



Comparison of the Seacare scheme to other schemes

Coverage under the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act) in the Seacare scheme provides employees with a package of benefits and entitlements largely comparable with other Australian schemes.

The key benefits and entitlements of various state and territory workers' compensation schemes are summarised in the table below.

The range of benefits varies from one scheme to another, with no one scheme offering a package of benefits that is clearly superior or more generous than any other scheme.

The range of benefits under the Seacare scheme is comparable with the range of benefits available under any other scheme, although there are some specific areas where the Seacare scheme may be more advantageous, including:

- the long tail nature of the scheme
- employees have access to journey claims.

As a result, there is the possibility that, having regard to specific benefits available to employees under state and territory workers' compensation, including potential access to common law entitlements, injured employees in certain circumstances might be better off in a particular state or territory scheme.

Likewise, the range and quantum of benefits under the various state and territory schemes mean there is also the possibility that some injured employees in particular circumstances might be worse off under that state or territory scheme.

Australian workers' compensation comparison summary – key entitlements

| SEACARE | VICTORIA | NEW SOUTH WALES | SOUTH AUSTRALIA | WESTERN AUSTRALIA** | TASMANIA | NORTHERN TERRITORY | ACT | QUEENSLAND |
|--|--|---|---|---|---|---|--|---|
| Provisional liability | Provisional liability | Provisional liability | Provisional Liability | Provisional Liability | Provisional Liability | Provisional Liability | Provisional Liability | Provisional Liability |
| Not available. | Available for workplace mental health injuries. Medical expenses paid up until claim acceptance, or any other case, 13 weeks. Maximum amount for medical and other costs \$9,600 (indexed each year in accordance with CPI). | Commence weekly payments on a provisional basis within seven days of receiving initial notification, unless the insurer has one of the seven prescribed reasonable excuses. Provisional medical expenses up to \$10,000. However reasonable excuse cannot be applied to medical expenses. | Obligated to offer interim benefits to a worker if the claim has not been determined within 10 days of receipt. | Not available. | Yes, employer obliged to commence weekly payments and medical costs up to \$5,000 once claim received. Payments are not an admission of liability. | Liability is deemed accepted if decision not made within 10 working days of receiving claim. Liability continues until 14 days after the employer notifies the claimant of the decision. | Not available. | Yes - for psychological injury, an insurer must take all reasonable steps to provide reasonable services to support the worker in relation to the psychiatric or psychological injury during the claim determination period. |
| 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>Injury: 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. This may include heart attacks and strokes.</p> <p>Diseases: An ailment suffered by an employee; or an aggravation of such an ailment that was contributed to, to a material degree, by an employee's employment. The 'material degree' contribution by employment is limited to diseases and does not apply to injuries arising out of, or in the course of, employment.</p> <p>Psychological Injury: Does not include a psychiatric or psychological injury or aggravation suffered as a result of reasonable disciplinary action taken against the employee, or failure by the employee to obtain a benefit.</p> | <p>Injury: Any physical or mental injury that has arisen in the course of employment. Employment must be a significant contributing factor 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>Psychological Injury: 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>Mental injuries caused by work related stress or burnout arising from events that are 'typical or usual or reasonably expected to occur' in the course of employment are not compensable, except:</p> <ul style="list-style-type: none"> • for behavior that constitutes bullying, harassment or discrimination • where the mental injury is predominantly caused by traumatic events that are usual/typical/reasonably expected in the course of the employee's duties • where a mental injury occurs where an employee's duties are routinely traumatic or generally | <p>Injury: A personal injury arising out of or in the course of employment. No compensation is payable under this Act in respect of an injury (other than a disease injury for non-exempt workers) unless the employment concerned was a substantial contributing factor to the injury.</p> <p>Includes a "disease injury", which means: i. 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 ii. 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>Psychological Injury: 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.</p> | <p>Injury: An injury that has arisen out of, or in the course of employment.</p> <p>Psychological Injury: Employment must be a significant contributing cause in the case of a Psychiatric injury. Compensation is not payable if the injury was caused by a reasonable management action taken in respect to an employee's employment.</p> | <p>Injury: 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>Psychological Injury: Compensation is not payable if injury was caused by a reasonable management action taken in respect to an employee's employment.</p> | <p>Injury: • An injury, not being a disease, arising out of, or in the course of employment. • An injury, which is a disease, to which employment contributed to a substantial degree, meaning employment is the 'major or most significant factor'. • For 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>Psychological Injury: Compensation is not payable in respect of a disease which is an illness of the mind or a disorder of 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>Injury: An injury is a physical or mental injury arising out of or in the course of employment, where the employment materially contributed to the injury, and includes: 1. a disease; and 2. the aggravation, acceleration, exacerbation, recurrence or deterioration of a pre-existing injury or disease.</p> <p>The employment of a worker is not considered to have contributed materially to the injury unless the employment was the real, proximate or effective cause of the injury, disease, aggravation, acceleration or exacerbation.</p> <p>Psychological Injury: 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>Injury: An injury is a physical or mental injury including stress, aggravation, acceleration or recurrence of a pre-existing injury arising out of, or in the course of employment where employment is a substantial contributing factor.</p> <p>Psychological Injury: 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>Injury: A personal injury arising out of, or in the course of employment where employment is a significant contributing factor.</p> <p>Psychological Injury: For psychiatric or psychological injuries, employment must be the major significant contributing factor. Compensation is not payable if the psychological injury was caused due to a reasonable management action taken in a reasonable manner.</p> |

