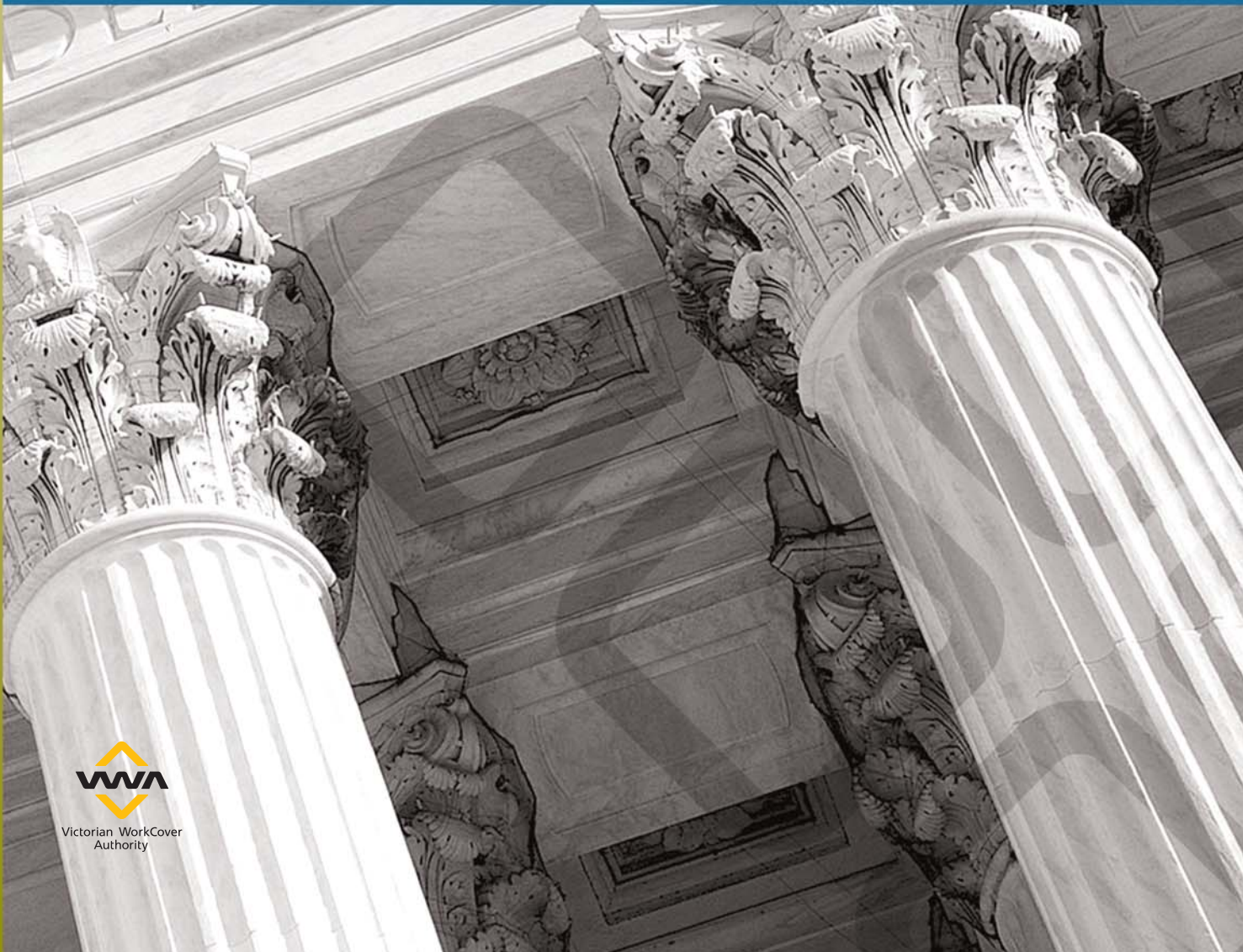


HEADS OF WORKERS COMPENSATION AUTHORITIES

COMPARISON OF WORKERS COMPENSATION ARRANGEMENTS

AUSTRALIA & NEW ZEALAND
OCTOBER 2004



Victorian WorkCover
Authority

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FOREWORD

This publication is an initiative of the Heads of Workers' Compensation Authorities (HWCA).

The HWCA comprises the chief executives from all ten Australian Commonwealth State and Territory workers' compensation schemes and the New Zealand Accident Compensation Corporation. It is a body whose prime purpose and role is to share information between jurisdictions and, where possible, promote increased national consistency in the design of Australian workers' compensation schemes.

Comparison of Workers' Compensation Arrangements in Australia and New Zealand has been compiled from information supplied by the HWCA jurisdictions and is revised yearly. The information in this edition is current as at 1 October 2004.

The HWCA has agreed that from this edition the publication will only be available in electronic format. The current publication can be accessed via the Internet on the HWCA website at www.hwca.org.au and the Victorian WorkCover Authority website at www.workcover.vic.gov.au.

Should you have any comments on, or suggested improvements to the contents, please let us know by using the feedback facility on the HWCA website or by writing to the workers' compensation body in your jurisdiction (contact details on page 50).

Jon Blackwell
Chair, Heads of Workers' Compensation Authorities

STATISTICAL INFORMATION

STATISTICAL INFORMATION				
	AUSTRALIA	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Area (Square kilometres)	7,682,000	228,000 ¹	802,000	984,000
Population (June 2004)	20,111,300	4,972,800	6,731,300	1,534,300
Population, 15 years & over (Oct 2004)	16,190,000	4,036,300	5,418,400	1,251,600
Labour force (Oct 2004)	10,309,800	2,580,900	3,355,600	767,900
Unemployment rate (Oct 2004)	5.0%	5.7%	4.8%	5.6%
Gross earnings (Sept 2004 - Public sector employees)*	\$19,449m	\$4,039m	\$6,590m	\$1,404m
(Sept 2004 - Private sector employees)*	\$65,622m	\$17,000m	\$23,964m	\$4,412m
Average weekly earnings (All employees - Aug 2004)	\$759.70	\$778.90	\$796.70	\$662.50
* ABS data on total gross earnings is no longer available. This data is now recorded separately for private and public sector employees.				
		¹ In addition for the purposes of determining whether a worker's employment is connected with the State of Victoria since 1 September 2004, the State is defined as including the adjacent areas within the outer limits of the continental shelf.		

STATISTICAL INFORMATION					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
2,525,000	1,727,000	68,000	1,346,000	2,349	268,021
1,982,200	3,882,000	482,100	199,900	324,000	4,084,000 (Dec 2004)
1,595,100	3,099,700	387,200	144,500	257,100	3,202,000 (Dec 2004)
1,053,700	2,039,300	228,800	102,000	181,700	2,056,000 (Dec 2004)
4.5%	4.2%	6.1%	5.9%	3.5%	3.6% (Dec 2004)
\$1,883m	\$3,611m	\$488m	\$296m	\$1,134m	NZ\$5,876,300 (March 2004 - Employees earnings liable for levy)
6,176m	\$11,485m	\$1,060m	\$613m	\$876m	NZ\$7,706,000 (Self-employed earnings liable for levy)
\$752.80	\$709.60	\$689.70	\$742.40	\$878.20	NZ\$544.00 (All employees - June 2004)

SCHEME DETAILS

SCHEME DETAILS				
SCHEME DETAILS	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Scheme name	Comcare, Seacare	Victorian WorkCover Authority	WorkCover NSW	WorkCover Corporation
Workers compensation legislation	Safety, Rehabilitation and Compensation Act 1988(SRC); Defence Act 1903 (allows for additional compensation for the Australian Defence Force from 07/04/94) Seacare: Seafarers' Rehabilitation and Compensation Act 1992	Accident Compensation Act 1985; Accident Compensation (WorkCover Insurance) Act 1993	Workplace Injury Management and Workers Compensation Act 1998; Workers Compensation Act 1987; Workers Compensation (Brucellosis) Act 1979; Workers Compensation Regulation 2003; Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987; Workers Compensation (Dust Diseases) Act 1942; Workmen's Compensation (Lead Poisoning – Broken Hill) Act 1922; Associated General Contractors Insurance Company Limited Act 1980; Bishopsgate Insurance Australia Limited Act 1983; The Standard Insurance Company Limited and Certain Other Insurance Companies Act 1963; <i>Other</i> Sporting Injuries Insurance Act 1978	Workers' Rehabilitation and Compensation Act 1986
Responsibility held for OH&S legislation and related legislation	Yes Occupational Health and Safety (Commonwealth Employment) Act 1991 Seacare: Occupational Health and Safety (Maritime Industry) Act 1993	Yes Occupational Health and Safety Act 1985; Dangerous Goods Act 1985; Equipment (Public Safety) Act 1994; Road Transport (Dangerous Goods) Act 1995	Yes Occupational Health and Safety Act 2000; Road and Rail Transport (Dangerous Goods) Act 1997 (jointly with the Environmental Protection Agency); Dangerous Goods Act 1975; Rural Workers Accommodation Act 1969; Occupational Health and Safety Regulations 2001	Yes Occupational Health, Safety and Welfare Act 1986* *see Recent Developments
Fund type	Central Fund Seacare: Authorised Insurers (No set rates - a private system)	Central Fund	Managed Fund	Central Fund
Scheme's funding position at 30 June 2004 and/or 30 June 2003	30/06/04 Assets: \$914.6m Liabilities: \$807.6m Funding Ratio: 113.2%	30/06/04 Assets: \$7,438m Liabilities: \$7,313m Funding Ratio: 102%	30/06/04 Assets: \$6,245m Liabilities: \$8,599m Funding Ratio: 73.0%	30/06/04 Assets: \$872m Liabilities: \$1,444m Funding Ratio: 60.4%
	30/06/03 Assets: \$868.1m Liabilities: \$787.1m Funding Ratio: 110.3%	30/06/03 Assets: \$5,321m Liabilities: \$6,418m Funding Ratio: 82.9%	30/06/03 Assets: \$5,673m Liabilities: \$8,655m Funding Ratio: 65.5%	30/06/03 Assets: \$722m Liabilities: \$1313m Funding Ratio: 55.0%
Employer excess	NB: Excludes pre-premium claims Seacare: N/A No excess - scheme coverage from first full day/shift of incapacity Seacare: Employer excess varies between employers	First 10 days of incapacity, and first \$506 of medical costs. Buy out option also exists (12.5% of premium for policy year commencing 1 July 2004)	Category A employers (annual premiums > \$3,000): first \$500 of weekly payments for each claim. Category B employers (annual premiums ≤ \$3,000): first \$500 or payment of excess surcharge premium of 3% of base tariff premium.	First two weeks of incapacity per worker per calendar year. Option for 'buy-out' first two weeks by paying an extra percentage of the levy rate (8% in 2003/2004)
* Unless otherwise stated, information provided applies to both Comcare and Seacare				

SCHEME DETAILS					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>WorkCover Western Australia</p> <p>Workers' Compensation and Rehabilitation Act 1981</p>	<p>Workers' Compensation Scheme of Queensland</p> <p>Workers' Compensation and Rehabilitation Act 2003 (from 1 July 2003)</p>	<p>WorkCover Tasmania</p> <p>Workers Rehabilitation and Compensation Act 1988</p>	<p>NT WorkSafe</p> <p>Work Health Act 1986</p>	<p>ACT Private Sector Workers' Compensation Scheme</p> <p>Workers' Compensation Act 1951</p>	<p>Accident Compensation Corporation</p> <p>Injury Prevention, Rehabilitation and Compensation Act 2001</p>
No	No	Monitoring, promotional and advisory functions only. <i>Workplace Health and Safety Act 1995</i>	Yes	No <i>Occupational Health and Safety Act 1989; Workers Compensation Supplementation Fund Act</i>	No
Approved Insurers (Essentially private insurance. Loading of 100% allowable on set premium and full discounting allowed. The Workers' Compensation and Rehabilitation Commission may approve a loading in excess of 100%)	Central Fund	Approved Insurers (No set rates - a private system)	Approved Insurers. (No set rates - a private system)	Privately underwritten by Approved Insurers	Central Fund (between 1/7/99 and 30/6/00 approved insurers; no set rates - a private system)
N/A	30/06/04*	N/A	N/A	N/A	30/06/04 (NZ\$)
	**Assets: \$2,379m				Assets: \$2,186m
	**Liabilities: \$1,744m				Liabilities: \$3,267
	Funding Ratio: 136.4%				Funding Ratio: 67%
	30/06/03*				30/06/03 (NZ\$)
	Assets: \$2,149m				Assets: \$1,911
	Liabilities: \$1,704m				Liabilities: \$3,247
	Funding Ratio: 126%				Funding Ratio: 59%
No excess - scheme coverage from first day of incapacity	<p>4 days excess plus day of injury.</p> <p>Option to 'buy-out' excess at the greater rate of 8.5% of premium or \$10</p>	First weekly payment and first \$200 of other benefits	No excess - scheme coverage from first day of incapacity No medical costs	Excesses are not prescribed in the Act but may be negotiated between employer and insurer.	For work injuries, the employer is liable to cover first week after incapacity for work begins
	<p>*WorkCover Queensland only (does not include self-insurers).</p> <p>**WorkCover 2003-2004 Annual Report</p>				

SCHEME DETAILS									
SCHEME DETAILS	COMMONWEALTH*		VICTORIA		NEW SOUTH WALES		SOUTH AUSTRALIA		
Number of reported claims per financial year	2003-04:	18,902	03-04:	32,040	02-03:	51,000	03-04:	25,662	
	2002-03:	18,811	02-03:	32,096	01-02:	54,674	02-03:	25,785	
	2001-02:	19,195	01-02:	31,891	00-01:	53,797	01-02:	27,476	
	2000-01:	19,317	00-01:	32,539	99-00:	53,224	00-01:	29,031	
	1999-00:	19,512	99-00:	31,592	98-99:	55,492	99-00:	30,989	
	1998-99:	21,170	98-99:	31,242	97-98:	58,604	98-99:	31,236	
	1997-98:	24,532	97-98:	30,113	96-97:	60,109	97-98:	32,590	
	1996-97:	28,807	96-97:	31,809	95-96:	62,469	96-97:	34,690	
	1995-96:	32,796	95-96:	32,632	94-95:	62,840	95-96:	37,120	
	1994-95:	34,979	94-95:	32,346					
		NB: Includes self-insurers & delegated authority		NB: Figures exclude self-insurers		NB: Revised to conform to National Data Set, i.e. excludes claims less than 5 days			
		Seacare:							
		2003-04:	208						
		2002-03:	166						
		2001-02:	164						
		2000-01:	203						
		1999-00:	122						
		1998-99:	220						
		1997-98:	380						
		1996-97:	519						
		1995-96:	704						
		1994-95:	593						
Average premium rate per financial year	2004-05:	1.67% ¹	04-05:	1.99%	04-05:	2.57% ¹	04-05:	3.00%	
	2004-05:	3.07% ²	03-04:	2.22%	03-04:	2.57% ¹	03-04:	3.00%	
	2003-04:	1.43% ¹	02-03:	2.22%	02-03:	2.80% ¹	02-03:	2.46%	
	2003-04:	3.13% ²	01-02:	2.22%	01-02:	2.80% ¹	01-02:	2.46%	
	2002-03:	1.13% ¹	00-01:	2.22%	00-01:	2.80% ¹	00-01:	2.86%	
	2002-03:	3.07% ²	99-00:	1.90%	99-00:	2.80%	99-00:	2.86%	
	2001-02:	1.00% ¹	98-99:	1.90%	98-99:	2.80%	98-99:	2.86%	
	2001-02:	3.36% ²	97-98:	1.80%	97-98:	2.80%	97-98:	2.86%	
	2000-01:	0.98% ¹	96-97:	1.80%	96-97:	2.80%	96-97:	2.86%	
	2000-01:	3.12% ²	95-96:	1.98%	95-96:	2.50%	95-96:	2.86%	
	1999-00:	1.03% ¹			¹ Excludes New Tax System effects				
	1999-00:	2.77% ²							
	1998-99:	1.00% ¹							
	1998-99:	2.60% ²							
	1997-98:	1.20% ¹							
	1997-98:	3.00% ²							
	1996-97:	1.60% ¹							
	1996-97:	5.00% ²							
	1995-96:	1.70% ¹							
	1995-96:	5.20% ²							
		¹ Commonwealth Agencies							
		² ACT Government Service							
* Unless otherwise stated, information provided applies to both Comcare and Seacare	Seacare:								
	2003-04:	4.9%							
	2002-03:	3.56%							
	2001-02:	N/A							
	2000-01:	4.12%							
	1999-00:	3.48%							

