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Subject: AM2014/190 – four yearly review of modern awards – transitional provisions – accident pay provisions

Dear Registrar

AM2014/190 – four yearly review of modern awards – transitional provisions – accident pay provisions

We confirm that we act for the Coal Mining Industry Employer Group (**CMIEG**) in the above matter, relating to the Black Coal Mining Industry Award 2010.

In accordance with the amended directions issued by the Commission on 31 July 2017, we **attach**, by way of filing:

- submissions in reply on behalf of the CMIEG; and
- a supplementary witness statement of David Gunzburg signed 18 August 2017.

Yours faithfully

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IN THE FAIR WORK COMMISSION

MATTER NO: AM2014/190

TITLE OF MATTER: FOUR YEARLY REVIEW OF MODERN AWARDS – TRANSITIONAL PROVISIONS – ACCIDENT PAY PROVISIONS

SUBMISSIONS IN REPLY OF THE COAL MINING INDUSTRY EMPLOYER GROUP (CMIEG)

INTRODUCTION

1. These submissions reply to the Outline of Submissions for the Association of Professional Managers, Engineers and Managers Australia (**APESMA**), the Construction, Forestry, Energy and Mining Union (**CFMEU**) and the Australian Manufacturing Workers' Union (**AMWU**) filed on 4 July 2017 (**Unions' Submissions**). For convenience, the CMIEG repeats the terms defined in its primary submissions filed on 24 February 2017.

2. The substance of the Unions' Submissions is to the effect that:
 - (a) the application made by the Coal Mining Industry Employer Group (**CMIEG**) should be refused because the matter has already been recently determined by a different Full Bench: Unions' Submissions at [7]–[29] (**Recent Determination Argument**);

 - (b) the CMIEG's case for the proposed variation is based upon a single argument — that the accident pay clause is inconsistent with other modern awards — and does not address the modern awards objective: Unions' Submissions at [30]–[44] (**Statutory Arguments**);

 - (c) the CMIEG's case is without substance because:
 - (i) it does not address the impact of the proposed variation on employees in terms of loss of remuneration, loss of protection from dismissal of injured workers and loss of an incentive placed upon employers to improve health and safety, and does not address the impact on

employers: Unions' Submissions at [45]–[52], [53]–[58], [59]–[61] and [62]–[65] (**Impact Arguments**); and

- (ii) the CMIEG's position fails to take into account the “*special features*” of the black coal mining industry including the particular injury risks, the special regime of compensation in the industry, the high levels of income and an assertion about the industry being a “*career industry*”: Unions' Submissions at [66]–[75] (**Special Features Argument**).

3. Each of these Arguments is dealt with below.

THE RECENT DETERMINATION ARGUMENT

- 4. The Unions' Submissions at [7]–[29] are in substance similar — and in some parts identical — to the arguments that were advanced by the same Unions (at that time, the CFMEU and APESMA), and rejected, in the proceedings before an earlier Full Bench resulting in the decision in *Four yearly review of modern awards — Accident pay — Transitional provisions* [2016] FWCFB 6841 (**the 2016 Full Bench Decision**). The fact that these contentions are similar, or identical, to the arguments previously put can be gleaned from an examination of those earlier submissions.¹
- 5. The Unions' contentions are in essence that three earlier Full Bench decisions have already “*determined the BCMI Application*” and that these Full Benches have closely examined and determined the merits of the retention of the accident pay clauses in the Award: see Unions' Submissions at [15] and [24]ff. The references to earlier decisions of the Full Bench are a reference to the short reasons of the Full Bench provided in [2015] FWCFB 7677 (**2014 Full Bench Decision**), the further reasons provided in February 2015 in [2015] FWCFB 644 (**February 2015 Full Bench Decision**) and in August 2015 in [2015] FWCFB 3523 (**August 2015 Full Bench Decision**).
- 6. The Unions' contentions in this regard are without factual or legal foundation. *First*, contrary to the Unions' Submissions at [15], the earlier Full Benches have not determined the CMIEG application. *Second*, none of the earlier Full Bench Decisions have determined the merits presently being agitated. Regrettably, in order to deal

¹ APESMA and CFMEU Submissions, 27 July 2016; APESMA and CFMEU Submissions in Reply, 12 August 2016.

with the Unions' Submissions on this point, it is necessary for these submissions to repeat the matters that were put by the CMIEG that led to the 2016 Full Bench Decision.