involve exposure to trauma



| SEACARE | VICTORIA | NEW SOUTH WALES | SOUTH AUSTRALIA | WESTERN AUSTRALIA** | TASMANIA | NORTHERN 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><u>No work capacity</u></p> <p><45 weeks 100% of Normal Weekly Earnings (NWE).</p> <p>>45 weeks 75% of NWE.</p> <p><u>Current work capacity</u></p> <p><45 weeks 100% of NWE less Amount Earned or able to earn.</p> <p>>45 weeks Not working: 75% of NWE. Working to 25% Normal Weekly Hours(NWH): 80% of NWE less Amount Earned or able to earn. Working >25% to 50% of NWH: 85% of NWE less Amount Earned or able to earn. Working >50% to 75% of NWH: 90% of NWE less Amount Earned or able to earn. Working to 100%: NWE less Amount Earned of able to earn.</p> | <p><u>No work capacity</u></p> <p>0-13 Weeks 95% of Pre-Injury Average Weekly Earnings (PIAWE).</p> <p>> 13 Weeks 80% of PIAWE.</p> <p>> 52 Weeks 80% of PIAWE (excluding shift & overtime allowances)</p> <p>> 130 Weeks 80% of PIAWE if indefinite no capacity for work and the worker has a WPI of more than 20% resulting from one or more compensable injuries</p> <p><u>Current work capacity</u></p> <p>0-13 weeks 95% of PIAWE minus earnings.</p> <p>>14 – 52 weeks 80% of PIAWE, minus 80% of what is earned at work.</p> <p>> 52 Weeks 80% of PIAWE (excluding shift & overtime allowances) less 80% of Current Weekly Earnings.</p> <p>> 130 Weeks If working at least 15hrs / week 80% of PIAWE (excluding shift & overtime allowances) less 80% of Current Weekly Earnings if injury means it's unlikely claimant will be able to work any more in the future and if the worker has a WPI of more than 20% resulting from one or more compensable injuries.</p> | <p><u>No work capacity</u></p> <p>0-13 Weeks 95% of PIAWE.</p> <p>> 13 Weeks 80% of PIAWE.</p> <p>> 130 weeks No entitlement unless assessed as having an indefinite total incapacity for work, then 80% of PIAWE.</p> <p>> 260 weeks Weekly payments cease except for those with >20% permanent impairment that meet the requirements of s38(3A) of the 1987 Act. They will receive 80% of PIAWE.</p> <p><u>Current work capacity</u></p> <p>0-13 Weeks 95% of PIAWE less earnings.</p> <p>14 to 130 Weeks > 15 hours per week – 95% PIAWE minus earnings. < 15 hours per week – 80% PIAWE minus earnings.</p> <p>>131 to 260 Weeks 80% of Pre-Injury Average Weekly Earnings if working 15 hours or more, earning at least \$202 per week and is assessed as indefinitely incapable of undertaking further employment.</p> <p>> 260 Weeks Payments will cease unless 20% permanent impairment.</p> | <p><u>No work capacity</u></p> <p>< 52 Weeks 100% of Average Weekly Earnings.</p> <p>> 52 Weeks 80% of Average Weekly Earnings.</p> <p><u>Current work capacity</u></p> <p>< 52 Weeks 100% of Average Weekly Earnings less earnings.</p> <p>> 52 Weeks 80% of Average Weekly Earnings less earnings.</p> | <p><u>Under an Industrial Award</u></p> <p>< 13 Weeks First 13 weeks – Total pay including overtime, bonuses or allowances averaged out for 13 weeks prior to incapacity.</p> <p>> 13 Weeks Award plus any regular over award payment but excluding overtime.</p> <p><u>Not Under an Industrial Award</u></p> <p>< 13 Weeks 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>> 13 Weeks Weekly Payments step down to 85% of the workers average weekly earnings.</p> | <p><u>No work capacity</u></p> <p>< 26 weeks 100% of the greater of Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity.</p> <p>> 26 weeks 90% of the greater of Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity.</p> <p>> 78 weeks 80% of the greater of Normal Weekly Earnings or Ordinary-Time Rate-of-Pay prior to incapacity.</p> <p><u>Current work capacity</u></p> <p>< 26 weeks 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>> 26 weeks 90% 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>> 78 weeks 80% 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><u>No work capacity</u></p> <p>< 26 weeks > 100% of NWE.</p> <p>> 26 weeks: The greater of – 75% of NWE; or – The lesser of \$784.85 plus \$196.21 for dependent spouse and \$98.11 for each dependent child OR 90% of NWE.</p> <p><u>Current work capacity</u></p> <p>< 26 weeks 100% of Normal Weekly Earnings less earnings.</p> <p>> 26 weeks: Between 75% or 90% of their loss of earning capacity subject to a maximum of 150% of average weekly earnings.