SCHEME DETAILS											
WESTERN AUSTRALIA		QUEENSLAND		TASMANIA		NORTHERN TERRITORY		A.C.T.		NEW ZEALAND	
03-04:	19,012	03-04:	84,950	03-04:	10,260	03-04:	3,275	03-04:	3,710	03-04:	30,317
02-03:	18,461	02-03:	84,551	02-03:	10,492	02-03:	3,482	02-03:	3,499	02-03:	29,462
01-02:	18,660	01-02:	85,407	01-02:	10,577	01-02:	3,471	01-02:	3,318	01-02:	27,238
00-01:	19,411	00-01:	85,340	00-01:	11,371	00-01:	3,946	00-01:	3,864	00-01:	18,909*
99-00:	22,633	99-00:	82,335	99-00:	11,854	99-00:	4,349	99-00:	3,912	99-00:	14,012*
98-99:	24,583	98-99:	80,089	98-99:	12,398	98-99:	4,529	98-99:	3,914	98-99:	27,587
97-98:	27,041	97-98:	79,859 ¹	97-98:	13,253	97-98:	4,334	97-98:	4,297	97-98:	30,223
96-97:	27,654	96-97:	85,110	96-97:	14,822	96-97:	4,272	96-97:	4,195	96-97:	34,939
95-96:	28,221	95-96:	93,008	95-96:	16,973	95-96:	4,070	95-96:	4,347	95-96:	37,439
94-95:	29,202	94-95:	100,530					94-95:	4,326		
NB: This data represents the number of lost-time claims (one day/shift or more)		¹ This data represents all reported claims, including those of less than 5 days, and includes self-insurer claims						As at 31 Dec		*From 1/7/99 to 30/6/00 Employers were insured by the private market, and self employed had the option of being insured by the private market or by ACC. These numbers include only claims made by employees and self employed covered by ACC.	
NB: Snapshot figure taken in December 2004										Data relates to new work-injury claims for all categories of earner (employee, self-employed etc) lodged with ACC each year, for claims that required more than minor medical fee reimbursements.	
04-05:	2.25%	03-04:	1.55%	03-04:	2.78%	03-04:	3.06%	03-04:	N/A	31/3/05	0.91%
03-04:	2.34%	02-03:	1.55%	02-03:	3.12%	02-03:	3.22%	02-03:	3.58%	31/3/04	0.90%
02-03:	2.47%	01-02:	1.55% ⁴	01-02:	3.16%	01-02:	3.10%	01-02:	3.07%	31/3/03	0.90%
01-02:	2.63%	00-01:	1.75%	00-01:	3.14%	00-01:	2.91%	00-01:	2.53%	31/3/02	0.90%
00-01:	2.97%	99-00:	1.85% ³	99-00:	3.11%	99-00:	2.33%	99-00:	2.59%	9 mths to	
99-00:	3.09% ¹	98-99:	2.145%	98-99:	2.7%	98-99:	1.90%	98-99:	2.59%	31.03.01	1.16%
98-99:	2.54%	97-98:	2.145% ¹	97-98:	3.1%	97-98:	1.53%	97-98:	2.59%	Year to	
97-98:	2.40%	96-97:	2.023%	96-97:	3.2%	96-97:	1.50%	96-97:	2.50%	30/06/00	1.26%
96-97:	2.67%	95-96:	1.85% ²	95-96:	3.02%	95-96:	1.60%	95-96:	2.41%	30/06/99	1.55%
95-96:	2.61%									30/06/98	1.81%
¹ 3.44% between 1/7/99 and 31/10/99		¹ Self insurance commenced 1997-1998 and from 1997-98 this data represents all claims, including those less than 5 days, and includes self insurer claims		NB: These are actual rates not published rates		NB: Figures supplied by approved insurers		NB: There is no stamp duty payable on workers' compensation premiums		30/06/97 2.24%	
3.09% between 1/11/99 and 30/6/00		² 10% surcharge introduced 01/01/96								30/06/96 1.51%	
		³ Surcharge removed for periods of insurance after 1/7/99								NB: An additional residual levy is added to ensure full funding of pre-1999 claims by 30/06/2014.	
		⁴ Excludes GST								Average additional residual levy rates have been:	
		NB: All rates are inclusive of stamp duty								Year to:	
										30/3/05 0.30%	
										30/3/04 0.31%	
										30/3/03 0.35%	
										30/3/02 0.35%	
										30/3/01 0.40%	

SCHEME DETAILS				
	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Do provisions for self-insurance exist?	Yes	Yes	Yes	Yes
Number	<p>Seacare: No</p> <p>10 self-insurers (including 8 self-administrators, 5 of which have outsourced claims processing)</p> <p>1 delegated authority</p> <p>Seacare: N/A</p>	39 self-insurers	<p>50 self-insurers.</p> <p>16 group self-insurers, includes a State public sector insurer (the Treasury Managed Fund).</p> <p>6 specialised insurers (insurers restricted to particular industry or class of employer eg State Cover Mutual which covers local councils).</p>	69 self-insurers plus Government departments and authorities
Criteria	<p>Applicants must be either Commonwealth Authorities or corporations which have been declared eligible by the Minister for Employment and Workplace Relations under s100 of the SRC Act. Such applicants must then be able to satisfy the SRC Commission that they have the capacity to meet the Commission's standards in relation to claims management, benefit delivery, prevention and rehabilitation. The Commission must also be satisfied that the grant of a licence will not be contrary to the interests of employees and that the applicant has sufficient resources to fulfill the responsibilities imposed upon it under its licence, including entering into prudential arrangements to ensure that the applicant's employees can continue to be paid in the event that the corporation is wound up.</p> <p>Seacare: N/A</p> <p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	Prudential Requirements	≥ 500 NSW workers Prudential Requirements	≥ 200 SA workers Prudential Requirements

SCHEME DETAILS					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
Yes	Yes	Yes	Yes	Yes	Yes
28 self-insurers	25 self-insurers	18 self-insurers including State Service Scheme.	6 self-insurers	9 self-insurers	183 self-insured accredited employers
Prudential Requirements	Prudential requirements, 2000 full-time workers for new applicants	Prudential Requirements	Prudential Requirements	Set out in Part 10 of the Workers' Compensation Regulations 2002. The Act and regulations are available at www.legislation.act.gov.au	Prudential, Systems and Procedural Requirements

COVERAGE

COVERAGE					
COVERAGE	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA	WESTERN AUSTRALIA
Definition of 'remuneration' for the purpose of defining premium	Includes gross wages/salaries (including condition-of-service payments normally covered by gross wages e.g. sick leave, annual leave, maternity leave, long service leave); overtime; over-award payments; penalty rates; piece work payments; public holiday payments; statutory officers' salaries; allowances for reward of merit; holiday leave loading (if absorbed into wages/salaries); generally, any taxable allowances It does not include superannuation payments; workers' compensation benefits; district and remote locality allowances; any payments made on termination of employment (e.g. accrued long service leave/annual leave); payments for special expenses; performance pay; tool allowance; fringe benefit allowances and administration costs; holiday leave loading (if paid separately from wages/salaries); generally, any non-taxable allowances Seacare: Defined in legislation	Gross wages; salaries (including overtime and all pay loadings); bonuses; commissions; allowances; items included as part of employment package; any other fringe benefits and any superannuation benefits The following are exempt: apprentice & trainee remuneration; workers' compensation payments; shareholder dividends; partners' drawings; payments for Construction Industry Long Service Leave Board and Redundancy Payments Central Fund (only if not taxable as fringe benefits); termination payments; and exempt benefits under the Fringe Benefits Tax Assessment Act 1986	It includes: salary, overtime, shift and other allowances, over-award payments, bonuses, commissions, payments to working directors (including payments as directors' fees), payments for public and annual holidays (including loadings), value of board and lodging provided by the employer for the worker and any other consideration in money or money's worth by the employer given to the worker under a contract of service or apprenticeship, payments for long service leave (including lump sum payments instead of long service leave), termination payments (lump sum payments in respect of annual leave, long service leave, sick leave and related leave loadings), amount that is the employer's grossed-up fringe benefits taxable amount in respect of fringe benefits payable to the worker, employer superannuation contributions to workers (including the superannuation guarantee levy), trust distributions to workers where the distribution is in lieu of wages for work done for the trust. It does not include: directors' fees paid to non-working directors, compensation paid under the <i>Workers Compensation Act 1987</i> and any GST component in a payment to a worker.	As a guideline: Payments made to or for the benefit of a worker (quantified in monetary terms) but excluding: workers' compensation payments; superannuation payments; termination payments or severance payments; payments as a reimbursement for a specific expenditure by worker on behalf of employer; motor vehicle allowance for use of worker's own vehicle in the course of employment (which is less than 56 cents per kilometre travelled); accommodation allowance which is less than \$127.60 per day	All gross wages; salaries; remuneration; commissions; bonuses; overtime; allowances and the like; directors' fees and all other benefits paid (whether at piece work rates or otherwise, and whether paid in cash or in kind) to, or in relation to, a worker before the deduction of income tax Termination payments; retirement pay; retrenchment pay in lieu of notice; superannuation payment(s); pensions; 'golden handshakes' or weekly payments of compensation do not have to be declared
Number of workers covered	2003-04: 306,353 ¹ 2002-03: 305,918 2001-02: 304,035 2000-01: 309,069 1999-00: 306,767 ¹ Includes self-insurers and ADF, the delegated authority Seacare: 2003-04: 3,933 2002-03: 3,355 2001-02: 3,152 2000-01: 2,895	03-04: 2,335,700 02-03: 2,337,200 ² 01-02: 1,998,000 00-01: 1,960,400 ¹ ¹ Estimate based on ABS data for March quarter 2000 ² Number of employees data differs from previous estimate as ABS no longer publishes 6297.0. Estimate based on ABS 6105.0 for June quarter 2003.	02-02: 2,750,000 01-02: 2,700,000 00-01: 2,652,255 99-00: 2,497,660	03-04: 610,645 02-03: 602,500 01-02: 578,350 00-01: 570,525 99-00: 560,950 Note: Approx. 40% of all SA workers are employed by self insurers - These figures are likely to include a small number of Commonwealth employees Data Source: 6291.0.55.001 Labour Force, Australia, Detailed.	03-04: 829,050 02-03: N/A 01-02: 815,699 00-01: 797,902 99-00: 779,838 98-99: 746,741 NB: From ABS data
Definition of 'worker' for purpose of coverage relationship to employment	Contract of service Seacare: Must be employment of employees * Unless otherwise stated, information provided applies to both Comcare and Seacare	Contract of service	Contract of service or apprenticeship	Contract of service	Contract of service Contract for service In some situations, contractors and sub-contractors also may be defined as 'workers', depending on the circumstances of their working arrangement
Deemed workers	Included Seacare: N/A	Included	Included	Included	Included

COVERAGE																																																															
QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND																																																											
<p>"wages" means the total amount paid, or provided by, an employer to, or on account of, a worker as wages, salary or other earnings by way of money or entitlements having monetary value, but does not include—</p> <p>(a) allowances payable in relation to any travelling, car, removal, meal, education, living in the country or away from home, entertainment, clothing, tools and vehicle expenses; and</p> <p>(b) contribution by an employer to a scheme for superannuation benefits for a worker, other than contribution made from money payable to the worker; and</p> <p>(c) lump sum payments on termination of a worker's services for superannuation, accrued holidays, long service leave or any other purpose; and</p> <p>(d) an amount payable under section 66 of the Workers' Compensation and Rehabilitation Act 2003 - employer's liability for excess period.</p> <p>Any benefits and allowance such as additional superannuation, motor vehicle usage, etc, provided under salary sacrifice arrangements are declarable.</p>	<p>The Workers Rehabilitation and Compensation Act 1988 refers to 'wages' for the purpose of defining premium. Wages include the monetary value of all payments made to a worker, whether in cash or in kind, in return for the worker's labour, and includes:</p> <ul style="list-style-type: none"> • Any amount paid or payable by way of remuneration to a person holding office under, or in the service of, the Crown; • Any amount paid or payable to a person or class of persons taken to be a worker under this Act to the extent to which that payment is attributable to labour; • Any amount paid or payable by a company by way of remuneration to a director or member of the governing body of that company; • The value of the provision by the employer of meals or sustenance or of the use of premises or quarters as consideration or part consideration for the worker's services; • The value of fringe benefits within the meaning of the Fringe Benefits Tax Assessment Act 1986 of the Commonwealth; • All superannuation contributions forming part of the worker's salary package, made by the employer in respect of the worker. <p>The following are specifically excluded from the definition of wages:</p> <ul style="list-style-type: none"> • Any allowance for travelling or accommodation; • Any workers' compensation payment; • Any redundancy, severance or termination payment 	<p>Not regulated, however, generally taken to be: Gross wages; salaries (including overtime); bonuses; allowances; commission and all other remuneration paid; including pay in respect of holidays; sickness and long service leave</p>	<p>The Workers' Compensation Act 1951 uses the term 'earnings' rather than 'remuneration' for defining premium.</p> <p>Earnings means all payments made by the employer and includes regular; overtime; allowances; commissions; and other like payments</p>	<p>The Injury Prevention, Rehabilitation and Compensation Act 2001 defines 'earnings' according to the following three categories:</p> <p>Earnings as an employee means all gross source deduction payments (i.e. taxable wages) of the person, but does not include social security benefit, student allowance, redundancy payment, retiring allowance or superannuation scheme pension.</p> <p>Earning as a self-employed person is defined as their annual assessable income, after expenses are deducted, that results from personal exertions. This definition includes Private Domestic Workers.</p> <p>'Earnings' as a shareholder employee is defined as any earnings as an employee, and/or any further salary representing payment for services provided as an employee or director of the company.</p>																																																											
<table border="0"> <tr> <td>03-04:</td> <td>1,747,000</td> </tr> <tr> <td>02-03:</td> <td>1,713,000</td> </tr> <tr> <td>01-02:</td> <td>1,652,800</td> </tr> <tr> <td>00-01:</td> <td>1,583,500 ¹</td> </tr> </table> <p>¹Based on ABS data (employed wage and salary earners, QLD) as at February 2002</p>	03-04:	1,747,000	02-03:	1,713,000	01-02:	1,652,800	00-01:	1,583,500 ¹	<table border="0"> <tr> <td>03-04:</td> <td>N/A</td> </tr> <tr> <td>02-03:</td> <td>approx.174,000</td> </tr> <tr> <td>01-02:</td> <td>171,424 ¹</td> </tr> <tr> <td>00-01:</td> <td>approx.160,000</td> </tr> </table> <p>¹ From ABS data</p>	03-04:	N/A	02-03:	approx.174,000	01-02:	171,424 ¹	00-01:	approx.160,000	<table border="0"> <tr> <td>03-04:</td> <td>N/A</td> </tr> <tr> <td>02-03:</td> <td>N/A</td> </tr> <tr> <td>01-02:</td> <td>79,600 ¹</td> </tr> <tr> <td>00-01:</td> <td>N/A</td> </tr> <tr> <td>99-00:</td> <td>approx. 74,000</td> </tr> </table> <p>¹ From ABS data</p>	03-04:	N/A	02-03:	N/A	01-02:	79,600 ¹	00-01:	N/A	99-00:	approx. 74,000	<table border="0"> <tr> <td>03-04:</td> <td>95,938</td> </tr> <tr> <td>02-03:</td> <td>97,000</td> </tr> <tr> <td>01-02:</td> <td>103,000</td> </tr> <tr> <td>00-01:</td> <td>97,136</td> </tr> <tr> <td>99-00:</td> <td>N/A</td> </tr> <tr> <td>98-99:</td> <td>73,700</td> </tr> </table> <p>NB: ACT Public Service covered under Comcare</p>	03-04:	95,938	02-03:	97,000	01-02:	103,000	00-01:	97,136	99-00:	N/A	98-99:	73,700	<table border="0"> <tr> <td>Levy Year</td> <td>Employees</td> <td>Self-employed</td> </tr> <tr> <td>03/04</td> <td>1,572,111</td> <td>365,889</td> </tr> <tr> <td>02/03</td> <td>1,521,852</td> <td>355,148</td> </tr> <tr> <td>01/02</td> <td>1,506,932</td> <td>321,068</td> </tr> <tr> <td>00/01</td> <td>1,429,058</td> <td>358,942</td> </tr> <tr> <td>99/00</td> <td>1,415,787</td> <td>331,213</td> </tr> <tr> <td>98/99</td> <td>1,365,878</td> <td>356,122</td> </tr> </table> <p>* Self-employed and employees were split part way through the year ending 30 June 1999. Prior to this, no distinction was made between the two groups.</p>	Levy Year	Employees	Self-employed	03/04	1,572,111	365,889	02/03	1,521,852	355,148	01/02	1,506,932	321,068	00/01	1,429,058	358,942	99/00	1,415,787	331,213	98/99	1,365,878	356,122
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<p>A worker is an individual under a 'contract of service'. Schedule 2 of the Act mentions persons who are and are not 'workers'. Workplace Personal Injury Insurance is available for Eligible Persons (not deemed workers).</p>	<p>Contract of service</p>	<p>Contract or agreement of any kind to provide work or service</p> <p>Exclusion applies where ABN has been provided</p>	<p>Section 8 of the Act defines 'worker' as an individual who has entered into or works under a contract of service with an employer, whether the contract is express or implied, oral or written. Public sector employees are excluded from the definition and coverage under the Act.</p>	<p>An 'earner' is an employee, self-employed person, shareholder employee or private domestic worker</p>																																																											
<p>Not included</p>	<p>Included</p>	<p>Included</p>	<p>Included: see ch. 3 and s84 of the Act</p>	<p>N/A</p>																																																											

