceiling - In any other case = then the relevant percentage of APIWE Note: Statutory floor and statutory ceiling are indexed figures based on the ABS seasonally adjusted average weekly earnings for 'All males - Total earnings' for the ACT. - Relevant percentage is calculated as follows: - If worker not working or works up to 25% of APIW hours = 65% - If worker works between 25% and 50% APIW hours = 75% - If worker works between 50% and 75% of APIW hours = 85% - If worker works between 75% and 85% of APIW hours = 95% - If worker works between 85% and full APIW hours = 100%				- Special provisions for older workers 90% of LOEC if LOEC below a certain threshold	NWE or 150% AWOTEFA. If working, rate subject to top-ups as per s 31
53-104 weeks	As per 14-26 weeks	As per 27-52 weeks	80% up to maximum	As per 27-52 weeks	As per 26-52 weeks	80%	80% after 78 weeks or 85% if criteria met	As per 27-52 weeks	As after 45 weeks As after 45 weeks
104+ weeks	As per 14-26 weeks	Compensation will depend on degree of impairment Single pension rate (if worker demonstrates injury could result in impairment of 15% or more, then per 27-104 weeks)	80% up to maximum	As per 27-52 weeks	As per 26-52 weeks	Nil unless seriously injured worker and then 80% except a limited 13-week period for endorsed surgery (limited)	80% or 85% if criteria met	As per 27-52 weeks, save LOEC is determined on the basis of the MPE whether or not employment is available	As after 45 weeks As after 45 weeks

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130+weeks	No work capacity: AWE x 80% - D or MAX - D If working for not less than 15 hours per week and WPI of up to 21% or 21%-30% AWE x 80% - (E + D), or MAX - (E + D) If not working but has capacity or returned to work for < 15 hours and 21%-30% WPI AWE x 80% - D, or MAX - D Workers with > 30% WPI: AWE x 80% - D, or MAX - D but not less than \$808 as indexed. Weekly benefits cease after 260 weeks unless WPI >20%.	No entitlement to weekly payments after 5 years	80% up to maximum No current work capacity or limited capacity greater than 15 hours and earning at least \$251 per week on an indefinite basis. For claims reaching 130 weeks on or after 31 March 2024 there is an added requirement that a worker's WPI is assessed at 21% or more to remain in receipt of weekly payments.	As per 27-52 weeks	As per 26-52 weeks	No unless a seriously injured worker 30% WPI threshold (physical), 35% WPI (psychiatric)	9 years plus at 80% or 85% if criteria met, but must satisfy permanent impairment threshold	As per 104+ weeks save there is a duration limit of 260 weeks (in the aggregate) unless the claimant is 15% whole person impaired or more, in which case, subject to certain conditions, incapacity benefits continue to the claimant's future pension age	As after 45 weeks Redemption eligibility ceiling - \$147.20 As after 45 weeks Redemption eligibility ceiling - \$147.20
Journey claims	Yes with restrictions – ‘real and substantial connection to employment’	Yes	No	Yes	No	Yes – limited	No+	Yes, save for (subject to certain exceptions) journeys involving injury sustained in a motor accident	No Yes
Common law	Yes – past and future economic loss of earnings Threshold 15% WPI or more Cap – Statutory cap on damages for economic loss (maximum net weekly loss - \$2,569.60 indexed biannually s 151l)	Yes – No threshold except claims from 15 Oct 2013 to 30 Jan 2015 >5% DPI No entitlement to bring common law claim if worker has accepted statutory lump sum compensation and has a DPI of less than 20%	Yes – Pain and suffering damages and economic loss Threshold >30% WPI or narrative test Cap – P&S \$759,510 (WIRC Act) – Eco \$1,744,530 (WIRC Act)	Yes – unlimited damages and no thresholds	Yes – if WPI at least 15% Damages capped where: WPI is less than 25% (Cap is \$573,766 inclusive of Act entitlements paid) There is no cap if WPI is equal to or greater than 25% WPI	Yes – 30% WPI threshold for psychiatric, 35% WPI for physical injury	Yes – economic and non-economic loss Threshold >20% WPI Cap - none	No action for damages by the claimant against the employer Claims against third parties available (subject to recovery by the employer)	Yes Employee – non- economic loss cap \$110,000 Dependant – no cap Yes Permanent impairment \$235,434.71 Non-economic loss \$44,144.03
Recess claims	Yes	Yes	Yes+	Yes	No	Yes+	Yes	Yes	Yes Yes
Long or short tail claims	Short tail claims for workers less than 21% WPI Long tail for workers with 21% WPI or greater	Short tail	Long tail	Long tail	Long tail	Short tail for workers less than the serious injury threshold. Long tail for seriously injured workers (35% WPI physical, 30% WPI psychiatric)	Long tail	Long tail	Long tail Long tail