</p> <p>< 104 weeks: 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>> 104 weeks: 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>> 260 weeks: Entitlement ceases unless WPI 15% or greater, where entitlement can continue until pension age.</p> | <p><u>No work capacity</u></p> <p>< 26 Weeks 100% average Pre-Incapacity Weekly Earnings.</p> <p>> 26 Weeks 65% of the Pre- Incapacity Weekly Earnings.</p> <p><u>Current Work Capacity</u></p> <p>< 26 Weeks 100% average Pre-Incapacity Weekly Earnings less earnings paid, or which could be paid in suitable duties.</p> <p>> 26 Weeks • 65% if the worker is not working or works 25% of the worker's average pre-incapacity weekly hours or less, or • 75% if the worker is working more than 25% of the worker's average pre-incapacity weekly hours but not more than 50%, or • 85% if the worker is working more than 50% of the worker's average pre-incapacity weekly hours but not more than 75%, or • 95% if the worker is working more than 75% of the worker's average pre-incapacity weekly hours but not more than 85%, or • 100% if the worker is working more than 85% of the worker's average pre-incapacity weekly hours.</p> | <p><u>Under an Industrial Award</u></p> <p>< 26 Weeks 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><u>26 Weeks – 104 Weeks</u> The greater of 75% of the workers normal weekly earnings or 70% of Queensland Ordinary Time Earnings, less earnings if working.</p> <p>> <u>104 Weeks – 5 years</u> Payable dependent on degree of impairment; the greater of 75% of normal weekly earnings or 70% of the Queensland Ordinary Time Earnings.</p> <p><u>Not Under an Industrial Award</u></p> <p>< 26 Weeks The greater of 85% of workers normal weekly earnings or 80% of Queensland Ordinary Time Earnings, less earnings if working.</p> <p>> 26 Weeks The greater of 75% of the workers normal weekly earnings or 70% of Queensland Ordinary Time Earnings, less earnings if working.</p> <p>> 104 Weeks – 5 years Payable dependent on the degree of impairment; the greater of 75% of normal weekly earnings or 70% of the Queensland Ordinary Time Earnings.</p> |
| Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) | Maximum Wages (at claim commencement unless otherwise indicated) |
| No maximum for first 45 weeks. \$2,711.55* per week > 45 weeks. Indexed every 6 months. | \$2,660* per week. Indexed annually. | \$2,395.30* per week. Indexed every 6 months. | \$3,408.60* per week. Indexed every 6 months. | \$3,020* per week. Indexed annually. | No Maximum. | \$2,565.45* per week but only applicable post 26 weeks of incapacity. Indexed annually. | \$2620.35* only applies post 26 weeks to workers with a partial incapacity. Indexed every 6 months. | While there are no weekly caps, the total amount payable for weekly benefits is \$380,580*. Indexed annually. |
| 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 – reasonable costs paid. | All reasonable costs paid in line with fee schedules. Compensation for medical and like services (medical and like benefits) will cease to be paid: • 52 weeks after a worker's entitlement to weekly payments ceases, unless exceptions apply. • 52 weeks after a worker's entitlement to medical and like services arises, where a worker's claim was accepted for medical and like services only, unless exceptions apply. | All medical and hospital costs covered, many of which are covered by fee schedules. Medical benefit entitlement period: • All workers are entitled to at least 2 years of medical benefits from when weekly payments cease being payable or from the date of claim if no weekly payments are made. • Further time frames are: 5 years from when weekly payments cease to be payable for those with 11-20% permanent impairment or for life for those with greater than 20% permanent impairment. • Some medical treatment and services are exempt from this compensation period limit. | No financial limit, but limits on duration of support for medical and other expenses. For workers entitled to weekly incapacity payments: entitlement to compensation for medical and other expenses ends 1 year after the entitlement to weekly incapacity payments ends. For workers NOT entitled to weekly incapacity payments: entitlement to compensation for medical and other expenses ends 1 year after the claim is made. | Limited to 30% of prescribed amount (\$75, 817) + \$50k in circumstances. | No financial limit, but 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 financial 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. Hospital 4 days + additional days if reasonable. |