COVERAGE				
COVERAGE	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
<p>Definition of 'injury' for the purpose of coverage</p> <p>– Relationship to employment</p>	<p>'... a physical or mental injury arising out of, or in the course of, the employee's employment ...'</p> <p>Seacare: As above</p>	<p>'... an injury arising out of, or in the course of any employment ...'</p>	<p>'... personal injury arising out of, or in the course of employment ...'</p>	<p>'... physical or mental injury which arises out of, or in the course of employment ...'</p>
<p>– Contribution of employment</p>	<p>To a material degree (for disease only)</p> <p>Seacare: Not specified</p>	<p>A significant contributing factor</p>	<p>A substantial contributing factor</p>	<p>A substantial cause (for psychiatric disabilities only)</p>
<p>– Aggravation, acceleration, etc.</p>	<p>Included</p> <p>Seacare: Included</p>	<p>Included</p>	<p>Included</p>	<p>Included</p>
<p>– Diseases</p>	<p>Included</p> <p>Seacare: Included</p>	<p>Included</p>	<p>Included</p>	<p>Included</p>
<p>– Recess claims</p>	<p>On/off worksite</p> <p>Seacare: Includes off-duty on the ship and recess</p>	<p>On/off worksite</p>	<p>On/off worksite</p>	<p>On worksite only</p>
<p>– Journey claims - to/from work</p>	<p>Included</p> <p>Seacare: Included</p>	<p>Not Included</p>	<p>Included (with some restrictions)</p>	<p>Not included unless there is a real and substantial connection between the employment and the accident</p>
	<p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>			

COVERAGE					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
'... a personal injury by accident arising out of or in the course of the employment ...'	'... a personal injury arising out of, or in the course of, employment ...'	An injury, or a disease, arising out of, and in the course of employment	'... a physical or mental injury ... out of or in the course of employment ...'	Section 4 defines 'injury' as 'a physical or mental injury (including stress), and includes aggravation, acceleration or recurrence of a pre-existing injury'	'... a personal injury that the insured suffers while he or she is at any place for the purposes of his or her employment'
To a significant degree (for disease only)	A significant contributing factor	To a substantial degree only if it is 'the major or most significant factor' (for disease only)	Included for diseases and injuries that occur gradually	Subsection 30(1) provides that 'an employer is liable to pay compensation... if a worker of the employer suffers personal injury arising out of, or in the course of, the worker's employment.	Workplace must have been a cause or a contributing factor in cases of gradual process, disease and infection injuries
Included	Included	Included	Included	Included, see definition of 'injury' above.	Included unless original claim resolved, in which case treated as a new injury
Included	Included	Included	Included	Subsection 30(2) provides that 'if the injury is caused by a disease, the injury is taken to have arisen out of, or in the course of, the workers employment only if the employment substantially contributes to the injury .	Included, subject to the criteria of section 30 of the IPRC Act
On/off	On/off worksite	On worksite only	On/off worksite	On/off worksite	At place of employment
Not included, however workers are covered for injury during journeys in the course of employment or at the direction of the employer	Included (with some restrictions)	Not included, except where the journey occurred at the request or direction of the employer; or if the journey is work related, with the authority (expressed or implied) of the employer.	Included, unless injury involves a motor vehicle, which would be covered by Motor Accident Compensation Act (MACA)	Included S 36	Included, if transport is provided by the employer, for the purpose of transporting employees, and is driven by or at the direction of the employer; or travelling between a workplace and a place of treatment for a work-related injury

COVERAGE				
COVERAGE	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
- Stress-specific exclusion factors	Included Seacare: Included	Included	Included	Included
- Industrial deafness threshold	5% binaural loss Seacare: 10%	10%	6% binaural loss	5%
	* Unless otherwise stated, information provided applies to both Comcare and Seacare			

COVERAGE					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>The following exclusions apply, except when the actions of the employer are 'unreasonable and harsh':</p> <p>a) the worker's dismissal, retrenchment, demotion, discipline, transfer or redeployment;</p> <p>b) the worker's not being promoted, reclassified, transferred or granted leave-of-absence or any other benefit in relation to the the employment; and</p> <p>c) the worker's expectation of a matter or a decision by the employer in relation to the matters outlined above</p>	<p>Included, except where the psychiatric or psychological disorder arising out of, or in the course of, any of the following circumstances –</p> <p>(a) reasonable management action taken in a reasonable way by the employer in connection with the workers employment; or</p> <p>(b) the workers expectation or perception of reasonable management action being taken against the worker; or</p> <p>(c) action by an insurer in connection with the worker's application for compensation.</p>	<p>Included</p>	<p>Included</p>	<p>Subsection 4(2) provides that 'mental injury (stress)' for the purposes of the Act 'does not include a mental injury (including stress) completely or mostly caused by reasonable action taken, or proposed to be taken, by or on behalf of an employer in relation to the transfer, demotion, promotion, performance appraisal, discipline, retrenchment or dismissal of a worker or the provision of an employment benefit to a worker'.</p>	<p>Claims only allowed for</p> <ul style="list-style-type: none"> • Stress caused by physical injury • Stress caused by sexual abuse
<p>10% (Above baseline hearing loss previously assessed)</p>	<p>5% Application for compensation must be made (a) while the claimant is a worker under the Act, or (b) where the claimant would ordinarily be a worker but is temporarily unemployed, or (c) within 12 months after the claimant's formal retirement from employment. The industrial deafness is to be attributed to the worker's employment in Queensland as a worker (a) for period(s) of employment in Queensland totalling at least 5 years, and (b) the employment was at location(s) where the noise level was a significant contributing factor to the industrial deafness. A further application may be considered only if lodged more than 3 years after the previous application, and claimant has sustained a further hearing diminution of more than 1%.</p>	<p>5% binaural hearing impairment</p>	<p>5% whole person impairment (percentage of loss of whole body)</p>	<p>Subsection 64(1) provides that 'a worker is not entitled to compensation...for a loss of hearing... if the worker's hearing loss is less than 6%'.</p>	<p>No threshold is specified. Covered under the 'gradual process' provisions</p>

COVERAGE				
COVERAGE	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Retirement provisions	<p>Comcare: Section 23 of the Safety, Rehabilitation and Compensation Act states that compensation for incapacity is not payable to a person who reaches the age of 65 years. However, section 134 states that when former employees to whom section 131, 132, or 132A [special transitional provisions relating to former employees] applies reach 65, their amount of compensation payable per week shall be reduced by a formula defined in the Act. Following amendments to the SRC Act in October 2001, an employee who suffers a compensable disease or injury at any age after 63 years, is entitled to receive incapacity benefits under the Act for a maximum period of 104 weeks.</p> <p>Seacare: Under Section 38 of the Seafarers Rehabilitation and Compensation Act 1992, compensation for incapacity is not payable to a person who reaches the age of 65 years, except in the case of a person who is injured after the age of 64 years, in which case compensation is payable for 12 months All other benefits (such as medical and permanent impairment) are payable in full, irrespective of a person's age at the time of injury, without any time limits on their payment</p> <p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	<p>Section 5 of Accident Compensation Act 1985 defines 'retirement age' as: (a) if there is a normal retiring age for workers in the occupation in which the worker was employed at the time of the injury - that age; or (b) the age of 65 years, whichever is earlier. A worker is not entitled to weekly payments after attaining retirement age. However, if a worker is injured within 52 weeks of attaining retirement age, or after attaining retirement age, the worker is entitled to weekly payments for not more than the first 52 weeks (whether consecutive or not) of incapacity for work.</p> <p>¹From 18 November 2004, entitlement changed from 52 to 104 weeks.</p>	<p>Section 52 of the Workers' Compensation Act 1987 provides that a worker's entitlement to weekly compensation benefits continues only until one year after the age at which the worker would become eligible to receive the age pension. If the injury occurs after this age, weekly benefits will be paid for one year after the date of injury. Other benefits, such as hospital, medical, rehabilitation costs and access to common law and lump sums, are able to be claimed irrespective of age. (These restrictions do not apply to injuries received before 30 June 1985).</p>	<p>Section 35(5) of the Workers' Rehabilitation and Compensation Act 1986 states that weekly benefits cease at normal retirement age. This is defined as either the normal retirement age for workers in employment of the kind from which the worker's disability arose, or 65 years of age, whichever is the lesser. Section 35(5A) states that workers who are within six months of retirement age, or above retirement age and are still in employment, are entitled to weekly payments for a period of up to six months; this does not apply to working directors, or to contractors. No weekly payments are payable after a worker reaches 70 years of age. All other non-income related entitlements remain, regardless of age.</p>

COVERAGE					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>Section 5 of the Act defines 'notional residual entitlement'</p> <p>Section 24A - Lump sum compensation for noise induced hearing loss</p> <p>Section 56 - Entitlements to weekly payments ceasing on account of age</p> <p>Section 68 - Calculation of lump sum</p> <p>Section 198 - Weekly payments after the age of 64</p> <p>Schedule 5 - Where a worker attains the age of 65 she/he is entitled to receive the 'supplementary amount' if it can be proved the worker was going to work beyond the age of 65 (until age 70)</p> <p>Workers suffering disability after age 64 years have a period of one year for payment of weekly compensation from the date of disability</p> <p>Special provisions apply to workers suffering asbestos-related diseases</p>	<p>There are no provisions in the Act that refer to retirement age</p> <p>Entitlement to benefits cease when:</p> <p>(a) incapacity because of the injury ceases; or</p> <p>(b) worker has received weekly compensation for 5 years of incapacity; or</p> <p>(c) the statutory maximum compensation amount is reached - \$174,625 (this includes lump sum for permanent impairment, and weekly compensation amounts); or</p> <p>(d) 28 days after an offer of lump sum compensation for permanent impairment is made; or</p> <p>(e) Insurer and the worker agree on an amount that redeems Insurer's liability to make weekly payments; or</p> <p>(f) when entitlement to weekly compensation is reviewed and the entitlement is ceased (e.g. no longer incapacitated due to injury)</p>	<p>Section 87 of the Act provides that</p> <p>(1.) Subject to subsection (2.), an entitlement of a worker to weekly payments of compensation ceases:</p> <p>(a) if the injury occurs on or before the date on which the worker attains the age of 64 years, on his/her attaining the age of 65 years; or</p> <p>(b) if the injury occurs after the date on which the worker attains the age of 64 years, on the date one year after the injury occurs</p> <p>(2.) Where the terms and conditions of a workers' employment are such as to permit him/her to continue in that employment beyond the age of 65 years, the worker may refer to the Tribunal for determination of the question as to whether or not the provision of subsection (1) should apply</p> <p>(3.) Pursuant to subsection (2.), if the Tribunal is satisfied:</p> <p>(a) that the terms of the worker's employment would have entitled him/her to continue in that employment beyond 65 years, and the worker, but for the injury refer to subsection (1.), intended to continue in that employment beyond that age; and</p> <p>(b) that the incapacity of the worker resulting from that injury will continue beyond the date the worker attains the age of 65 years;</p> <p>The Tribunal might determine that weekly payments may be continued beyond the dates mentioned in subsection (1) and shall determine the period for which such payments are to be continued</p>	<p>Section 65 of the Act refers to long-term incapacity</p> <p>A worker will be paid 75% of his/her loss of earning capacity until:</p> <p>(a) he/she attains the age of 65 years; or</p> <p>(b) if the normal retiring age for workers in the industry or occupation in which he/she was employed at the time of the injury is more than 65 years, he/she attains that normal retiring age</p>	<p>a) Entitlement to benefits continues until the 'pension age' - s 39(4)(c).</p> <p>b) If injury occurs within two years of worker reaching 'pension age', entitlement to benefits continues for two years from entitlement to compensation arising -s39(4)(d).</p>	<p>Weekly compensation paid for loss of earnings normally stops when the person reaches 'New Zealand Superannuation Qualifying Age (NZSQA)' i.e. retirement age</p> <p>Between 1 April 1994 and 2001 the NZSQA was raised from 60 to 65 years</p> <p>If incapacity occurs between 24 and 12 months prior to NZSQA, weekly compensation can be paid for 24 months from the start date, provided they elect upon reaching NZSQA to receive weekly compensation rather than superannuation.</p> <p>If incapacitated within 12 months prior to NZSQA, or after reaching NZSQA, weekly compensation can be paid as well as any superannuation, until the later of:</p> <ul style="list-style-type: none"> • NZSQA date • the first date of entitlement to weekly compensation <p>After that 52 weeks, they can elect to receive either weekly compensation or national superannuation for a further year. Weekly compensation stops after that further year</p>

COVERAGE				
COVERAGE	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Cross-border cooperative arrangements	<p>There are no formal cooperative arrangements with other jurisdictional compensation authorities</p> <p>Seacare: State/Territory compensation schemes have no application if Seafarers Act applies</p>	<p>Effective from September 2004, Victoria proclaimed legislation which means there is no entitlement to compensation in Victoria other than in respect of employment that is 'connected' with Victoria. The legislation provides guidance to determine if a worker's 'state of connection' is Victoria.</p> <p>Under the Act a worker's employment is connected with:</p> <ol style="list-style-type: none"> 1. One state where the worker usually works 2. If no state or no one state applies (test 1), then the state where the worker is usually based for that employment, or 3. If no state or no one state applies (test 1&2), then the state where the employer has their principal place of business (in Australia). <p>These tests are hierarchical, so if the first test does not provide an answer, the next test is applied until the worker's status is determined. Special arrangements apply for workers on ships and a safety net also applies.</p> <p>Effective from 1 July 2005, Victorian legislation will impose a Victorian premium liability on employers only in respect of workers which are connected to Victoria as defined above.</p> <p>As New South Wales is yet to proclaim its state of connection legislation - an interim NSW/Victorian cross-border agreement is being negotiated to address anomalies caused by the different nexus.</p>	<p>NSW has passed legislation basically consistent with the HWCA model however this legislation is yet to be proclaimed.</p>	<p>There are no formal cooperative arrangements with other jurisdictional compensation authorities</p>
	<p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>			

COVERAGE					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>National principles endorsed by all State and Territory workers' compensation jurisdictions and ratified by the Heads of Workers' Compensation Authorities, aim to eliminate the need to obtain coverage for workers in more than one jurisdiction and ensures workers working temporarily in another State or Territory have access only to workers' compensation and common law entitlements in their "home" State/Territory.</p> <p>During 2004 an Amendment Bill was introduced into Parliament and was subsequently passed by both Houses of Parliament. The Workers' Compensation and Rehabilitation Amendment (Cross Border) Act 2004 gained Royal Assent on 28 October 2004 and was proclaimed and became operational on 22 December 2004.</p>	<p>There are no formal cooperative arrangements with other jurisdictional compensation authorities.</p> <p>From 1 July 2003 the Workers' Compensation and Rehabilitation Act 2003 introduces new cross-border provisions (sections 113 and 114) under which compensation is only payable if employment is connected to Queensland. There are a new series of tests to determine whether employment is connected with Queensland.</p>	<p>National cross border model implemented from December 2004.</p>	<p>There are no formal cooperative arrangements with other jurisdictional compensation authorities.</p>	<p>On 3 June 2004 the ACT commenced provisions relating to the nationally agreed cross border scheme. Part 4.2A of the Act. However they are ineffective without the proclamation of similar provisions in NSW.</p>	<p>N/A</p>