Benefits payable	Lump sum – injuries prior to 1 January 2002 - Table of Disabilities - no threshold - no psychological impairment Injuries from 1 January 2002 to 19 June 2012 where claim made prior to 19 June 2012: - Physical – 1% threshold - Binaural loss of hearing of 6% - Psychological – 15% WPI threshold Injuries or notification of injuries or claim after 19 June 2012 - Physical –11% WPI threshold - Psychological – 15% WPI threshold - No pain and suffering	Statutory compensation: - weekly payments - medical and other expenses - travel expenses - paid care/assistance / home modification Common law claim: - pain & suffering - economic loss - past expenses - future expenses - limited paid care - future paid care if requirements met	- Weekly payments - Impairment benefits - Death / dependency - Medical and like	Statutory compensation: - Weekly payments - Lump sum impairment benefit for permanent injury - Death/ dependency - Medical, hospital and vocational - Damaged clothing associated with the injury - Home modification Common law claim: - pain & suffering - economic loss	- Weekly payments - Lump sum impairment benefit - Death/dependency - Medical, hospital - Vocational rehabilitation expenses - Miscellaneous expenses	Statutory compensation and common law (limited to seriously injured workers) Statutory compensation includes: - Medical expenses (which includes medical and allied health services, therapeutic appliances and rehabilitation / domestic services) - Weekly payments - Lump sum compensation for both economic and non-economic loss (based on prescribed benefits) (5% WPI and above) - Death / dependency benefits	- Weekly payments - Impairment benefits - Death / dependency - Medical and like	- Weekly payments - Medical, surgical and rehabilitation treatment - Counselling provided to claimant or the claimants family - Permanent impairment compensation - Rehabilitation training and workplace modification - Home, vehicle modifications - Household, attendant care services - Lump sum death benefits, weekly payments for children	- Weekly payments - Impairment benefits - Death / dependency - Medical and like Weekly payments Impairment benefits Death / dependency Medical and like

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	If claim made prior to 19 June 2012 – one further claim permitted Weekly compensation, Medical and related expenses, Death benefits, Return to work			- past expenses - future expenses - domestic assistance					
Permanent impairment	Injuries prior to 30 June 1987 – as per Table of Disabilities for 1926 Act. Injuries from 30 June 1987 to 31 December 2001 – As per indexed amounts in Table of Disabilities for 1987 Act Injuries from 1 January 2002 to 31 December 2006 – maximum amount is \$200,000 Injuries from 1 January 2007 to 4 August 2015 – maximum amount is \$220,000 Injuries from 5 August 2015 to 30 June 2016 – Maximum amount is \$577,050 and indexed thereafter Injuries 1 July 2024 to 30 June 2025 – Maximum amount is \$740,550 Injuries 1 July 2025 to 30 June 2026 – Maximum amount is \$757,760	The maximum statutory compensation is \$398,735 (as at 1 July 2024, for date of injuries on or after 01.07.2020)	5% WPI if injured after 3 December 2003 + Combined total of past hearing loss and current hearing loss must be at least 10% WPI. 30% WPI for an entitlement for psychiatric injuries. The maximum payment for 100% impairment is \$759,510 and for hearing loss is \$135,150	- No comp for less than 6% hearing loss - Refer to schedule 1 of WC Act for percentage of single loss amount payable. - The maximum permanent impairment single loss amount is \$181,673	Percentage of prescribed amount for permanent impairment	>5% WPI non-economic loss - \$639,955 maximum (50% or >) Economic loss (>5% but capped at 34% WPI despite > WPI) - \$589,603 maximum	5% WPI (except if loss of part of toe or finger), 5% hearing loss, and 10% psychiatric. Maximum lump sum is \$455,259.15	Yes. No lump sum impairment benefit payable for WPI less than 5%. Sliding scale of compensation between 5 – 14% WPI 15% WPI or more, that percentage of 208 x AWE (ABS statistical average weekly earnings. As at 1 Jan 2025, AWE = \$1,845.80)	10% WPI threshold except for: 5% hearing loss; >0% loss fingers/toes/smell/ taste \$235,434.71 (maximum permanent impairment) \$88,288.06 (max non-economic loss including both components A and B) 10% WPI threshold >0% loss fingers/ toes/smell/taste \$235,434.71 (max permanent impairment \$88,288.06 [max non-economic loss (formula amount)]
Psych injury defences	Must be a recognizable psychiatric or psychological disorder Reasonable action on behalf of the employer with respect to transfer, demotion, promotion, performance appraisal, discipline, retrenchment or dismissal of workers or provision of employment benefits to workers (s11A)	Reasonable management action taken in a reasonable way in the course of employment	Reasonable management action	Reasonable management action (mental injury completely or mostly caused by)	- Test is reasonable administrative action - Suspension, discipline, dismissal, retrenchment, demotion, transfer or redeployment - Not being promoted, reclassified, transferred or granted leave of absence or any other benefit - Worker’s expectation of these	- Reasonable administrative action - Transfer, demote, discipline, counsel, retrench or dismiss,	Reasonable administrative action	Management action taken on reasonable grounds and in a reasonable manner; a decision on reasonable grounds to take or not take any management action; any expectation any management action would or would not be taken or any decision made to take or not to take any management action	Reasonable administrative action Reasonable disciplinary action Failure to obtain promotion, transfer or benefit