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|---|---|--|--|--|---|---|--|--|
| How long is income replacement available? | How long is income replacement available? | How long is income replacement available? | How long is income replacement available? | How long is income replacement available? | How long is income replacement available? | How long is income replacement available? | How long is income replacement available? | How long is income replacement available? |
| Pension age or 52 weeks from date of injury if the employee is injured within one year of pension age. | There are limits on payments (see wage entitlement breakdown and medical and hospital limits above). Workers are not normally entitled to payments under the Act after attaining retirement age except: • if injured within the period of 130 weeks before attaining retirement age or at any time after attaining that age, the worker is entitled to weekly payments for no more than the first 130 weeks of incapacity for work; or • if worker's incapacity after reaching retirement age relates to an injury suffered within the preceding 10 years and if the incapacity is due to inpatient treatment, the worker is entitled to weekly payments for a limited period of up to 13 weeks. | 260 weeks except for exempt workers (generally first responders). Provisions apply to seriously injured workers with greater than 20% impairment. For exempt employees, one year after retirement age unless the injury occurred on or after reaching retirement age, in which case compensation is payable up to 12 months after the first occasion of incapacity for work. | 104 weeks for non-seriously injured workers. Seriously injured workers (those with an injury that results in a degree of WPI of 30% or more) are eligible for income support until retirement. Payments may also be continued if surgery is required. If a worker is above or within 2 years of their retiring age weekly payments are payable for a maximum of two years. | As noted above, there is a financial cap on medical payments. Income replacement cap of \$252,724*. An additional amount of up to 75% may be ordered where a worker suffers permanent total incapacity. There are no retirement provisions that require payments to cease. | Cessation of entitlement to weekly payments depends on the worker's degree of whole person impairment (WPI) - 9 years if < 15% WPI - 12 years if ≥15% WPI but < 20% WPI - 20 years if ≥20% WPI but < 30% WPI, or - To date of cessation of employment (normally the pension age) if ≥ 30% WPI. • If the worker was injured 12 months or more before the date the worker reaches the pension age, compensation ceases on the date on which the worker attains the pension age; or • If the worker was injured less than 12 months before the date on which the worker attains the pension age, compensation ceases on the date one year after the injury occurred. | 104 weeks where weekly benefits may reduce or cease if employee is assessed as having a capacity to earn and suitable employment is reasonably available. 260 weeks in all other cases unless the worker has a whole person impairment >15%. | Weekly compensation generally stops when the person reaches retirement age under Social Security legislation. If a worker is injured within 2 years of, or after, their retirement age, they are entitled to receive up to 104 weeks of weekly compensation. | 2 years, or up to 5 years if the workers is assessed with a > 15% permanent impairment. There are no retirement provisions that require payments to cease. |
| Common Law | Common Law | Common Law | Common Law | Common Law | Common Law | Common Law | Common Law | Common Law |