BENEFITS

BENEFITS					
BENEFITS	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA	WESTERN AUSTRALIA
Weekly benefit rates	<p>≤ 45 weeks: Normal weekly earnings (NWE)</p> <p>> 45 weeks: 75% of NWE</p> <p>Maximum: \$1,428.75 (150% of Average Week Ordinary Time Earnings for Full-time Adults as published by ABS)</p> <p>Minimum: \$338.38</p> <p>Additional for prescribed person \$83.78 and for each dependent child \$41.87</p> <p>Compensation payments for ex-employees were increased by reference to the ABS Wage Cost Index by 3.7% from 1 July 2004.</p>	<p>Due to statutory changes to scheme on 12/11/97, benefit rates depend on date of entitlement</p> <p>Pre 12/11/97: Workers entitled to receive weekly benefits as at 12/11/97; old rates apply</p> <p>Post 12/11/97: ≤ 13 weeks: 95% of pre-injury average weekly earnings (PIAWE) (maximum: \$1130), less notional earnings</p> <p>> 13 weeks: If no current work capacity 75% of PIAWE; or if some work capacity either: (a) 60% of PIAWE less 60% of notional earnings, or (b) \$677 less 60% of notional earning, whichever is the lesser</p> <p>> 104 weeks: Weekly benefits cease after 104 weeks of weekly payments unless: (a) worker is likely to have no current work capacity indefinitely, benefits continue while this is the case until retirement; or (b) worker has a current work capacity and has returned to work at his/her maximum capacity</p> <p>Must be working at least 15 hours per week and earning at least \$132 per week; and be employed/self-employed</p>	<p>≤ 26 weeks: Current weekly wage rate (maximum \$1,398.30) or, where no award, 80% of worker's Average Weekly Earnings (AWE), not including overtime, shiftwork or penalty rates</p> <p>> 26 weeks: 90% of AWE (maximum \$328.90) Plus Dependants: • spouse: \$86.70 • 1 child: \$61.90 • 2 children: \$138.60 • 3 children: \$229.50 • 4 children: \$322.90 • For each additional dependant child in excess of 4: \$93.10</p> <p>> 52 weeks: The maximum period for which partially incapacitated workers whose employers cannot provide suitable duties can receive special benefits is 52 weeks.</p> <p>Special benefits are paid at the basic award rate for up to 26 weeks post-injury, after which they are paid at 80% of the basic award rate for a maximum of 52 weeks.</p> <p>After 52 weeks, partially incapacitated workers are able to claim the difference between current and pre-injury capacity.</p> <p>> 104 weeks: Payments can be discontinued at the end of 104 weeks of partial incapacity if the worker is no longer jobseeking, is unemployed mainly as a result of the labour market conditions, or has unreasonably rejected an offer of suitable employment.</p> <p>Note: Benefits are indexed on 1 April and 1 October each year.</p>	<p>≤ 52 weeks: Worker's Average Weekly Earnings (WAWWE) to a maximum of 2 x State average weekly earnings (AWE).</p> <p>Maximum: \$1,794.80 at 19/8/04 less actual earnings if partially incapacitated.</p> <p>> 52 weeks: (a) Total incapacity: 80% of WAWWE subject to a maximum of 80% of 2 x State AWE. Maximum: \$1,435.84 at 19/8/04. (b) Partial incapacity: 80% of difference between worker's adjusted notional weekly earnings (NWE) and earnings from employment, or potential earnings in suitable employment that the worker has a reasonable prospect of obtaining. Maximum: \$1,435.84 at 19/8/04 less actual or potential earnings if partially incapacitated.</p> <p>> 104 weeks: If worker partially incapacitated and not in suitable employment, 80% of difference between NWE and what the worker is deemed capable of earning in suitable employment.</p> <p>Otherwise same as for > 52 weeks.</p>	<p>A cap on weekly payments of \$1084.50 applies for the duration of claims. This amount is indexed annually (every 1 July).</p> <p>Workers whose earnings are prescribed by an industrial award</p> <p>First 4 weeks of claim: Weekly payments will consist of the rate of the worker's average weekly earnings payable under the relevant industrial award, plus any over award or service payment paid on a regular basis, including overtime, bonuses or allowances up to a maximum of \$1084.50. Overtime, bonuses or allowances are averaged over the 13 weeks before the disability occurred.</p> <p>5th week onward: Weekly payments consist of the rate of weekly earnings payable under the relevant industrial award, plus any over award or service payment paid on a regular basis, but excluding overtime, bonuses or allowances. Maximum payment is \$1084.50.</p> <p>Minimum rate: Subject to the cap of \$1084.50, the minimum rate of weekly earnings payable, at the time of the incapacity, for the appropriate classification under the relevant award.</p> <p>Workers whose earnings are not prescribed by an industrial award</p> <p>First 4 weeks of claim: Weekly payments will consist of the worker's average weekly earnings (including overtime, bonuses and allowances) averaged over the year before the disability occurred, up to a maximum of \$1084.50.</p> <p>5th week onward: Weekly payments 'step down' to 85% of the worker's average weekly earnings; maximum payment is \$1084.50.</p> <p>Minimum rate: Subject to the cap of \$1084.50, the minimum rate of weekly earnings payable under the <i>Minimum Conditions of Employment Act 1993</i>.</p>

* Unless otherwise stated, information provided applies to both Comcare and Seacare

BENEFITS				
QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>≤ 26 weeks: Workers under award or industrial agreement - the greater of:</p> <p>(a) 85% of the worker's normal weekly earnings (NWE); or (b) amount payable under the worker's award or agreement.</p> <p>Workers not under award or agreement - the greater of:</p> <p>(a) 85% of NWE (b) 70% of QOTE</p> <p>QOTE (Queensland Ordinary Time Earnings) is currently \$884.80.</p> <p>> 26 weeks: All workers - the greater of:</p> <p>(a) 65% of NWE (b) 60% of QOTE</p> <p>104 weeks to 5 years: Workers with work-related impairment (WRI) of more than 15% - the greater of:</p> <p>(a) 65% of NWE (b) 60% of QOTE</p> <p>Workers with WRI less than or equal to 15%, receive an amount equal to the Department of Social Security single-person pension rate.</p> <p>Total amount payable for weekly benefits is \$174,625.</p> <p>Note: Refer to Recent Developments section.</p>	<p>≤ 13 weeks: 100% of weekly payment i.e. the greater of normal weekly earnings (NWE) for the period of twelve months prior to the period of incapacity, or ordinary time rate-of- pay for work engaged in prior to incapacity.</p> <p>> 13 weeks: 85% of weekly payment.</p> <p>> 78 weeks: 80% of weekly payment.</p> <p>Entitlement to weekly payments ceases on the expiration of 9 years after the date of the incapacity. Minimum rate: \$348.15 from 1/1/04.</p>	<p>≤ 26 weeks: Normal weekly earnings (NWE) i.e. worker's normal working hours per week at hourly rate, including overtime and shift penalties (where worked in a regular and established pattern).</p> <p>> 26 weeks: Whichever is the greater of: (a) 75% of NWE to a maximum of \$1,358.70; or (b) \$452.90 plus \$113.23 for a dependant spouse and \$56.61 for each dependent child; or 90% of NWE (whichever is the lesser).</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>Total incapacity: - worker's average pre-incapacity weekly earnings for first 26 weeks- s39(2)</p> <ul style="list-style-type: none"> • after 26 weeks, 100% of the worker's average pre-incapacity weekly earnings if less than the pre-incapacity floor for the worker - s39(3)(a); or • if 100% of the worker's average pre-incapacity earnings is more, but 65% of those earnings is less than the pre-incapacity floor for the worker, then the statutory floor -s39(3)(b); or • if 65% of the worker's average pre-incapacity weekly earnings is more than the pre incapacity floor for the worker then whichever of the following is more - 65% of the worker's average pre-incapacity weekly earnings, or the statutory floor [s39(3)(c)]. <p>Statutory floor is defined as the federal minimum wage decided from time to time by the Australian Industrial Relations Commission under the Workplace Relations Act 1996 (Cwlth).</p> <p>Partially incapacitated workers up to 26 weeks - weekly compensation equal to the difference between---</p> <p>(a) the worker's average pre-incapacity weekly earnings; and (b) the average weekly amount paid to the worker for working or could earn in reasonably available suitable employment. s40(2)(a)(b).</p> <p>In working out the average weekly amount the worker could earn, consideration may be given to the following: (a) suitable employment that the worker unreasonably rejects; (b) suitable employment that the worker obtains but unreasonably discontinues. s40(3)(a)(b)</p> <p>After 26 weeks S41(1)(b). Weekly compensation equal to the difference between the weekly amount paid to the worker for working and-</p> <p>(a) if 100% of the workers average pre-incapacity weekly earnings is less than the statutory floor - 100% of the workers average pre-incapacity weekly earnings S41(2)(a);or (b) if the relevant percentage of the worker's average pre-incapacity weekly earnings is less than the statutory floor-- the statutory floor S41(2)(b); or (c) if the relevant percentage of the worker's average pre-incapacity weekly earnings is more than the statutory ceiling-- the statutory ceiling S41(2)(c); or (d) in any other case - the relevant percentage of the worker's average pre-incapacity weekly earnings S41(2)(d). Statutory ceiling, in relation to an amount, means 150% of AWE at the time the amount is to be paid.</p>	<p>For weeks 2-5 of incapacity, weekly compensation is paid at 80% of the short-term rate (defined on page 23).</p> <p>From the 5th week, weekly compensation is paid at 80% of the long-term rate (defined on page 23). Maximum weekly compensation is NZ\$1,449.63</p> <p>Weekly compensation is reduced by a proportion of any earnings derived during the period of incapacity</p> <p>A minimum rate for full-time earners applies after 5 weeks of incapacity, set at 80% of NZ\$360, or 80% of NZ\$288 for people under the age of 18 years</p> <p>Payment of weekly compensation continues until:</p> <ul style="list-style-type: none"> • the person is assessed as no longer incapacitated for normal work, or has a capacity for work for which they are otherwise suited, or • the person returns to employment and derives earnings higher than their pre-injury earnings • the upper age limit rules apply

BENEFITS				
BENEFITS	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Basis for determining weekly benefits.	<p>Normal weekly earnings including: allowances payable each week (excluding expenditure reimbursement or an allowance payable in respect of special expenses incurred); average of overtime worked on regular basis; income from job outside Commonwealth employment if injured in part-time Commonwealth employment.</p> <p>Seacare: Normal weekly earnings as defined in Section 13 of the Act.</p> <p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	<p>Either Pre-Injury Average Weekly Earnings (PIAWE) during the 12 months preceding injury (if the worker was continuously employed by the same employer for this period); or PIAWE for the period less than 12 months preceding the injury for which the worker has been continuously employed by the same employer.</p> <p>PIAWE is calculated at the worker's ordinary time rate-of-pay for the worker's normal number of hours per week.</p> <p>Regular overtime and regular shift allowances are to be included in the calculation of a worker's weekly compensation rate for the first 26 weeks.</p>	<p>Average weekly earnings during 12 months preceding injury (if the worker was continuously employed by the same employer for this period) or; if less than 12 months, average weekly earnings by a person in the same grade at the same work of same class of employment.</p> <p>Pre-Injury Average Weekly Earnings include: reference to ordinary weekly rate-of-pay applicable under industrial law; overtime; and other amounts payable under common industry or other practice.</p> <p>Weekly benefit rates for first 26 weeks of incapacity and for partial incapacity are determined with reference to the current weekly rate. Current weekly rate is determined in respect of work performed by the worker immediately before being incapacitated, remunerated at the rate (for one week):</p> <ul style="list-style-type: none"> - pursuant to a determination, fixing or providing fixing of a rate for a weekly or longer period, made by the Crown or made under the <i>Public Service Act 1979</i> or under the provisions of any other Act (where the worker is an employee of the Crown or of an employer constituted by an Act); - calculated in accordance with the formula prescribed by the regulations in respect of that class of workers (where the worker belonged to the class of workers prescribed by the regulations); - of an award fixing or providing for the fixing of a rate for a weekly or longer period (where the worker does not belong to a class of works prescribed by the regulations above); or - where the above do not apply, the prescribed proportion (80%) of the workers average weekly earnings in respect of work performed immediately prior to becoming incapacitated. <p>Weekly benefit rates after the first 26 weeks of incapacity and for partial incapacity are determined with reference to average weekly earnings. Average weekly earnings is determined at the rate of the average weekly amount during the 12 months prior to injury:</p> <ul style="list-style-type: none"> - earned by the worker; - by a person in the same grade, employed at the same work, by the same employer (where average weekly earnings of the worker can not be calculated); or - by a person of in the same grade employed in the same class of employment in the same district (where there is no person so employed by the employer). 	<p>Average weekly earnings refers to the amount the worker could reasonably expect to earn for a week's work if not disabled, and includes: wages and/or salary; overtime if regular and established; substantially uniform and continuing; non-cash entitlement (e.g. loss of use of company vehicle); eligible allowances paid in recognition of a skill (e.g. First Aid allowance).</p>

BENEFITS					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>The cap on weekly payments of \$1084.50 is obtained by multiplying by 1.5 the average of the amounts that the ABS publishes as 'All employees average weekly total earnings in Western Australia for pay periods ending in the months of May, August, November and February preceding the financial year'. This amount is indexed annually (every 1 July).</p> <p>Workers whose earnings are prescribed by an industrial award.</p> <p>First 4 weeks: Weekly earnings payable as per the relevant industrial award, plus any over award or service payment paid on a regular basis including overtime, bonuses or allowances. Overtime, bonuses or allowances are averaged over the 13 weeks before the disability occurred.</p> <p>5th week onward: Weekly earnings payable under the relevant industrial award, plus any over award or service payment paid on a regular basis, but excluding overtime, bonuses and allowances.</p> <p>Workers whose earnings are not prescribed by an industrial award.</p> <p>First 4 weeks: Average weekly earnings payable (including overtime, bonuses or allowances) are averaged over the year before the disability occurred.</p> <p>5th week onward: Weekly payments 'step down' to 85% of the worker's average weekly earnings.</p> <p>Total Weekly Payments</p> <p>Total weekly payments of compensation and lump sum compensation are normally limited to the Prescribed Amount (the maximum total amount payable in weekly payments and lump sum settlements, which amounts to \$139,995.00 current until 30 June 2005).</p> <p>In certain circumstances, at the discretion of the Conciliation and Review Directorate, an additional amount of up to \$50,000 may be granted in weekly payments.</p>	<p>Normal weekly earnings (NWE) of the worker from employment (continuous or intermittent) in the 12 months before the day of the injury, including amounts paid immediately prior to the injury in overtime, higher duties, penalties and regular allowances.</p> <p>Does not include one-off periods of overtime, and further exclusions also apply as per the definition of 'wages'.</p> <p>The total statutory maximum payable amounts to \$174,625.</p> <p>This includes lump sum and weekly compensation benefits. The total lump sum and weekly benefits, cannot be greater than the total statutory compensation payable.</p> <p>Additional lump sum and gratuitous care lump sums are not included in this maximum.</p>	<p>Normal weekly earnings (NWE) are the average weekly earnings of the worker over the period of 12 months ending at the commencement of the period of incapacity.</p> <p>Where it is impracticable to compute the NWE of the worker under that employer, the NWE are taken to be the NWE of a person employed in the same grade at the same work by the same employer.</p> <p>NWE includes all payments, allowances or benefits received during the period, excluding any long service benefit or entitlement, bonus or gratuity.</p> <p>Generally, overtime is excluded unless it was a regular and established pattern of work.</p>	<p>Normal weekly earnings (NWE) are a worker's normal number of hours per week, at his/her hourly rate, including overtime and shift penalties (where worked in a regular and established pattern).</p> <p>NWE also includes: climate; district; leading hand and qualification allowances and service grants.</p>	<p>Average pre-incapacity weekly earnings are the worker's weekly earnings from all employment.</p> <p>Weekly compensation payable is based on the Average Pre-incapacity Weekly Earnings of the worker over the previous 1 year prior to injury, s21(1)(b)(i).</p> <p>If the worker has worked for the employer for less than 1 year then the entire period of employment is to be considered, s21(1)(b)(ii).</p> <p>If it is not possible to work out fair average pre-incapacity weekly earnings for the worker under subsection 21(1) because the worker has only been employed for a short time, because of the terms of the worker's employment or for some other reason, the worker's average pre-incapacity weekly earnings may be worked out by reference to the average weekly amount being earned by</p> <p>(a) others in the same employment who perform similar work at the same grade as the worker; or</p> <p>(b) if there is no-one in the same employment—others in the same class of employment as the worker, who perform similar work at the same grade as the worker.</p> <p>Overtime is to be taken into account in working out average pre-incapacity weekly earnings or average pre-incapacity weekly hours only if</p> <p>(a) the worker worked overtime in accordance with a regular established pattern; and</p> <p>(b) the pattern was substantially uniform as to the number of hours of overtime worked; and</p> <p>(c) the worker would have continued to work overtime in accordance with the established pattern if the worker had not been injured, s25.</p> <p>For injuries resulting from a gradual onset of incapacity, if it appears that the level of the worker's average pre-incapacity weekly earnings, or average pre-incapacity weekly hours, have been affected then the worker's average pre-incapacity weekly earnings, or average pre-incapacity weekly hours, must be set at an amount that fairly represents the weekly amount that the worker would have been earning or working if the level had not been affected, s26(1) and (2).</p> <p>For contractors, average pre-incapacity weekly earnings are to be worked out as if the worker were an employee or if there is an award or industrial agreement applying to the class of work in which the worker was engaged then, by that award or industrial agreement, s22.</p>	<p>For a permanent employee:</p> <ul style="list-style-type: none"> the short-term calculation is based on earnings in the 4 weeks prior to incapacity divided by the number of weeks in which they were derived. the long-term calculation is based on earnings, from that job, in the 52 weeks prior to incapacity, divided by the weeks over which they were derived. <p>For a non-permanent employee:</p> <ul style="list-style-type: none"> the short-term calculation is based on all non-permanent employee earnings in the 4 weeks prior to incapacity, divided by the actual number of weeks in which they were derived the long-term calculation is based on all non-permanent employee earnings in the 52 weeks prior to incapacity, divided by 52 <p>Any prior periods of unpaid sick leave, or time on weekly compensation, are disregarded.</p> <p>For a self-employed person, entitlement is generally based on earnings in the most recently completed tax-year. Shareholder employees have a similar assessment.</p>