Death benefits	Lump sum - Indexed benefits to dependants of a worker who died prior to 5 Aug 2015 up to \$535,450 and indexed thereafter \$901,600 from 1 October 2023 to 31 March 2024 \$929,200 from 1 April 2024 to 30 September 2024 \$938,600 from 1 October 2024 to 31 March 2025 \$955,950 from 1 April 2025 to 30 September 2025 - Funeral expenses up to \$15K after 5 Aug 2015 for deaths of injured workers before 5 Aug 2015, indexed amounts up to \$9,000 Dust Diseases	- Lump sum for dependants (\$746,863) - Totally dependent spouse – 10.83 times QOTE - Weekly (spouse) 8% of QOTE if child < 6 - Weekly (child < 16 or student) 7% of QOTE - Funeral reasonable expenses	- Lump sum \$759,510 - Weekly max \$2,930, depending on pre-injury earnings and payments for dependants - Burial or cremation \$15,230 - Counselling for family \$11,320	- Lump sum \$643,667 - Dependant (weekly) \$177.02 - Funeral \$14,639.09 The above are adjusted to the Wage Price Index	- Lump sum \$683,050 - Weekly (per child) \$161 - Funeral \$12,477	- Lump sum \$639,955 25% of NWE for orphan 12% of NWE for other children - Weekly (dependant spouse) 50% of NEW - Funeral \$13,506 - Counselling	- Lump sum \$455,259.15 - Weekly (per infant) \$164,551 (15% of basic salary) - Weekly (spouse) same rate as incapacity payment - Funeral \$9,500 - Counselling \$4,000	- The cost of the funeral - Lump sum (364 x AWE (ABS statistical average weekly earnings) payable to dependants in certain proportions (as at 1 Jan 2025, AWE = \$1,845.80) - Weekly payments (of 10% of AWE) to each prescribed child for a defined duration - Counselling services and financial advice for dependants	- Lump sum \$664,264.56 - Weekly (per child) \$182.68 - Funeral up to \$14,990.43 Lump sum \$664,264.56 Weekly (per child) \$182.68 Funeral up to \$8,152.14

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	Weekly (Dust Diseases) Weekly sums indexed for children - \$171.10 as at 1 April 2025								
Other benefits	Return to work: Up to \$1,000 for injured workers who accept work with new employers; Up to \$8,000 for workers with 20% WPI or more who have received weekly payments for more than 78 weeks for education or training assistance • Commutations (15% WPI threshold, s 87EA criteria) • Medical expenses subject to restrictions s 59A 0 – 10% WPI: 2 years after injury or weekly benefits cease, whichever is the later 11 – 20% WPI: 5 years after injury or weekly benefits cease, whichever is the later 21% WPI exempt from s59A	• No limit medical treatment • Incapacity benefit 100% • Return to work assistance	• Return to work assistance	• No limit on reasonable medical and rehabilitation treatment	• Vocational rehabilitation \$19,125 • Medical and other statutory allowances \$163,932 • Additional medical expenses up to 40% of the medical expenses limit if permitted by needs and financial/social circumstances (first extension) • Further additional medical expenses of up to 190% of the medical expenses limit if WPI not less than 15% (second extension) • Incapacity benefit 100% at 13 weeks • Miscellaneous expenses – no limit	• Limit medical treatment 12 months after date of injury or last day of entitlement to weekly payments (whichever is the latest date) • Incapacity benefit 100% at 52 weeks • Return to work obligations enforced against employer (suitable employment test) • Supplementing income support payments for approved surgery after 104 weeks – up to 13 weeks of income at 80% s18 rights to seek suitable employment duties to be provided by the pre-injury employer • Seriously injured workers have access to medical and like expenses on a lifetime basis. • Therapeutic appliances such as prosthesis and hearing aids are not time limited and may also be claimed on a lifetime basis.	• Return to work assistance	• No limit to reasonable medical and rehabilitation treatment (save for duration limit of 12 months after the end of 260 weeks in the aggregate of weekly compensation) • Employer to assist claimant find suitable employment; retrain the claimant • Payment of any costs incurred by the claimant (in excess of those which claimant would have incurred had claimant not suffered the incapacity) as are reasonable and necessary to enable the claimant to achieve reasonable mobility in the community • Payment of set amount of legal costs to for advice and representation at mediation	• No limit medical treatment • Incapacity benefit minimum \$594.46 per week; prescribed person additional \$147.20; per child additional \$73.53 • Return to work • Household and attendant care services up to \$588.55 per week • No limit medical treatment • Incapacity benefit min \$594.46 per week; prescribed person additional \$147.20; per child additional \$73.53 • Return to work/rehab program • Household and attendant care services up to \$588.55 per week

APIWE – Average Pre Injury Weekly Earnings
AWE – Average Weekly Earnings
AWOTEFA – Average Weekly Ordinary Time Earnings for Full Time Adults
LOEC – Loss of Earning Capacity
MPE – Most Profitable Employment
NWE – Normal Weekly Earnings
PAYG – Pay As You Go
QOTE – Queensland Ordinary Time Earnings
WPI – Whole Person Impairment