| Yes. • Where compensation is payable for permanent impairment, the employee can elect to institute a proceeding against the Commonwealth. • Limited to \$138,570.52. Employee cannot also obtain compensation for permanent impairment and non-economic loss if they pursue damages under common law. | Yes. • There are additional requirements to prove a permanent loss of 40% earning capacity to be able to pursue economic loss damages. • If pain and suffering damages are awarded the amount must be reduced by any lump sum impairment benefit paid. • Employee must be granted a 'serious injury certificate' and be assessed as having a whole person impairment >30% or WorkSafe Vic or the County Court determines they have a 'serious injury'. • A worker can have a 'serious injury' that entitles them to pursue pain and suffering damages only and/or economic loss damages. To qualify for serious injury status for economic loss (if serious injury is determined under the narrative test) the worker must prove they have suffered and will continue to suffer a loss of earning capacity of 40% or more. • Maximum amount for pain and suffering damages is \$661,100*. • Maximum amount for economic loss damages is \$1,746,330*. | Yes. To be eligible to make a claim: • the work injury is a result of the negligence of the employer • the worker must have at least a 15% permanent impairment, and • claims for permanent impairment lump sum compensation must be made prior to or at the same time as the common law claim, and must be settled prior to a common claim being finalised. There is no cap on the amount of damages that can be awarded. | Yes – limited to economic loss only, with no cap on damages. Threshold: 30% WPI required for access to common law damages. | • Yes. A Worker must not have less than 15% WPI to access limited damages, and not less than 25% WPI to access unlimited damages. • Where a worker has a WPI of less than 25% the maximum amount of damages that may be awarded is \$530,724.00 (indexed annually). • There is no cap on damages to a worker with a WPI of greater than 25%. | • Yes. A Worker must be assessed at least 20% WPI for access to common law damages. • There is no cap on damages. | No. | Yes. There are no statutory thresholds, nor is there a cap on damages. | • Yes. If worker has a degree of permanent impairment (DPI) of less than 20% the worker must decide to either accept the lump sum payment or seek damages. • General damages (pain and suffering) capped at 239.71 times QOTE. • Loss of earnings capped at 3 times QOTE per week for each week of the period of loss of earnings. |
| Journey Claims | Journey Claims | Journey Claims | Journey Claims | Journey Claims | Journey Claims | Journey Claims | Journey Claims | Journey Claims |
| Travel to and from work is included. As is travel between home and a temporary residence as a matter of necessity for the purposes of employment. Further coverage is available for travel in the course of employment. | Not included, some exceptions for travelling out of or in the course of employment. | Yes, for certain exempt workers. For all other workers with injuries received on or after 19 June 2012, there must be a real and substantial connection between employment and the accident or incident out of which the injury arose. | Limited to where there is a real and substantial connection between the employment and the journey being undertaken at the time of the accident out of which the injury arises. | Not included. | Not included, some exceptions for travelling out of or in the course of employment. | Not included. | Travel to and from work, an educational institution (if attended for a work – related purpose) and a journey where the purpose is to obtain a medical certificate, medical advice/attention/treatment or compensation relating to a previous injury to which the employee is entitled to compensation is included. | Travel to and from work and a trade/technical/training school (if the employer requires the employee to attend the school) 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. | • Break onsite – Yes if break is authorised. • Break offsite – No. | • Break onsite – Yes. • 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. For offsite breaks, some exceptions for injuries from MVA. | 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 |
| Maximum payment: • Economic \$220,861.39*. • Non-Economic \$82,823.06*. | • Combined maximum - \$713,780*. | Maximum amount payable for permanent impairment is \$713,660* (plus additional 5% for back impairment). | Maximum payment: • Lump sum of up to \$539,281* – economic loss. • Lump sum of up to \$585,336* – non-economic loss. | \$252,724 for Schedule 2 impairments* (extra in special circumstances). | \$417,394.55 as at 1 July 2023. | Combined - \$355,742.40* | \$164,143* (single) \$246,215* (multiple) | \$380,580 permanent impairment plus up to \$431,130 gratuitous care* |