BENEFITS					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>\$41,998.50 (i.e. 30% of the prescribed amount). In certain circumstances, at the discretion of the Conciliation and Review Directorate, an additional amount of up to \$50,000.00 may be granted.</p>	<p>(a) Medical and rehabilitation: no limit - all reasonable costs. (b) Private hospitalisation cost for any one incident: \$10,000.00 limit. In special circumstances, a further \$10,000.00 may be granted.</p>	<p>No limit - all reasonable costs. Entitlements cease ten years after the date the claim was lodged.</p>	<p>No limit - all reasonable costs.</p>	<p>Reasonable costs for medical treatment having regard to the charges customarily made for similar treatment, s70(1)(a). Total amount payable for each of the following must not be more than an amount agreed between the worker and employer or in any other case \$500 cpi indexed: for the cost of the repair or replacement of a worker's contact lenses, crutches, prosthesis, spectacles, or other artificial aid, s70(2)&(3).</p>	<p>Full costs of public health acute services are met by ACC and residual insurers, with services provided exclusively by public hospital and health services. If a treatment is other than a 'public health acute service', and is one of the types of treatment set out in regulation, then the set amount is payable. If a treatment is not regulated or covered by a contract agreement, then the actual cost is paid. Treatment must be necessary and appropriate.</p>
<p>Rates for medical and allied health services are prescribed via regulation following negotiation with the relevant governing body.</p>	<p>Medical Practitioners based on Medicare Benefits Schedule, and calculated as Scheduled Fee plus 36% for all consultations and procedures. Allied Health and other services - Table of Costs, developed in consultation with service providers, outlines fees and conditions. Note: Refer to Recent Developments Section.</p>	<p>Prescribed fee, or if no fee prescribed, service provider must not charge fee in excess of fee normally charged for that service in the general community (taking into account any discount that would normally be applicable).</p>	<p>Reasonable fees for medical and like services.</p>	<p>Medical Fees: assessed having regard to the charges (includes wages lost, transport & accommodation expenses incurred by injured worker) customarily made for similar medical treatment in the place where that treatment is obtained, s 70(1)(4).</p>	<p>Acute (Hospital) services: Annual levy payment to the Ministry of Health Primary Care Rates: Prescribed by regulation Elective Services: Contract with provider Services not covered by regulation or contract: Full cost paid</p>

BENEFITS		
BENEFITS	COMMONWEALTH*	VICTORIA
<p>Lump sum payments:</p> <p>Impairment / non-economic loss</p> <p>– Maximum</p> <p>– Thresholds</p> <p>– Method of calculating (assessing permanent impairment)</p> <p>Settlement / Redemption / Commutation</p>	<p>For both Comcare and Seacare: \$134,016.69 for permanent impairment. In addition, a maximum of \$50,256.30 for non-economic loss.</p> <p>The <i>Military Rehabilitation and Compensation Act 2004</i> (MRC Act) and the <i>Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004</i> came into force on 1 July 2004. Under the MRC scheme, the Military Rehabilitation and Compensation Commission (MRCC) now has responsibility for managing claims under the SRC Act - not Comcare.</p> <p>No award below 10% assessed impairment (exceptions for fingers, toes, hearing, taste and smell).</p> <p>Whole-person impairment assessed according to approved guides for permanent impairment and non-economic loss</p> <p>Permanent impairment assessed under Guide to the Assessment of the Degree of Permanent Impairment (Separate guides available for Comcare and Seacare - but essentially identical)</p> <p>The only occasion under the SRC Act where a lump sum payout can be made is when:</p> <ul style="list-style-type: none"> • an employee's weekly incapacity payments are equal to or less than the indexed rate, and • Comcare is satisfied that the degree of the employee's incapacity is unlikely to change. <p>The indexed rate as at 1 July 2004 is \$83.78 per week.</p> <p>The redemption of the incapacity amount is calculated as per section 30(1) (or 137(1) for former employees) of the SRC Act. It does not affect any ongoing medical or rehabilitation entitlements under the Act.</p> <p>Seacare: Section 44 of the Act requires settlement where:</p> <ul style="list-style-type: none"> • an employee is receiving weekly payments for an injury resulting in incapacity, • the amount of those payments is equal to or less than \$83.78 (as at 1 October 2004), and • the employer is satisfied that the degree of the employee's incapacity is unlikely to change. <p>If these conditions are satisfied, an employer must commute weekly incapacity benefits to a lump sum calculated by a formula contained in the Act.</p>	<p>The statutory scheme changed as of 12/11/97 Entitlement depends on date of injury</p> <p>Pre 12/11/97 injury: \$104,990 In addition, maximum of \$56,400 for pain and suffering</p> <p>From 12/11/97 injury: \$355,650 (for impairment of 80% or more).</p> <p>Pre 12/11/97 injury: Pain and suffering: no award if payment under Table of Maims < \$11,270; Hearing Loss - no award if loss is < 7%</p> <p>From 12/11/97 injury: Physical injuries: 10% whole person impairment (except amputations) Psychiatric injuries: 30% whole person impairment Hearing Loss: 10% National Acoustic Laboratory Standard (NAL).</p> <p>Pre 12/11/97 injury: Old Table of Maims applies.</p> <p>From 12/11/97 injury: Physical impairment - assessed under American Medical Association Guides 4th edition, modified to take into account Australian best practice in evaluation of psychiatric and hearing impairments - used for all new impairment benefits (2nd edition continues to be used for other purposes). Psychiatric impairment - assessed using the clinical Guidelines to the Rating of Psychiatric Impairment, prepared by the Medical Panel (Psychiatry) Melbourne, Victoria, Oct 1997 and published in the Government Gazette (No.587 Friday, 28 August 1998). Hearing impairment assessed using the Improved Procedures for Determination of Percentage Loss of Hearing (1998 Edition or a later prescribed edition), published by the National Acoustics Laboratory. If total loss injury, payment is not less than Old Table of Maims with allowance for pain and suffering.</p> <p>The Accident Compensation Act 1985 allows for the settlement of weekly benefits in a lump sum. It does not include medical and like expenses, which continue to be paid as required.</p> <p>The act has separate provisions for settlements in relation to injuries suffered between 31 August 1985 and 1 December 1992¹, and between 12 November 1997 and 20 October 1999.</p> <p>Settlements of future weekly benefits are allowed when the worker:</p> <ol style="list-style-type: none"> 1. Has no current work capacity indefinitely, and: <ul style="list-style-type: none"> • Has been on benefits for 104 weeks or more, and • Is over 55 years old, or 2. Is seriously injured and has been on benefits for 104 weeks or more. <p>¹Temporarily available for expressions of interest received between 8 April 2002 and 8 July 2002.</p>
	<p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	

BENEFITS	
NEW SOUTH WALES	SOUTH AUSTRALIA
<p>For injuries received prior to 1 January 2002, the degree of permanent loss is assessed using the Table of Disabilities. If the claim was made on or after 12 January 1997, the most the worker can receive for a permanent loss is \$100,000 for a single permanent loss, or \$121,000 for a multiple permanent loss. The most the worker can receive for pain and suffering is \$50,000</p> <p>When the degree of permanent impairment is 75% or more, the amount of permanent impairment compensation is \$200,000. The worker can also receive a maximum of \$50,000 for pain and suffering.</p> <p>A minimum level of permanent impairment must be present before compensation payments are made. For permanent impairments, the minimum levels are greater than 1% of the whole person. However, for psychiatric and psychological impairment there is a 15% threshold, and for hearing loss claims a minimum level of 6% binaural hearing loss must be present.</p> <p>For injuries received prior to 1 January 2002, the degree of permanent impairment is assessed using the Table of Disabilities. For injuries received on or after 1 January 2002, the degree of permanent impairment is assessed on a whole-of-person basis, using the WorkCover Guides for the Evaluation of Permanent Impairment (available from WorkCover's website, www.workcover.nsw.gov.au)</p> <p>Settlements of future entitlements to weekly benefits (known as 'commutations') are allowed, by agreement of the worker and the insurer. From 9am on 27 November 2001, new procedures were adopted for the commutation of workers' compensation benefits, regardless of the date of injury or the date the claim for compensation was made</p> <p>WorkCover must now certify that a number of conditions, which are listed in Section 87EA(1) of the Workers' Compensation Act 1987, have been met before a commutation can be registered by the Workers' Compensation Commission.</p> <p>A commutation is only available under the following circumstances:</p> <ul style="list-style-type: none"> • the injured worker must have a permanent impairment that is at least a 15% whole person impairment • compensation for permanent impairment and pain and suffering has been paid • the worker must be entitled to ongoing weekly benefits and must have received weekly benefits regularly and periodically during the previous six months • it is more than two years since the worker first received compensation for the injury • all opportunities for injury management and return-to-work have been exhausted • weekly benefits have not been stopped or reduced as a result of the worker not cooperating with the injury management plan • the worker has received independent legal advice • the insurer and worker must agree with the commutation • WorkCover must agree with the commutation • all agreements must be registered with the Workers Compensation Commission 	<p>For non-economic loss \$124,200 in 2004.</p> <p>If the lump sum assessment exceeds 55% of the prescribed sum (\$124,200), a supplementary benefit of up to \$83,835 is available.</p> <p>5% (hearing loss only)</p> <p>Assessed under 3rd Schedule (Table of Maims) based on medical opinion, or medically assessed under American Medical Association Guides (3rd Edition revised).</p> <p>Disability not listed in 3rd Schedule or in AMA guides not eligible for assessment.</p> <p>No assessment for psychiatric impairment.</p> <p>Liability for weekly payments and/or medical expenses may be redeemed by a capital payment to the worker.</p> <p>Redemptions require worker and Corporation collaboration and agreement.</p>

BENEFITS		
BENEFITS	WESTERN AUSTRALIA	QUEENSLAND
Lump sum payments:	\$139,995.00 (less any amount paid in weekly benefits) for workers with a permanent disability.	Total amount payable for weekly benefits and lump sum up to \$174,625 (except for payments for injuries resulting in death). After decision to accept offer of lump sum, all compensation ceases.
Impairment / non-economic loss		
- Maximum		Additional lump sum payments: A worker sustaining an injury resulting in a work-related impairment (WRI) of 50% or more is entitled to an additional lump sum of \$174,625. Also entitled to a lump sum for gratuitous care if the injury results in a WRI of 15% and moderate/total level of dependency for daily care. Amount payable up to \$216,635.
- Thresholds	No	No
- Method of calculating (assessing permanent impairment)	Medically assessed as a percentage of a maximum amount payable under Schedule 2 (Table of Compensation Payable) where an injury by accident results in a permanent loss of function.	Assessed in accordance with the AMA Guide (currently 4th edition); psychiatric and psychological injuries assessed by a Medical Assessment Tribunal; industrial deafness injuries by an audiologist. If as a result of assessment, a worker is entitled to lump sum compensation, the amount of the lump sum compensation is calculated as per Schedule 2 of the Worker's Compensation and Rehabilitation Regulation 2003, having regard to the worker's degree of permanent impairment and the Table of Injuries.
Settlement / Redemption / Commutation	A lump sum redemption, for future loss of weekly wages as a result of an injury, is available, subject to the following conditions: <ul style="list-style-type: none"> • the worker must have a permanent total or partial incapacity; • the worker must have been in receipt of weekly payments for not less than 6 months; • the worker and employer agree to the redemption and the amount of the lump sum; • the worker will automatically waive their common law rights; and • the Director of the Conciliation and Review Directorate is satisfied the worker is aware of the consequences of redeeming their claim. 	WorkCover's liability to make weekly payments of compensation to a worker may be discharged by a redemption payment of an amount agreed between WorkCover and the worker. For such a redemption payment to be considered, WorkCover must receive a report from the doctor stating that the worker's injury is not stable and stationary for the purposes of assessing permanent impairment, and: <ul style="list-style-type: none"> • the worker has been receiving weekly payments of compensation for at least two years, or • the worker moves interstate permanently, or • the worker stops ordinarily residing in Australia (Entitlement to compensation ceases in this instance).

BENEFITS			
TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>\$183,522.15 for permanent impairment (indexed January each year).</p> <p>No award below 5% whole-person impairment for physical impairment, except for impairment involving the loss of a finger or toe. No award for psychiatric impairment of less than 10% whole-person impairment.</p> <p>Whole-person impairment assessed according to guidelines issued by the WorkCover Tasmania Board or, if no such guidelines are issued, the AMA Guides (4th Edition) or such other methods as may be prescribed.</p> <p>Section 39 of the Workers Rehabilitation and Compensation Act 1998 allows the settlement of a claim by agreement where:</p> <p>(a) the injury is stable and stationary, and</p> <p>(b) 12 months has elapsed since the lodgement of the claim.</p>	<p>\$188,406.40 for permanent impairment.</p> <p>No award below 5% whole-person impairment</p> <ul style="list-style-type: none"> • 5-9%: 2% of maximum • 10-14%: Sliding scale to 12% of maximum • 15-84%: True % of maximum • > 84% :Maximum amount (Statutory maximum = 208x AWE) <p>Whole-person impairment assessed according the American Medical Association's Guides (4th Edition).</p> <p>Under NT legislation there is provision for lump sum payments for commutation.</p> <p>Section 74 of the Work Health Act provides for the commuting of weekly benefits to a lump sum, calculated to a maximum amount of 156 times a particular worker's NWE or 156 times AWE (whichever is the greater amount) at the time the payment is made.</p> <p>This is only for a worker who is not totally incapacitated for work and where rehabilitation is complete. It does not include medical and like expenses, which continue to be paid as required.</p>	<p>A single loss amount means \$105,630.48 cpi indexed rate for October 2004 quarter, s49.</p> <p>Maximum loss amount means \$158,445.72 cpi indexed rate for October 2004 quarter, s50.</p> <p>No</p> <p>No assessment methodology prescribed</p> <p>Amount calculated with reference to Part 4.4, and Schedule 1</p> <p>This is generally a matter of negotiation between the injured worker and the employer/insurer.</p>	<p>Lump-sum compensation for permanent impairment injury occurring after 1 April 2002. Maximum award is \$104,109.26. No award if impairment is less than 10% as assessed using AMA Guides 4th Edition.</p> <p>For injury prior to 1 April 2002, an independence allowance may be payable, if impairment is greater than 10%.</p> <p>From 1 April 2002, a spouse of a person killed in an accident can apply to have weekly compensation commuted.</p> <p>The Independence Allowance can be capitalized for periods of 5 years.</p> <p>Assessed impairment of 10% using the AMA Guides (4th Edition)</p> <p>N/A</p>

BENEFITS				
BENEFITS	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Death benefits	<p>For both Comcare and Seacare: \$201,025.04 Plus: \$66.99 per week for each dependent child.</p> <p>The <i>Military Rehabilitation and Compensation Act 2004</i> (MRC Act) and the <i>Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004</i> came into force on 1 July 2004. Under the MRC scheme, the Military Rehabilitation and Compensation Commission (MRCC) now has responsibility for managing claims under the SRC Act - not Comcare.</p>	<p>Pre 12/11/97: \$134,430.00 Plus: additional lump sum payments for dependent children.</p> <p>From 12/11/97: \$207,390 Plus: Pre-injury earnings-related pensions to dependent partner and children.</p> <p>Payable to partner for 3 years, and children until age of 16 (or 21, if in full-time study).</p> <p>Funeral expenses of up to \$9,000.</p>	<p>\$296,250 Plus: \$93.10 dependent child (per week)</p> <p>Funeral expenses of up to \$9,000 from 19/11/04.</p>	<p>\$208,035 in 2004 NB: Lump sum available for spouse. Also available for dependent orphan children (up to 50% of maximum) Minus: any amount granted for non-economic loss Plus: weekly benefit for dependants: • spouse (50% of WAVE) • children (orphans, up to 25% of WAVE; non-orphans up to 12.5%) Dependent relatives may be entitled to compensation by way of a lump sum or weekly payments as determined by WorkCover Corporation.</p>
Common law rights	<p>Most common law rights abolished</p> <p>Comcare: from December 1988</p> <p>Seacare: from June 1993</p>	<p>Common law rights were available for injuries that occurred before 12/11/97 or after 19/10/1999, in accordance with thresholds (see page 32)</p> <p>Between these dates only available for the death of the worker under the Wrongs Act</p>	<p>The threshold of permanent impairment on a whole-of-person basis for making a common law claim is 15%. Refer to the WorkCover Guides for the Evaluation of Permanent Impairment.</p> <p>Lump sum compensation for permanent impairment is paid under the statutory scheme.</p>	<p>Common law rights against employer abolished for injuries occurring on or after 3 December 1992</p>
Maximum	<p>No ceiling to third-party actions or those made by dependants</p> <p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	<p>Pecuniary Loss: \$1,006,760 Pain and Suffering: Pre 12/11/97 \$404,900 From 20/10/99 \$438,420 Wrongs Act: \$664,160</p>	<p>Common law damages for an injured worker are only awarded in respect of lost wages and future loss of earnings.</p>	<p>N/A</p>

BENEFITS					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>\$135,995.00 (i.e. 100% of the prescribed amount) Minus: amount paid as weekly payments prior to the worker's death. Plus: \$36.75 per week for each dependent child until the age of 16 years (or 21 if a student). Funeral expenses of \$4,768.00 are also payable.</p> <p>Common law rights are available in accordance with the thresholds and requirements outlined below.</p> <p>Unlimited for workers with a disability assessed as 30% or more. For workers with 'significant disability' (not less than 16%, but less than 30%), a maximum of \$293,990.00.</p>	<p>Maximum of \$291,030.00 Minus: amount paid for weekly benefits or Table of Injuries. Plus: lump sum payment of \$10,925 for dependent children, and weekly payments of 7% of QOTE (currently \$61.94) until the age of 16 years (or 21 if student). Lump sum payment of \$16,480 payable to parents if the deceased is under 21 years of age with no dependants.</p> <p>Common law rights are available in accordance with the requirements outlined on page 33.</p> <p>Unlimited</p>	<p>\$183,522.15 (Weekly payments paid/payable prior to death are not included in the lump sum calculation). Plus: Pre-injury earnings- related payments to dependent spouse for two years, and weekly allowance for each dependent child until age 16 or 21, (if in full-time study).</p> <p>Common law rights are available in accordance with the threshold and requirements outlined below.</p> <p>Unlimited (less any amount received as compensation)</p>	<p>\$235,508.00 Plus: \$90.58 per week for each dependent child (maximum of 10)</p> <p>Common law rights against employer or fellow worker abolished for injuries occurring after 1 January 1987.</p> <p>N/A</p>	<p>\$158,445.72 cpi indexed for Oct 2004 quarter Funeral expenses: \$4,225.22 cpi indexed for Oct 2004 quarter Plus: \$52.82 cpi indexed per week for each dependent child (s 77)</p> <p>Common law rights available</p> <p>Unlimited</p>	<p>The surviving spouse of an earner is entitled to receive 60% of the long-term rate of weekly compensation that the earner would have received if they had lived. Each surviving child, and other dependant, is entitled to receive 20% of the weekly compensation. If the total entitlement of the survivors exceeds 100%, individual entitlements are reduced on a pro rata basis</p> <p>Also payable:</p> <ul style="list-style-type: none"> • funeral grant of NZ\$4,684.91 • survivor's grant of NZ\$5,022.84 to a spouse of the deceased • survivor's grant of NZ\$2,511.42 to each child or other dependant • child care payments of NZ\$106.81 for a single child, NZ\$64.08 each if there are 2 children, and a total of NZ\$149.53 if there are 3 or more children <p>Abolished when the scheme was introduced in 1974</p> <p>N/A</p>

BENEFITS				
BENEFITS	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Type of loss	<p>Non-economic loss limited to \$110,000</p> <p>Seacare: \$138,570.52</p> <p>Unlimited amount for claim by dependants</p> <p>Election between statutory amounts for permanent impairment and non-economic loss</p>	Economic and non-economic	Economic only	N/A
Threshold for common law	Subject to state/territory legislation	<p>Impairment threshold Injury before 12/11/97 Actions available for 'seriously injured' workers whether through narrative test or ≥ 30% impairment (AMA2)</p> <p>Injuries between 12/11/97 and 19/10/99 No common law available</p> <p>Injury from 20/10/99 Actions available for 'seriously injured' workers, whether through narrative test or ≥ 30% impairment (AMA4)</p> <p>Minimum monetary threshold</p> <p>Pecuniary Loss: \$44,730</p> <p>Pain and Suffering: If injury before 12/11/97 \$39,900 If injury from 20/10/99 \$43,190</p>	If a worker wishes to pursue a damages claim, they must be able to prove that their employer was negligent and that their injury was their employer's fault. The worker will need to obtain an assessment from a trained medical assessor to determine if they are over the 'serious injury' threshold. If the worker has more than 15% permanent impairment (using the WorkCover Guides for the Evaluation of Permanent Impairment), they may then commence common law action.	N/A
	<p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>			

BENEFITS					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
Economic and non-economic loss.	Economic and non-economic	Economic and non-economic	N/A	Economic and non-economic	N/A
<p>Disability thresholds are assessed in accordance with Schedule 2 (a table of maims), or to the extent Schedule 2 does not apply, the AMA (WA Branch) Assessment of Disability Guide, or the AMA Guides (4th Edition).</p> <p>Common law access is available only if it is agreed or determined the worker has:</p> <ul style="list-style-type: none"> • A degree of permanent disability of not less than 16%, but less than 30% (a 'significant disability') and elects between statutory benefits and common law, normally within 6 months from the date weekly payments commenced (statutory benefits cease from the date of election); or • A degree of permanent disability of 30% or more (a 'serious disability'). Workers with a serious disability are entitled to keep on receiving statutory benefits and pursue access to common law. 	<p>A worker who sustains a permanent impairment of at least 20% or more of statutory maximum compensation is entitled to lump sum compensation and access to common law</p> <p>A worker who sustains a permanent impairment of less than 20% of statutory maximum compensation must make an irrevocable election between accepting the lump sum offered or access to common law</p>	<p>Common law access available only if it is agreed or determined that the worker has a degree of permanent impairment of at least 30% whole person impairment.</p> <p>A worker is required to elect to claim common law damages within two years of the date that the claim for compensation is given to the employer.</p> <p>Statutory benefits continue to be paid after the election.</p>	N/A	No	N/A

STATUTORY RESPONSIBILITIES

STATUTORY RESPONSIBILITIES		
STATUTORY RESPONSIBILITIES	COMMONWEALTH*	VICTORIA
<p>Return-to-work (RTW) provisions:</p> <p>– Employer responsibilities</p>	<p>Employer required to provide injured worker with suitable employment within Commonwealth until the date of separation and that employment is usually worker's original position and hours of work.</p> <p>Comcare has developed a model of occupational rehabilitation to assist employers to meet their responsibilities under the SRC Act. Effective occupational rehabilitation is a managed process, combining early intervention with appropriate, adequate and timely services, based on the assessed needs of the individual.</p> <p>The key elements of Comcare's occupational rehabilitation model are:</p> <ul style="list-style-type: none"> • return-to-work activity should commence as soon as possible after injury; • the employee's workplace and specific duties are the focus of the planned return-to-work activities; • the employer is responsible for the close management and monitoring of return-to-work programs, in consultation with treating health professionals and specialist rehabilitation providers; • employees are required to actively participate in the development and implementation of their return-to-work programs, and; • the employer takes action to ensure further workplace injuries are prevented. <p>Seacare: Employer required to take all reasonable steps to provide worker with suitable employment</p>	<p>If an employer has an annual payroll of \$1 million or more, they must appoint a return to work co-ordinator and develop an occupational rehabilitation program with their workers and display it in the workplace or give each worker a copy.</p> <p>Employers must prepare a return to work plan and nominate a return to work coordinator for any injured worker with an incapacity for work no later than 10 days after a claim being accepted or determined in the worker's favour, or the employer becomes aware that the worker's period of incapacity is likely to exceed 20 days (whatever the size of your business).</p> <p>Employers must offer pre-injury equivalent or suitable employment to an injured worker within 12 months of the claim being accepted or determined in the worker's favour.</p> <p>Failure to comply with the return to work and rehabilitation requirements can result in substantial fines.</p>
<p>– Worker responsibilities</p>	<p>Benefits may be suspended if worker fails to comply with, or obstructs a rehabilitation program or medical examination</p> <p>Seacare: Benefits may be suspended if the worker is not cooperative in rehabilitation or refuses to be medically examined</p>	<p>Worker required to make 'reasonable efforts' to return to work, including:</p> <ul style="list-style-type: none"> (a) participating in rehabilitation or RTW plan (b) participating in assessments of incapacity, rehabilitation progress and employment prospects, and (c) complying with request to provide information, including medical reports, as to current nature and extent of injury and incapacity. <p>Benefits may be terminated if worker fails to comply</p>
	<p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	

STATUTORY RESPONSIBILITIES	
NEW SOUTH WALES	SOUTH AUSTRALIA
<p>The Workplace Injury Management and Workers' Compensation Act 1998 provides that an employer must:</p> <ul style="list-style-type: none"> • notify insurers of all work related incidents that involve a worker, where workers compensation is or may be payable, within 48 hours the insurer will notify WorkCover. For serious incidents, WorkCover must also be contacted immediately; • participate and cooperate in the establishment of an injury management plan for the injured worker; • comply with the provisions of the insurer's Injury Management Program and any Injury Management Plan established for an injured worker; • if a Category 1 employer (i.e. a base tariff premium of over \$50,000), employ a Rehabilitation Coordinator who has undertaken approved training; • provide suitable employment (if reasonably practicable to do so) on request from partially incapacitated workers. <p>An employer may be in breach of the Industrial Relations Act 1996 if:</p> <p>(a) the employer dismisses the employee due to a work-related incapacity, and</p> <p>(b) the dismissal is within 6 months of the incapacity occurring.</p> <p>If the employer offers a dismissed injured employee's position to a replacement employee, the employer must advise the replacement employee that the injured employee may be re-instated to that position within two years of the date of injury.</p> <p>Workers must:</p> <ul style="list-style-type: none"> • notify their employers of an injury as soon as possible; • participate and cooperate in the establishment of an Injury Management Plan (if significant injury); • comply with the obligations imposed by the Injury Management Plan; • nominate a treating doctor who is prepared to participate in the development and arrangements under the Injury Management Plan; • authorise the treating doctor to provide relevant information to the insurer and employer, and; • make reasonable efforts to return to work with the pre-injury employer as soon as possible, having regard to the nature of the injury. <p>Failure to unreasonably comply with any of the above, after being requested to do so by the insurer, can result in suspension or cessation of weekly payments.</p>	<p>The onus is on the pre-injury employer, where reasonably practicable, to provide suitable employment for which the worker is fit.</p> <p>The pre-injury employer is also required to provide 28 days notice to WorkCover Corporation and the worker of their intention to terminate the worker's contract of employment (The notice period to the worker may vary where a Federally certified agreement is in operation).</p> <p>This ensures that the onus to provide suitable employment is not avoided.</p> <p>These provisions are a general obligation on all employers (registered or self insured) and is not time limited.</p> <p>Exceptions to these legislative obligations exist for example where the employer employs less than 10 workers and the workers incapacity is greater than 12 months.</p> <p>Weekly benefits may be discontinued, reduced or suspended if the worker:</p> <p>(a) consents to the discontinuance or reduction;</p> <p>(b) has ceased to be incapacitated;</p> <p>(c) has resumed work;</p> <p>(d) has obtained work paying at or above the worker's notional weekly earnings;</p> <p>(e) is dismissed for serious or wilful misconduct;</p> <p>(f) is resident outside the State or is absent from the State for two months out of twelve without the WorkCover Corporation's consent;</p> <p>(g) fails to submit to medical examination after written request by WorkCover Corporation;</p> <p>(h) fails to supply prescribed medical certificate for continuing incapacity;</p> <p>(i) fails to submit to proper medical treatment;</p> <p>(j) refuses to participate in, or frustrates a rehabilitation or RTW plan;</p> <p>(k) refuses to do suitable work or take reasonable steps to find suitable work, or unreasonably discontinues work, or;</p> <p>(l) anything else that is recognised as a breach of mutuality.</p>

STATUTORY RESPONSIBILITIES			
STATUTORY RESPONSIBILITIES	WESTERN AUSTRALIA	QUEENSLAND	TASMANIA
<p>Return-to-work (RTW) provisions:</p> <p>- Employer responsibilities</p>	<p>Employer required to keep position open (if reasonably practicable for injured worker) for 12 months, and to take reasonable steps to rehabilitate worker.</p> <p>If that job is no longer available, or worker can no longer perform it, employer must offer a similar position for which worker is qualified, and capable of doing.</p>	<p>Employers who employ 30 or more workers at a workplace must appoint a trained rehabilitation coordinator and have rehabilitation policy and procedures in place.</p> <p>The rehabilitation coordinator, and policy and procedures, must be accredited by Q-COMP.</p> <p>Employers must take all reasonable steps to assist or provide rehabilitation and suitable duties to injured workers.</p> <p>The prescribed minimum period an employer is allowed before dismissing an employee is 6 months.</p> <p>(Section 93 Industrial Relations Act 1999[QLD]).</p>	<p>Employer required to keep position open for injured worker for 12 months, unless it is not practicable to do so, or reason for position no longer exists.</p> <p>Employer required to provide suitable alternative duties unless not reasonably practical to do so.</p> <p>Employer required to prepare return-to-work plan where incapacity exceeds 14 days.</p> <p>Employers with more than 20 workers required to prepare and display a rehabilitation policy.</p> <p>Employers with more than 50 workers required to provide a person who is responsible for coordinating return-to-work in accordance with the employer's rehabilitation policy (a rehabilitation coordinator).</p>
<p>- Worker responsibilities</p>	<p>Benefits may be suspended if:</p> <p>(a) worker does not undergo rehabilitation as specified by the Directorate; or</p> <p>(b) worker refuses to attend without reasonable excuse, or obstructs, a medical examination requested by the employer. Benefits shall cease unless examination occurs within one month of the request (during suspension of benefits).</p>	<p>Worker may be required by WorkCover or self-insurer to undertake a rehabilitation program.</p> <p>Failure to comply may result in entitlements being suspended.</p>	<p>Benefits may be terminated or reduced if a worker fails or refuses to undertake a rehabilitation program or suitable alternative duties recommended by employer.</p> <p>Benefits may be suspended if worker refuses or obstructs medical examination or treatment.</p>

STATUTORY RESPONSIBILITIES		
NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>No requirement under the Act for employer to keep a position open for injured worker but employer must take all reasonable steps to provide suitable employment and, if unable to do so, he/she must assist worker to find alternative employment.</p>	<p>Recent amendments to the <i>Workers Compensation Act 1951</i> established a system to achieve the best result for the timely, safe and durable return to work of workers following workplace injuries, (Chapter 5). This regime places obligations upon insurers, employers, workers, and rehabilitation providers with respect to return-to-work objectives. Employers must comply with obligations imposed by their insurer's injury management program, s91. They must notify their insurer within 48 hours of becoming aware that a worker has received a workplace injury, s93(2). If an employer fails to notify their insurer of an injury within time, then the employer is liable to pay the worker weekly compensation from the end of the notification time until the employer gives the insurer the injury notice, s95.</p> <p>Employers must:</p> <ul style="list-style-type: none"> • take part and cooperate in the establishment of a Personal Injury Plan (PIP) for workers with significant injuries and comply with obligations imposed on the employer under the PIP, s100. • establish a Return-to-Work Program in relation to policies and procedures for the rehabilitation of injured workers, s109. • provide suitable employment if requested by the worker within 6 months from the day the worker became entitled to compensation, ss 105 & 106. 	<p>The <i>IPRC Act</i> has introduced a requirement for an employer to take all practicable steps to assist a claimant with their vocational rehabilitation, if ACC notifies them that it is reasonably practicable for the claimant to return to their usual employment with that employer.</p>
<p>Benefits may be terminated if there is unreasonable refusal or failure:</p> <ul style="list-style-type: none"> (a) to undertake medical, surgical and rehabilitation treatment (b) to undertake rehabilitation training or return-to-work program (c) to attend medical exam, provided and paid for by employer (d) to provide ongoing certification of incapacity. 	<p>Worker must:</p> <p>Tell the employer of an injury as soon as possible. s93(1)</p> <p>Participate & cooperate in the establishment of a PIP and comply with the reasonable obligations imposed upon the worker arising from that plan, including any medical or surgical treatment, rehabilitation and retraining. s101</p> <p>Nominate a treating doctor who is prepared to take part in the worker's PIP. s102</p> <p>Make all reasonable efforts to return to work with the pre-injury employer as soon as possible, having regard to the nature of the injury. s104</p> <p>Where a worker fails to comply with their obligations, their weekly compensation payments may be stopped. s113</p>	<p>A claimant must, when reasonably required to do so by ACC or a Residual Insurer:</p> <ul style="list-style-type: none"> • provide the necessary medical certificates, and any other relevant information; • authorise ACC or the Residual Insurer to obtain medical and other records that are (or may be) relevant to the claim; • undergo assessment at ACC's or the Residual Insurer's expense, and; • cooperate with ACC or the Residual Insurer in the development and implementation of an individual rehabilitation plan, and participate in rehabilitation. <p>ACC or a Residual Insurer may suspend a statutory entitlement if it is not satisfied, on the basis of the information in its possession, that a claimant is entitled to continue to receive it. ACC or a Residual Insurer may decline to provide an entitlement for as long as a claimant unreasonably refuses or unreasonably fails to:</p> <ul style="list-style-type: none"> • comply with any requirement of this Act relating to their claim, or • undergo medical or surgical treatment, to be provided by ACC or the Residual Insurer, for his or her personal injury, or • agree to, or comply with, an individual rehabilitation plan.