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|---|--|---|--|---|---|--|---|--|
| 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 |
| \$617,130.59* | \$713,780* | \$891,100 (1 April 2023 to 30 Sept 2023). Indexed on 1 April and 1 October each year. | \$585,336* | \$631,810.00* | \$396,001.30 as at 1 January 2021 | \$622,549.20* | \$617,130.59* | \$712,855* |
| Rehabilitation | Rehabilitation | Rehabilitation | Rehabilitation | Rehabilitation | Rehabilitation | Rehabilitation | Rehabilitation | Rehabilitation |
| Employers required to assess employee's ability to undertake a rehabilitation program for injuries that result in an impairment or incapacity for work that lasts or is expected to last for 28 days. If the assessment finds the employee capable of undertaking a program the employer must arrange for an approved program provider to develop a rehabilitation program. Injured worker placement incentives: • Not available. | Employers required to plan return to work (RTW) in consultation with employee. Must have a RTW coordinator for duration of obligations or at all times based on employer's remuneration. Employer must plan a worker's return to work from the date on which the employer knows or ought reasonably to have known of worker's incapacity. Injured worker placement incentives: • Workplace Incentive Scheme for Employers (WISE) is a 6-month financial incentive for employers who offer ongoing employment of 15 hours or more to workers who cannot RTW with their pre-injury employer. | An employer must establish a RTW program with respect to policies and procedures for the rehabilitation of any injured workers of the employer. An employer's RTW program must align with the injury management program of the employer's insurer. All employers in NSW must have a return-to-work program in place within 12 months of starting a business, and it must be consistent with the insurer's injury management program. Employers must provide suitable work, where reasonably practicable, even when there is a dispute about liability. If a worker sustains a significant injury and is unable to return to their pre-injury role a Recover at Work Plan is required to be developed by the employer. An insurer must commence an injury management plan upon receipt of initial notification of injury and if the injury is identified as likely to be significant which is being unable to perform the pre-injury role for more than 7 days. An employer is to develop a Recover at Work Plan for each worker who returns to suitable work. Injured worker placement incentives: • Jobcover Placement Program – Up to \$27,400 over 52 weeks paid to employer as incentive. • Recover at Work Assist for Small Business – provides employer with an assistance payment up to \$400 per week for up to 6 weeks. For business <19 FTE. • New employment assistance benefit – Up to \$1,000 paid to support RTW with a new employer. | Employers are required to appoint a RTW Coordinator, whose duties include a requirement to comply with training or operational guidelines published by RTWSA. Employers can be subject to a supplementary payment (on top of premiums) for failing to provide satisfactory recovery/ RTW services. Employers with less than 30 employees are exempt from this requirement. A recovery/return to work plan must be prepared where it appears that a worker is (or is likely) to be incapacitated for work by a work injury for more than 4 weeks. Injured worker placement incentives: • Re-employment Incentive Scheme for Employers – reimbursement of 40% gross wages for up to 52% of employment. | There is a requirement to establish and implement an Injury Management Process. The injury Management Process document should outline: - A description of steps the employer will take when an injury occurs in the workplace. - Details of the person who has day-to-day responsibility for the injury management system and their contact details. RTW plans are required as soon as practicable after: • the treating doctor indicates the need for a RTW program, or • the worker's doctor signs a medical certificate to the effect that the worker has partial capacity for work or has total capacity but is unable to return to their pre-injury position for some reason. Injured worker placement incentives: • Not available. | Insurers and employers are required to ensure that there is an approved Injury Management Program in place. Key elements of the program include: • Injury Management Policy. • Policy for the Management of Employer Injury Management Programs (Licensed Insurers Only). • Information Management. • Communication Management. • Role of the Injury Management Coordinator. • Role of Workplace Rehabilitation Provider. • Role of the RTW Coordinator (Self-Insurers Only). • Mechanisms to facilitate early reporting and intervention of injuries/ claims. • Medical management. • Return To Work. • Management of Alternative duties. • Management of psychological claims. • Management of complex claims. If a worker suffers a significant injury, the employer must ensure that any return-to-work plan, or injury management plan, that is required under the employer's approved injury management program to be prepared in relation to a worker who has suffered a significant injury, is prepared within the period specified in that program. Significant injury means a workplace injury suffered by the worker that is likely to result in the worker being totally or partially incapacitated for more than 5 working days. Injured worker placement incentives: • Not available. | No requirement to have a rehabilitation/RTW program or policy, but where a worker is likely to be incapacitated for more than 28 days, the employer must provide a written proposal for a RTW plan. Injured worker placement incentives: • Alternative Employer Incentive Scheme. Includes wage subsidies for employers and other related funding. | There is a requirement to have a rehabilitation/RTW program or policy, which must provide policies and procedures for rehabilitation and be consistent