STATUTORY RESPONSIBILITIES				
STATUTORY RESPONSIBILITIES	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
Incentives for new employers of injured workers	<p>Comcare: No direct financial subsidy scheme; the original employer subsidises any income loss</p> <p>Seacare: No direct financial subsidy scheme</p> <p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	<p>WISE (WorkCover Incentive Scheme for Employers)</p> <p>Scheme is for new employers (other than injury employer) who employ workers ready to return to work but unable to do so with former employer</p> <p>Includes the following incentives:</p> <p>(a) subsidy of up to \$14,860.00 plus \$1000 for workplace modifications to accommodate the worker</p> <p>(b) protection from premium impacts if the worker has a new injury</p> <p>(c) an exemption from costs if worker's original injury recurs and the new employment is not a contributing factor to the recurrence</p> <p>(d) up to \$1,500 for occupational rehabilitation providers who arrange durable placement</p>	<p>JobCover Program</p> <p>Program offers to new employers:</p> <p>(a) up to \$300.00 training/employment allowance per week</p> <p>(b) a premium exemption for employer for first 12 months of employment on injured worker's wages</p> <p>(c) costs of any claim within 12 months relating to the existing injury, excluded from experience-based premium adjustments.</p> <p>Work Trial</p> <p>A Work Trial places an injured worker for a short period of time with a host employer when the worker's pre-injury employer is unable to develop suitable duties. It provides increased workplace-based opportunities for injured workers to develop marketable skills and upgrade their physical and psychological capacity for work. An injured worker may participate in one or more Work Trials for a combined total of 12 weeks.</p> <p>Retraining</p> <p>WorkCover funds retraining of injured workers. These funds do not form part of the injured worker's claims costs.</p> <p>Expenses covered in sponsored retraining include course fees, travel, HECS, accommodation, text books and stationery, and equipment.</p> <p>Equipment</p> <p>Provides injured workers with essential equipment or workplace modifications to return to suitable employment or to safely and successfully participate in training.</p>	<p>RISE (Re-employment Incentive Scheme for Employers)</p> <p>Scheme offers new employers of injured workers the following:</p> <p>(a) gross wage subsidy of 75% for 3 months (excluding overtime)</p> <p>(b) gross wage subsidy of 40% for the next 3 months (excluding overtime)</p> <p>(c) a retention bonus of up to \$2,000 if the worker is employed for greater than 12 months</p> <p>(d) protection from employer levy penalty and the first two weeks' income maintenance for that worker, if they suffer an aggravation of the pre-existing condition (up to two years)</p> <p>(e) an allowance of up to \$1,000 for appropriate training</p> <p>(f) reasonable workplace modification cost</p>

STATUTORY RESPONSIBILITIES					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
No direct financial subsidy scheme	<p>No direct financial subsidy scheme</p> <p>Suitable duties program</p> <p>(a) Total incapacity: When a worker returns to work on a graduated RTW program, the insurer may be responsible for wages paid for an agreed period. The employer is encouraged to pay wages according to partial incapacity as at (b)</p> <p>(b) Partial incapacity: When a worker returns to work on a graduated RTW program, employer is responsible for wages paid for the hours worked, with the insurer paying the difference</p> <p>Exempt employer policy: Host employer of injured worker is not responsible for aggravation or exacerbation of the same injury for a period of 6 months.</p>	No direct financial subsidy scheme	<p>Alternative Employer Incentive Scheme</p> <p>The scheme provides:</p> <p>(a) that the new employer be indemnified by the original employer for any aggravation, acceleration or exacerbation of the injury that occurs within one year after the worker commences employment with the other employer</p> <p>(b) monetary incentives for the new employer</p>	Second injury arrangements are available to encourage the employment of injured workers. s108 (1)	<p>No direct financial subsidy scheme</p> <p>However, recovery of costs can be made from previous insurer if the effects of new injury are exacerbated by a previous injury.</p>

DISPUTE RESOLUTION

DISPUTE RESOLUTION				
DISPUTE RESOLUTION	COMMONWEALTH*	VICTORIA	NEW SOUTH WALES	SOUTH AUSTRALIA
	<p>The SRC Act provides that when a party is not satisfied with an initial decision made in relation to their worker's compensation claim, they may request an internal 'reconsideration'. Should a dispute still exist following the reconsideration process, then a party may apply to the Administrative Appeals Tribunal (AAT) for review of such a decision.</p> <p>The AAT's processes include compulsory conciliation, and 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'. The AAT can also make determinative decisions. A party may apply from the AAT to the Federal Court on questions of law.</p> <p>* Unless otherwise stated, information provided applies to both Comcare and Seacare</p>	<p>Direct external review for employer levy objections and contribution for prior insurers (VCAT - see below) and premium disputes (Courts) Otherwise disputes must go to Conciliation first.</p> <p>Disputes proceed to courts only if worker has taken reasonable steps to settle and a Certificate is issued to that effect by a conciliation officer:</p> <p>(a) Magistrates Court: cases involving a sum not greater than \$40,000.00 or not greater than 104 weeks arrears of weekly payments</p> <p>(b) County Court: cases involving greater than \$40,000.00 or greater than 104 weeks weekly payments</p> <p>(c) Appeal on matter of law to Supreme Court</p> <p>Medical Panels: give opinion on medical questions referred by conciliation officer or the court. Opinion of the Panel is final and binding on all parties including the courts.</p> <p>Other issues:</p> <p>Victorian Civil and Administrative Tribunal (VCAT):</p> <p>(a) contribution disputes between self-insurers and between the Authority and self-insurers</p> <p>(b) contributing employer/self-insurer/insurer may apply to VCAT for review of a contribution assessment (in case of pre-1985 injuries which contribute to later injury).</p> <p>Premiums: employer may apply to WorkCover for review of premium calculation.</p> <p>Contractual disputes in court of competent jurisdiction.</p> <p>Service Providers: VCAT may hear appeals with respect to decision by WorkCover to review, suspend, etc., payments for services to workers.</p>	<p>The Workers Compensation Commission (the Commission) is an independent Statutory Tribunal, which commenced 1 January 2002. The Commission deals with disputed workers compensation claims in NSW (except for coal miners).</p> <p>Any party to a workers compensation dispute can lodge an application to the Commission, except for disputes about permanent impairment, which can only be lodged by a worker.</p> <p>There are no fees. Parties may be represented by a legal representative or agent.</p> <p>The Commission is headed by a President, and comprises Deputy Presidents, a Registrar and Arbitrators.</p> <p>Arbitrators are required to be legally qualified, or have skills, qualifications and experience in workplace injury management. They are required to use their best endeavours to enable parties to reach their own agreement, prior to determining a dispute.</p> <p>Approved Medical Specialists (AMS) are appointed to assess medical disputes.</p> <p>Appeal provisions exist both in relation to decisions of Arbitrators and Approved Medical Specialists, under limited grounds. Appeals against the decision of an Arbitrator are determined by a Presidential member; appeals against the assessment of an AMS are determined by an Appeal Panel comprising 2 Approved Medical Specialists and 1 Arbitrator.</p> <p>Further information about the Commission is located on www.wcc.nsw.gov.au or by contacting 1300 368 040.</p>	<p>Reconsideration Claim determinations may be reconsidered by an officer who was not involved in the original decision. A reconsideration must be conducted within 7 days of being requested.</p> <p>Conciliation An independent conciliator may take appropriate steps to allow parties to reach agreement, but cannot force an agreement.</p> <p>Arbitration After a formal hearing of both sides, an arbitration officer may hand down a decision that binds both sides, subject to appeal.</p> <p>Judicial Review A Tribunal hearing before one Member</p> <p>Full Bench Appeal Appeal on a matter of law to Full Bench of the Workers' Compensation Tribunal.</p> <p>Appeal to the Supreme Court Cases stated by Full Bench of the Tribunal to Supreme Court on a question of law.</p> <p>Levy The legislation also provides review rights for employers of certain decisions impacting on penalty interest, levy or fines</p> <p>These reviews are conducted under procedures determined by the Board of WorkCover Corporation.</p>

DISPUTE RESOLUTION					
WESTERN AUSTRALIA	QUEENSLAND	TASMANIA	NORTHERN TERRITORY	A.C.T.	NEW ZEALAND
<p>Conciliation and Review Directorate Up to 4 stages: (a) Conciliation (b) Review (c) Compensation Magistrate's Court (d) Supreme Court</p> <p>Questions on medical issues, such as when there is conflicting opinion between the worker's doctor(s) and the employer's doctor(s), can be referred to a Medical Assessment Panel. The Panel also has the ability to determine the nature, extent and degree of permanency of any disability under Schedule 2.</p>	<p>Steps are:</p> <ul style="list-style-type: none"> • Internal review by WorkCover or the self-insurer • Formal review by Q-COMP, the Workers' Compensation Regulatory Authority • Appeal to industrial magistrate • Appeal to industrial court <p>Medical Issues: referral to Medical Assessment Tribunal (MAT)</p> <p>No appeal against a decision by MAT unless fresh medical evidence is submitted within 12 months of the MAT decision.</p> <p>Note: Refer to recent developments section</p>	<p>Worker's Rehabilitation and Compensation Tribunal (the Tribunal)</p> <p>Up to 3 stages: (a) Conciliation (b) Arbitration (c) Appeal to Supreme Court on a question of law</p> <p>The Tribunal may refer a medical question to a medical panel when there is conflicting medical opinion, and one of the parties wishes to continue with proceedings. The determination of the medical panel is binding on the Tribunal.</p>	<p>Steps are: (a) Mediation (b) Work Health Court</p> <p>(Conciliation and directions conferences before Registrar; hearing by Magistrate if dispute unresolved.)</p> <p>Before making an application to the Work Health Court, the worker must first apply for and complete the mediation process.</p>	<p><i>The Workers' Compensation Regulations 2002</i> prescribe procedures for conciliation and dispute resolution. The function of conciliation is to help injured workers and their employers resolve issues arising from workers' claims for compensation.</p> <p>The primary function of conciliation is to encourage and support the continuance of injury management whilst issues related to the claim are addressed. Regulation 37</p> <p>After conciliation, an injured worker or employer may file an application for arbitration. Regulation 48</p>	<p>Steps are:</p> <ul style="list-style-type: none"> • review by an independent review official engaged by ACC or the Residual Insurer • appeal to the District Court • appeal to the High Court, if leave is granted by the District Court to do so

PREMIUM SETTING

PREMIUM SETTING - INDUSTRY RATES COMPARISON TABLE ¹							
INDUSTRY AS AT 1 JULY 2004	VIC ² %	NSW ³ %	SA ⁴ %	WA ⁵ %	QLD ⁶ %	TAS %	NZ %
Average levy/premium rate	1.998	2.57	3.00	2.25	1.55	2.66	0.91
Highest (published) rate	11.79	15.0	7.50	12.53	11.516	11.5	8.01
Highest (experience rate) rate	N/A	N/A	11.25	N/A	18 (capped)	Unlimited	N/A
Lowest (published) rate	0.31	0.37	0.40	0.40	0.192	0.77	0.09
Lowest (experience rate) rate	N/A	N/A	0.28	N/A	0.042	N/A	N/A
House construction	3.134	8.74	3.60	1.89	3.098	4.56	2.74
Non-residential construction	2.983	6.68	3.90	3.27	3.098	4.56	2.74
Meat products	11.790	4.25 - 12.5	7.50	8.67 - 9.77	7.456	6.45	5.13
Rubber products manufacturing	3.04 - 4.725	7.11 - 10.44	7.50	3.36 - 5.88	3.586	2.54	1.40
Plastic products	3.819	5.10 - 5.22	5.70	3.49 - 4.40	2.548	3.30	1.16
Basic iron and steel products	5.024	6.46	7.50	5.65	3.253	2.66	1.52
Steel casting	4.578	6.00	7.50	5.10	3.253	5.7	3.22
Steel pipes and tubes	5.126	6.17	4.80	3.81	3.253	2.66	1.52
Pulp paper and paperboard	2.066	4.44	5.00	6.33	2.427	2.66	1.30
Paints	2.517	3.65	3.00	2.77	1.812	1.65	0.81
Soap and detergents	3.830	3.63	2.30	2.27	1.901	1.65	0.63
Glass and glass products	3.231	5.52	5.10	5.68	2.676	3.17	0.99
Cement	2.439	4.96	4.70	5.79	2.202	2.54	1.50
Clothing manufacturing	3.408-6.357	4.94 - 5.29	3.40	3.08 - 3.75	1.419	3.93	0.96
Beer	2.606	3.72	2.80	1.91	1.901	2.92	0.79
Hotels	2.000	3.98	3.00	2.79	1.420	2.41	0.84
Bread manufacturing	3.478	5.52	7.50	5.11	2.810	6.45	1.00
Footwear manufacturing	6.422	5.81	4.90	3.78	1.419	3.93	0.94
Nursing homes	3.711	7.03	7.50	4.98	2.950	4.94	1.96
Department stores	2.735	2.85	2.40	2.76	1.351	2.03	0.68
Medical practice	0.386	0.80	0.60	0.40 - 0.59	0.245	0.77	0.14
Secondary schools - Private	0.886	1.04	1.20	1.03	0.462	3.04	0.17
Secondary schools - Government	1.299	N/A	1.20	1.03	0.589	3.04	0.17

Notes

¹ Apart from WA and TAS (ie NT/ACT), Industry Rates not provided for States with full private insurance underwriting.

² VIC - Industry rates are effective rates. Gazetted rates were approximately 35% lower due to transition to a new premium formula and the reduction in scheme rate.

³ NSW - Average levy/premium rate excludes GST and additional costs arising from The New Tax System.

⁴ SA - All listed rates are exclusive of GST. All other listed rates include GST and The New Tax System effects.

⁵ WA - All published and premium rates are exclusive of GST.

⁶ QLD - Published rates exclude stamp-duty and GST. Average premium rates include stamp-duty and exclude GST.

PREMIUM SETTING

NOTES TO THE INDUSTRY RATES COMPARISON TABLE

1. It is difficult to make exact comparisons between states. The following qualifications should be noted:
 - Industry classifications vary from jurisdiction to jurisdiction. For example, Victorian industry classifications are based on the Australian Bureau of Statistics ASIC code, and Western Australian and NSW on ANZSIC. South Australian industry classifications are based on the Australian Bureau of Statistics code and are progressively being aligned to ANZSIC, with some alterations designed specifically for SA localised conditions.
 - On 1 July 1997, Queensland introduced an industry classification system based on the ANZSIC system, with some alterations specifically designed for Queensland. The classifications have been named the WorkCover Industry Classifications. Current rates were published in an Industrial Gazette notice on 1 July 2004.
 - On 30 June 2001, NSW introduced an industry classification system based on the ANZSIC system, with some alterations specifically designed for NSW. In 2004-2005 the maximum WIC rate is capped at 15% and increases/decreases in the WIC rate are capped at 15%. Current industry classes and rates were published in a NSW Gazette notice on 24 June 2004. Refer to the Insurance Premiums order on WorkCover NSW's website, www.workcover.nsw.gov.au
 - Levy/Premium category comparisons are done on a 'best match' basis and should not be regarded as exact equivalents
 - The number of self-insurers - those companies which fund their own liability for workers' compensation claims separately from the central system - varies across the different jurisdictions. Both South Australia and New South Wales have large numbers of self-insurers, which means that the coverage of these schemes is smaller than in some other jurisdictions; New South Wales: 50 self-insurers, 16 group self-insurers, 6 specialised (or industry specific) insurers and separate arrangements covering most public sector employers; South Australia: 69 self-insurers plus most Government public service and Government instrumentalities; Victoria: 35 self-insurers; Queensland: 25 self-insurers; Western Australia: 28 self-insurers; Self insurers are not part of the premium setting process in WA.

In some jurisdictions, particular industries have traditionally been excluded from the central system. For example, in New South Wales the coal industry is excluded.

- Charges in addition to the workers' compensation premium may be levied in some jurisdictions. An example, is the Dust Diseases surcharge in New South Wales, which is levied from time to time as funding requirements for these diseases warrant. An occupational health and safety loading on assessed premium is applicable in South Australia.
 - Jurisdictions vary in their application of GST to premiums. NSW's published industry rates include the 10% GST. Other jurisdictions generally exclude GST from their published industry premium rates.
2. The maximum and minimum figures given for experience-rated premium rates represent the extent to which the published rate may be varied according to the various forms of experience rating (i.e. based on claims rate in a given period).
 - the bonus and penalty system in South Australia, which generally comprises a bonus of up to 30% of levy and a penalty of up to 50% of levy
 - the experience rating in New South Wales and Victoria is based on the size of the employer's tariff premium.
 - the extent to which insurance companies may discount or load premiums according to experience may vary. For example, amendments to Western Australia's legislation, effective from 5 October 1999, mean that recommended premium rates can be surcharged up to 100%, and with the Commission's approval can be surcharged in excess of 100%. There are no limitations on discounting.

Figures given for highest and lowest experience-rated premium rates should be treated with some caution: those for South Australia represent actual maximums and minimums, and; the lowest experience rate in Queensland, represents theoretical limits that would only rarely be reached in practice.

CALCULATION OF INDUSTRY RATES

VICTORIA

Each industry's Rate is calculated based on the ratio of the industry's costs (payments made over the last three years, outstanding liabilities and a proportion of the Authority's operating expenses) to remuneration over the last three years. The final industry rate is the point on a predetermined scale that is next above the Rate.

NEW SOUTH WALES

In 2004-2005, NSW had 536 industry classes. Rates are calculated by external actuaries using objective, data-based rating methodology, based on recent wages declared and claims costs. An actuarial credibility model is applied to small industry classes.