with insurer's injury management program. It must also be established in accordance with any guidelines issue by the Minister. All significant compensable injuries (incapacity for 7 days or more) must have a personal injury plan. If the worker is not back at work in pre-injury duties at pre-injury hours by 4 weeks post injury notification, a rehabilitation provider must be appointed. Injured worker placement incentives: • Second Injury arrangements Scheme – provides for private arrangements between insurers and employers, including wage subsidy and indemnity from injuries. | Employers must have a rehabilitation/ RTW program or policy and the policy must be reviewed every 3 years. The policy should include: - Employer commitment to assist injured workers to access necessary treatment and rehabilitation. - Steps employer will take to achieve safe, timely and durable return to work. Employers in a high risk industry with declared wages less than \$4,200,040 and all other employers with declared wages less than \$8,400,080 are exempt from this requirement. An insurer must take the steps it considers practicable to coordinate the development and maintenance of a rehabilitation and return to work plan in consultation with the injured worker, the worker's employer and treating registered persons. Injured worker placement incentives: • Recover at Work program, run by WorkCover Queensland. WorkCover continues to pay entitlements and indemnifies hosts from injuries. |
| Other benefits | Other benefits | Other benefits | Other benefits | Other benefits | Other benefits | Other benefits | Other benefits | Other benefits |
| The following is payable if reasonably required under the scheme if the employee has or had a rehabilitation program or was assessed as not capable of undertaking a rehabilitation program: • alteration of the employee's home or place of work • modifications to a vehicle or article used by the employee • aids and appliances for the use of the employee. An employee is also entitled to household and attendant care services if required as a result of an injury. Both services are capped at \$555.12 per week, unless the injury is catastrophic. | The following is payable where reasonably required: • home modifications, or if the house cannot be modified, contribution to the purchase costs of a semi-detachable portable unit or to costs of relocating to a more suitable home. • workplace equipment and modifications • car modifications, or where the car cannot be modified, contribute a reasonable amount to the purchase of a car selected by WorkSafe Victoria • aids and appliances for the use of the employee. An employee is entitled to household help where required, capped at \$42 per house, except for lawn mowing and edging which is subject to quotes. they are also entitled to attendant care services where required, subject to a fee schedule with a range of maximum pay rates depending on the services supplied. | The following is payable where reasonably required: • Home modifications, or if the house cannot be modified, contribution to the cost of installing of a semi-detached unit, or costs of relocating to a more suitable home or contribution to the cost of building a new home. • Vehicle modifications. • Aids, equipment and assistive technology. • Provides funding for workplace equipment or modifications if the employee is receiving weekly payments and a commutation has not been accepted. • Attendant care. • Domestic assistance for 6 hours per week for cumulative 12 weeks or longer if 15% permanent impairment. | <u>Attendant care:</u> Worker is entitled to costs for the attendance of a registered/enrolled nurse (or other person approved by RTWSA) where the injury warrants this. <u>Home help:</u> Depending on circumstances of injury, worker is entitled to compensation for reasonably incurred costs including home services. <u>Other costs:</u> RTWSA may provide equipment, facilities and services (including home, vehicle modification, aids and appliances) to assist workers in coping with the injury in the home or workplace within a reasonable cost. | <u>Attendant care:</u> Reasonable expenses for a nursing home may be paid if medical practitioner certifies that worker is totally and permanently incapacitated and requires continuing treatment and maintenance that cannot be administered at the worker's domestic environment. <u>Home help:</u> N/A <u>Other costs:</u> Not prescribed in legislation, but special circumstances insurer may approve limited home and vehicle modifications. Workers have access to vocational rehabilitation expenses including aids and appliances for 7% of the prescribed amount where the worker requires assistance to return to work. | Reasonable expenses are payable for the following: • reasonable alterations of the employee's home or place of work • reasonable modifications of a vehicle • constant attendance services necessarily incurred, provided by a person other than a family member • household services necessarily incurred, which are provided by someone other than a family member and are required for the maintenance of the worker's home. | Reasonable and necessary costs are payable for the following: • reasonably required alterations of the employee's home or vehicle • reasonably required attendant care services • reasonably required aids and appliances • reasonably required household services. | Reasonably required costs are payable for the following: • reasonably required alterations of the employee's home or vehicle • reasonably required attendant care services • reasonably required household services. Expenses for certain aids and appliances are capped at \$820.72*. | Reasonable costs are payable for the following requirements if they are reasonable to receive and necessary: • alterations of the employee's home or workplace • alterations of a vehicle • attendant care services • aids and appliances. Household services are available but are capped at \$53* per hour. Some of these costs may be subject to fee schedules. |