SOUTH AUSTRALIA

Each class of industry levy rate is calculated on rate relativities taking account of an employer's individual experience over a 30-month period to produce rates (within a rate scale between 0.4% and 7.5%, increasing in increments of 0.10 percentage points) that weigh claims cost and claim frequency in a ratio of 3 to 1, aligned to an overall target average levy rate.

WESTERN AUSTRALIA

Recommended premium rates are determined annually according to independent actuarial analysis of claims and wages data provided by current and former approved insurers and self-insurers. The actuarial analysis includes:

- calculation of relative premium rates
- examination of the adequacy of the declared outstanding claims reserves
- the analysis of insurers' expense and contingency allowances
- a projection of the expected incurred cost of claims for the year
- a calculation of the amount of premium expected to meet the expected cost of claims
- a calculation of the implied uniform percentage variation in the relative premium rates to generate the required premium income.

The objectives of the actuarial assessment are to: provide broad equity across industry classes, to provide relative stability in the rating structure and to minimise the cross-subsidy of rates.

QUEENSLAND

The industry rates are published in an Industrial Gazette as WorkCover Industry Classification (WIC) Rates. These rates are actuarially calculated taking the industry aggregate claims performance into account, and also include a provision for outstanding claims liabilities. The average rate paid by all employers in a particular industry is used as a base rate for new employers.

TASMANIA

WorkCover Tasmania is required to publish suggested premium rates for employers and licensed insurers. The objective is to ensure full funding, minimisation of cross subsidisation and increased transparency in the premium setting process. The actuarial analysis includes:

- Analysis of claim numbers, claim frequency and claim size
- Calculation of required premium pool
- Examination of effect of legislative change
- Analysis of economic assumptions and insurers expense and profit assumptions
- A comparison with insurer filed rates.

NEW ZEALAND

In New Zealand, there are 550 industry groups and 129 premium pools. For each industry group, the premium relativities are compared by year for the last four years. As a result of this comparison (and taking into account such things as the impact of large claims, the number of years' experiences for a new industry group, the volume of claims, etc.) the industry group will either stay within the same premium pool or be moved up or down a pool.

The premium relativity of each premium pool is the expected ultimate cost of claims expressed as a percentage of wages for the premium pool, compared with the expected ultimate cost of claims as a percentage of wages for all premium pools. The absolute level of the premium rates is set so that the expected costs of the Scheme will be met.

The premium rates shown are the fully-funded premium rates.

RECENT DEVELOPMENTS

SUMMARY OF SIGNIFICANT LEGISLATIVE CHANGES

QUEENSLAND

Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2004

The above Act, assented to on 18 November 2004, amends several provisions of the Workers' Compensation and Rehabilitation Act 2003 including:

- aligning the definition of 'wages' for calculating workers' compensation premiums to include superannuation contributions with most other jurisdictions in line with the federal move for greater consistency between state workers' compensation schemes;
- increasing efficiency in the administration of workers' compensation policies and claims management practices by allowing employers five days to comply with their obligation to insure, and simplifying the employer excess period;
- improving worker benefits, through providing an additional step down in benefits for injured workers between 26 and 39 weeks, removing the link between weekly and lump sum compensation and increasing the compensation payable to dependent family members on the death of a worker;
- facilitating early settlement of common law claims by fine-tuning current pre-proceeding processes, and introducing new procedures for allowing the early participation of third parties in the common law claims process consistent with the Personal Injuries Proceedings Act 2002;
- enhancing the ability of the workers' compensation scheme regulator to enforce the Act through introducing Codes of Practice that state the ways insurers may meet their obligations under the Act;
- ensuring a fair and effective review and appeal process which includes allowing workers, claimants, and employers to elect certain appeals to be heard before the Queensland Industrial Relations Commission or an Industrial Magistrate; and
- clarifying insurers' liability for the cost of private and public hospitalization and removing the maximum liability of the cost of the former.

The Act can be viewed at http://www.qcomp.com.au/scheme_development/legislation/htm/index.htm under the heading 'Amendments under the Workers' Compensation and Rehabilitation Act 2003'.

VICTORIA

The Accident Compensation Legislation (Amendment) Act 2004 was passed by the Victorian Parliament and received Royal Assent on 21 December 2004. The main amendments in the Act include:

- ensuring that workers over the age of 65 are not unduly discriminated against in their entitlements to weekly payments by extending their period of entitlement from 52 weeks to 104 weeks, consistent with workers of other ages in the scheme;
- making further improvements to the return to work aspects of the scheme, including:
 - broadening the discretion in relation to the notice of injury rule;
 - ensuring workers who are not offered suitable employment by their employers do not have their benefits reduced;
 - allowing workers some limited choice of occupational rehabilitation provider; and
 - ensuring that employers forward claims to agents in a timely fashion so that workers are notified of the outcome of their claim within a 38 day period.
- streamlining processes to improve access to common law for seriously injured and terminally ill workers, so that they receive the compensation they are entitled to without unnecessary delays. Previously, all workers were required to have an impairment assessment before being able to access common law, even though the vast majority relied solely on the narrative test, not the impairment assessment for common law. The amendment now allows workers who are solely relying on the narrative test to go straight to common law, without having to undergo an impairment assessment which can take several months.

- providing injured workers with a general right of access to information relating to their claim. Previously, there was a dual process for the VWA and its authorised agents in handling requests for information, with the VWA subject to the requirements of the Freedom of Information Act 1982 whilst its agents were not. The amendments removed that duplication and broadened the existing right of workers to access information under the Accident Compensation Act.
- minimising the VWA's exposure to compensation paid for hearing loss, as a result of the recent Court of Appeal decision in *Del Borgo & Ors v VWA*. The amendments clarify Parliament's intention in relation to the compensation payable in respect of a further injury for hearing loss.

The amendments have various commencement dates:

- the amendments dealing with workers over 65, the impairment process and *Del Borgo* commenced on 18 November 2004 (the date of the Minister's second reading speech for the Act);
- the amendments dealing with return to work and right of access to information will commence on 1 July 2005;
- The amendments dealing with access to common law by terminally ill workers commenced on the date of Royal Assent (21 December 2004).

NORTHERN TERRITORY

Amendments to the Work Health Act were enacted on 1 December 2004 with date of effect of 26 January 2005.

These amendments:

- Provide for a 90-day limit, for application for mediation. The provision includes an extension of time to protect claimants should they be able to demonstrate reasonable circumstances for their delay;
- ensures early medical review by limiting the currency of the initial medical certificate to 14 days;
- ensures that the treating medical practitioner will be consulted where medical information is required early in the claims management process;
- ensures notification of the treating medical practitioner of proposals for independent specialist review, and;
- ensures that independent medical specialist reports obtained in the claims management process are provided to the treating medical practitioner.

Excludes employer funded superannuation from the definition of normal weekly earnings for the purposes of calculating incapacity benefits. This provision is retrospective to the commencement of the Work Health Act on 1 January 1987.

WESTERN AUSTRALIA

The Workers' Compensation Reform Act 2004 (the Reform Act) was passed by the WA Parliament in October 2004. The reforms are wide ranging and incorporate changes to scheme design, the structure and role of the Workers' Compensation and Rehabilitation Commission (the Commission) and rectification of unintended consequences of past legislative change and legal precedents.

The objective of the Reform Act is to amend the Workers' Compensation and Rehabilitation Act 1981 (the Act):

- to ensure the workers' compensation system balances the interests of workers and employers;
- to establish a fair and efficient system with more stable and cost efficient protection for employers while providing improved levels of support and compensation to injured workers; to incorporate changes to scheme design, the structure and role of the Commission and rectification of unintended consequences of past legislative change; and
- to reduce the level of complexity, barriers and delays inherent in the current common law system.

The Workers' Compensation (Common Law Proceedings) Act 2004 (the Common Law Act) was passed by the WA Parliament in October 2004 and received royal assent and proclamation on 25 October 2004. The Common Law Act addresses the unintended consequences of legal decisions through the introduction of specific retrospective amendments to ensure workers are not disadvantaged by the effect of certain Court decisions.



COMCARE

New Military Compensation Scheme

The Military Rehabilitation and Compensation Act 2004 (MRC Act) and the Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004 came into force on 1 July 2004. The MRC Act created a single scheme to meet the rehabilitation and compensation needs of current and future Australian Defence Force personnel and their families.

The Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004 included amendments to the Safety, Rehabilitation and Compensation Act 1988 (the SRC Act) to close off eligibility to military personnel following commencement of the new scheme in July 2004.

NEW SOUTH WALES

Workers Compensation Legislation Amendment (Trainees) Act 2003.

Effective 31 December 2003 an employer will be responsible for the workers compensation costs of trainees.

OTHER SIGNIFICANT DEVELOPMENTS

VICTORIA

The Occupational Health and Safety Act 2004 was passed on 17 December 2004 and most provisions take effect on 1 July 2005. A copy of the Act, together with a four page overview of the key principles and changes may be accessed at

<http://www.workcover.vic.gov.au/dir090/vwa/home.nsf/pages/ohsact>.

In addition to reforms to the Act, a number of administrative changes will ensure WorkSafe becomes a more constructive, transparent, accountable and effective regulator.

The reform package will create safer, healthier workplaces by:

- modernising the language and layout of the Act, making it easier to understand;
- providing greater clarity and certainty about the obligations of duty holders;
- fostering increased participation by employers, employees and their representatives; in workplace health and safety issues;
- promoting fairness, consistency and transparency in the enforcement of the legislation; and
- bringing penalties broadly into line with other jurisdictions.

SOUTH AUSTRALIA

WorkCover is undertaking a number of significant projects in the following areas which are likely to lead to legislative and scheme change over the next two to three years.

Introduction of Version 3 of the National Data Set (NDS3)

To support the national effort in the provision of comparable data for Comparative Performance Monitoring (CPM) and other reports, changes to data collection systems and the legislation to support the collection is underway. SA expects to meet the implementation date of 1 July 2005.

Contract 2006

Claims management in the SA scheme is undertaken by Agents under a contract arrangement. The Contract 2006 project is identifying changes that need to be made to these contract arrangements to support and improve the delivery of claims management services.

Injury Management

Scheme data has identified that improvements in injury management need to occur to reduce the financial pressure on the scheme and improve rehabilitation and return to work outcomes for injured workers. The injury management model is being reviewed and will form a key component of new claims management contracts with Agents.

Self-insured (exempt) employers

In 2003, the Minister for Industrial Relations directed the WorkCover Board to conduct a review of the self-insured (exempt) employer eligibility and assessment criteria. The review report was provided in August 2004 following extensive consultation with external stakeholders and internal staff. The WorkCover Board has considered all recommendations within the report. A number of recommendations are likely to lead to changes in policy and legislation.

Cross border amendments

It is expected that the South Australian Parliament will consider amendments based on the agreed national model in early 2005.

Occupational Health and Safety responsibilities

At May 2005, the Occupational Health and Safety and Welfare (SafeWork SA) Amendment Bill was before the South Australian Parliament. The Bill seeks to transfer OHS responsibilities to a new body - SafeWork SA.

NEW SOUTH WALES

In 2002/03, a review of the WorkCover Scheme was undertaken by McKinsey and Company. The objective of the review is to achieve a fully funded Scheme within five to 10 years. In meeting this objective there must also be fair treatment of workers, an affordable and efficient Scheme for employers, successful implementation of the 2001 reforms to workers compensation, transparent and sustainable performance of the WorkCover Scheme, real competition and choice for employers, and no detrimental financial impact on the State.

In response to the report, and to implement its recommendations, WorkCover has formed the Scheme Design project to create a sustainable and outcome focussed Scheme design and to create conditions for a competitive marketplace.

Case management initiative

Coordinated management of claims is just one of the initiatives WorkCover is addressing to improve outcomes for workers and decrease the cost of claims.

With more than 100,000 workers compensation claims in NSW each year, insurers in collaboration with WorkCover, have implemented a comprehensive case management program that aims to significantly improve the injury management process.

Case management is a coordinated program that integrates all aspects of claims and injury management including treatment, rehabilitation, retraining and liability determination.

Within a case management framework, the staff member overseeing the claim works in conjunction with treating physicians, employers and rehabilitation providers to coordinate appropriate and quality care for injured workers.

Long-tail claims initiative

Long-tail claims are claims that are currently defined as claims that have a date of injury prior to 30 June 2001. WorkCover is working with insurers to pilot a number of initiatives to facilitate improved health and return to work for long term injured workers. In addition, WorkCover has developed a sophisticated monitoring tool to assist insurers proactively monitor their long-tail claims management performance.

FURTHER INFORMATION

The table below is a list of contact people in each jurisdiction who can be contacted for clarification or further information on the details included in this report.

JURISDICTION	CONTACT	POSITION	PHONE NUMBER
ACT	For information regarding policy and legislative development: Margaret Cotton margaret.cotton@act.gov.au	Director, Office of Industrial Relations, Chief Minister's Dep't	(02) 6207 9944
	For information regarding regulatory and enforcement action: Phil Ulrich phil.ulrich@act.gov.au	Manager, Labour Regulation.	(02) 6205 0200
Comcare	Brenda Stephens stephens.brenda@comcare.gov.au	Group Manager, Compensation and Injury Management Policy	1300 366 979
NSW	Peter Marshall peter.marshall@workcover.nsw.gov.au	Director, Insurance Strategic Management Group	(02) 4321 5200
New Zealand	Darrin Goulding gouldind@acc.co.nz	General Manager, Scheme Performance	+64 4 918 7594
NT	Ros Miller ros.miller@nt.gov.au	A/Assistant Manager, Rehabilitation and Compensation	(08) 8999 5015
QLD	Garry Macdonald garry.macdonald@qcomp.com.au	Senior Technical Advisor, Business Services Unit, Q-COMP	(07) 3235 4941
SA	For general enquiries:	Customer Centre	131855
	For specific policy questions: Paul McEvoy pmcevoy@workcover.com	Manager, Policy and Government Relations, Public Affairs	(08) 8233 2544
Seacare	Alex O'Shea seacare@comcare.gov.au	Manager, Seacare Authority	(02) 6275 0082
TAS	Rod Lethborg rod.lethborg@dier.tas.gov.au	Principal Policy Adviser (Workers' Compensation)	(03) 6233 3182
VIC	For general enquiries:	WorkCover Advisory Service	1800 136 089 (03) 9641 1444
	For specific policy questions: Elizabeth McDowall elizabeth_mcdowall@workcover.vic.gov.au	Manager, Policy Research and Development	(03) 9641 1292
WA	For workers' compensation enquiries:	WorkCover WA Infoline	(08) 9388 5555 or 1300 794 744
	For questions of a policy nature: Paul Brookes paulb@workcover.wa.gov.au	Senior Policy Analyst, Strategic Policy and Planning	(08) 9388 5569

INTERNET ADDRESS

JURISDICTION	ADDRESS	JURISDICTION	ADDRESS
Australian Capital Territory	www.cmd.gov.au www.workcover.act.gov.au	South Australia	www.workcover.com
Comcare	www.comcare.gov.au	Seacare	www.seacare.gov.au
New South Wales	www.workcover.nsw.gov.au	Tasmania	www.dier.tas.gov.au
New Zealand	www.acc.co.nz	Victoria	www.workcover.vic.gov.au
Northern Territory	www.worksafe.nt.gov.au	Western Australia	www.workcover.wa.gov.au
Queensland	www.workcoverqld.gov.au www.qcomp.com.au	HWCA	www.hwca.org.au

POSTAL ADDRESS		
JURISDICTION	ADDRESS	FAX NUMBER
Jurisdiction	Address	Fax Number
ACT	Workers' Compensation Section ACT WorkCover PO Box 224 CIVIC SQUARE ACT 2608	02 6207 1199
	Work Safety & Labour Policy Chief Minister's Department GPO Box 158 CANBERRA ACT 2601	02 6207 6775
Comcare	Policy and Support Comcare GPO Box 9905 CANBERRA ACT 2601	02 6257 5634
NSW	WorkCover NSW Locked Bag 2906 Lisarow NSW 2252	02 9287 5200
New Zealand	Accident Compensation Corporation Business Development PO Box 242 WELLINGTON NEW ZEALAND	64 4 918 4295
NT	Rehabilitation and Compensation Unit NT WorkSafe GPO Box 4821 DARWIN NT 0801	08 8999 5141
QLD	Q-COMP PO Box 13407 George Street BRISBANE QLD 4003	07 3238 3080
SA	Policy and Government Relations WorkCover Corporation GPO Box 2668 ADELAIDE SA 5000	08 8233 2044
Seacare	Seafarers' Safety, Rehabilitation and Compensation Authority GPO Box 9905 CANBERRA ACT 2601	02 6275 0067
TAS	Workplace Standards Tasmania PO Box 56 ROSNY PARK TAS 7018	03 6233 8338
VIC	Policy Research and Development Victorian WorkCover Authority GPO Box 4306 MELBOURNE VIC 3001	03 9641 1227
WA	Strategic Policy and Planning WorkCover Western Australia 2 Bedbrook Place SHENTON PARK WA 6008	08 9388 5550



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