| SEACARE | VICTORIA | NEW SOUTH WALES | SOUTH AUSTRALIA | WESTERN AUSTRALIA** | TASMANIA | NORTHERN TERRITORY | ACT | QUEENSLAND |
|--|---|--|---|--|---|---|---|--|
| Dispute resolution | Dispute resolution | Dispute resolution | Dispute resolution | Dispute Resolution | Dispute Resolution | Dispute Resolution | Dispute Resolution | Dispute Resolution |
| <p>An employee can request the reconsideration of a decision from an insurer which must involve the assistance of an industry panel or Comcare Officer.</p> <p>If the employee is not satisfied with that decision, they can apply to the Administrative Appeals Tribunal for further review. The AAT processes include compulsory conciliation. The AAT has the discretion to make or decline to make a decision in the terms agreed to by the parties. The AAT must be satisfied that a decision in those terms or consistent with those terms would be within the powers of the Tribunal. If conciliation is unsuccessful, the AAT can also make determinative decisions.</p> <p>A party may apply from the AAT to the Federal Court on questions of law.</p> | <p>Court proceedings must not be commenced (except in the case of a fatality or lump sum claims under the old Table of Maims) unless the dispute has been referred for conciliation and the conciliation officer certifies that the worker has taken all reasonable steps to settle the dispute. If the dispute is resolved by agreement, the Workplace Injury Commission (WIC) will issue a certificate outlining the agreement. Failing agreement, the WIC may give directions, make recommendations or decline to give directions or recommendations or refer a medical question to the Medical Panel.</p> <p>Where a claimant has taken all reasonable steps to attempt settlement of the dispute but agreement cannot be reached, the WIC will issue a certificate permitting the claimant to commence court proceedings. The claimant can also have the decision reviewed by the Workers Compensation Independent Review Service (WCIRS).</p> <p>Subject to the <i>County Court Act 1958</i>, the County Court has exclusive jurisdiction to inquire into, hear and determine any question or matter arising under the Workplace Injury Rehabilitation and Compensation Act 2013 or Accident Compensation Act 1958. The Magistrates' Court has the same jurisdiction as the County Court and additionally deals with disputes regarding access to claims documents, claims for reimbursement of expenses incurred by non-family members of a deceased worker and civil proceedings relating to discriminatory conduct against a worker.</p> <p>Medical Panels: 'medical questions' as defined in s3 may be referred to Medical Panels. Disputed impairment benefits assessments under s203 and any medical question arising in a conciliation dispute relating to a worker's entitlement to weekly payments for reduced work capacity after 130 weeks under s165 must be referred to Medical Panels. Medical Panels must form binding opinions on medical questions referred.</p> | <p>An application for dispute resolution is lodged with the Personal Injury Commission (PIC).</p> <p>A worker can ask the insurer to review the decision prior to seeking a resolution through the PIC. A worker may also seek assistance from the Independent Review Office (IRO), which provides access to information and access to legal assistance for workers regarding claims and disputes.</p> <p>If the dispute is about the degree of permanent impairment, a Commission-appointed Approved Medical Specialist (AMS) will review all medical evidence, assess the worker and issue a medical assessment certificate that is conclusively presumed to be correct on the degree of permanent impairment. An AMS may also be appointed to assess medical disputes.</p> <p>A claimant can appeal a PIC member's decision to a presidential member of the PIC. If the parties disagree with this decision they can appeal to the NSW Court of Appeal on questions of law.</p> | <p>Dispute resolution process is as follows:</p> <ol style="list-style-type: none"> 1. Reconsideration (by an individual who did not make the disputed decision). 2. If no resolution at reconsideration, parties attend a compulsory conciliation conference. 3. If no agreed settlement reached, matter is referred for hearing and determination. 4. Settlement conference or mediation occurs. 5. Questions of a medical nature may be referred to an independent medical advisor. 6. Appeal to Full Bench of South Australian Employment Court (on a question of law only). 7. Final appeal to the Court of Appeal. | <p>Dispute resolution process is as follows:</p> <ol style="list-style-type: none"> 1. Formal conciliation by the Workers' Compensation Conciliation Service. 2. Arbitration by the Workers' Compensation Arbitration Service (if the conciliation process has taken place and the matter was found to be not suitable for conciliation and a Certificate of Outcome has been issued). 3. Medical assessment panel (if the dispute is of a medical nature and a referral is made by a conciliation officer or arbitrator). 4. Appeals of the Arbitration Service can be made to the District Court of Western Australia. | <p>Dispute resolution process is as follows:</p> <ol style="list-style-type: none"> 1. Preliminary stage of conciliation occurs to determine issues being disputed. 2. Conciliation conference. 3. Arbitration at the Tasmanian Civil and Administrative Tribunal. 4. Appeal to Supreme Court can be made. <p>Tribunal may refer questions of a medical nature to a medical panel where there is conflicting medical opinion.</p> | <p>Dispute resolution process is as follows:</p> <ol style="list-style-type: none"> 1. Internal dispute resolution between injured worker and approved insurer or self-insurer or its representatives. 2. Mediation facilitated by an independent mediator. 3. If parties not satisfied with the outcome of mediation, they can make an application to the Work Health Court. 4. Appeal can be made to the Supreme Court on matters of law only. <p>If a person disagrees with the assessment on the level of permanent impairment, the matter can be referred to a panel of medical practitioners.</p> | <p>Dispute resolution process is as follows:</p> <ol style="list-style-type: none"> 1. Conciliation. 2. Arbitration by the Committee (if conciliation unsuccessful.) 3. Committee may refer the matter to the Magistrate's Court. <p>Medical referees may be requested throughout the resolution process to assist the parties in reaching an agreement.</p> | <p>Dispute resolution process is as follows:</p> <ol style="list-style-type: none"> 1. Internal review by insurer. 2. Review by regulator. 3. Appeal to industrial Magistrate (premium matters) or Industrial Relations Commission (claims matters). 4. Appeal to Industrial Court (if ordered by the Court). 5. Referral to medical panel. |

*Source Data: Comparison of Workers' Compensation arrangements in Australia and New Zealand 28th Edition and scheme websites. Figures as at 1 July 2023.

**Legislation is currently passing through the West Australian Parliament to significantly modernise WorkCoverWA's workers' compensation legislation.

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. Further information can be found in [Safe Work Australia Comparison of Workers' Compensation arrangements in Australia and New Zealand Report 2021](#).

While we make every effort to ensure that material included in this document is accurate and current at the time of publication, the material is general in nature and is not provided as professional advice. You should carefully evaluate the accuracy, completeness and relevance of material for your purposes, and seek appropriate professional advice for your circumstances.