7. The proceedings leading to the 2014 Full Bench Decision were in respect of the application made by the Australia Council of Trade Union (**ACTU**) to delete the sunset provisions in the transitional accident pay clauses of 105 modern awards (including the Black Coal Mining Industry Award (**BCMI Award**)), and the particular application of the CFMEU (as supported by APESMA) to delete the sunset provision from the accident pay clause in the BCMI Award. In those proceedings, the CFMEU made submissions in support of the removal of the sunset provisions in accident pay clauses of modern awards using the BCMI Award as a case study.² While it is accepted that the submissions and evidence filed by the CFMEU provided a comprehensive chronological history of the accident pay provisions in predecessors awards to the BCMI Award, and also in relation to the award modernisation process, the submissions were necessarily focussed upon the removal of the sunset provision from the accident pay clause in the BCMI Award.
8. The submissions were not focussed upon other aspects of accident pay including matters such as quantum, time limits and the relationship with leave entitlements in the BCMI Award.³ Rather, the submissions were appropriately focussed upon the removal of the sunset provision. This focus was confirmed in the oral submissions made for the CFMEU at the hearing of the matter.⁴
9. This scope of the earlier proceedings reflected how the CFMEU had proceeded, from the outset, to deal with the review of transitional provisions in modern awards. In submissions filed by the CFMEU on 1 July 2014⁵ it submitted:

5. *The proposal to delete the sunset provision is the only issue to be considered with respect to accident pay as part of the common issues process in the 2014 modern award review.*

² CFMEU submissions, 1 August 2014 (at [3], [6]).

³ Cf [2015] FWCFB 3523 at [152]; see also ACTU Submissions, 1 August 2015 at [79]-[81]; compare also CFMEU/APESMA submissions, 17 July 2016 at [7].

⁴ Transcript of AM2014/190 on 29 October 2014 (Boulton J, Kovacic DP and Bull C) at PN782–786ff, PN893–895 (Mr Bukarica for the CFMEU).

⁵ CFMEU submissions, 1 July 2014.

6. *In the event that any party has an issue with any other provision of an accident pay clause in any modern award, that issue can be raised and dealt with as part of the modern award review of the specific awards.*
10. This submission of the CFMEU properly reflected the Statement of President Ross delivered on 4 June 2014,⁶ the earlier Statement of his Honour delivered on 17 March 2014⁷ and the Background Paper published by the Commission on 2 June 2014,⁸ each of which provided that the relevant "*common issue*" to be dealt with by the Full Bench was the "*transitional/sunset provisions relating to accident pay, redundancy and district allowances.*"⁹
11. The Background Paper published on 2 June 2014 noted that the CFMEU had earlier made submissions about the approach that the Commission should adopt in respect of the common issue of sunset provisions in accident pay clauses of modern awards.¹⁰ Those submissions were made in response to an Issues Paper published by the Commission on 24 January 2014.¹¹ In those submissions, the CFMEU stated (at [13]):
13. *In proposing this course, the CFMEU notes that no party is precluded from addressing the substance of accident pay provisions in modern awards (including the Black Coal Industry Award 2010) in the normal way during the 4 yearly review. However, given the common nature of the sunset provision and the specific time constraint that attaches to it, a special approach to the matter is justified and necessary.*
12. These submissions were supported by APESMA,¹² which submissions were similarly limited to dealing with the sunset provisions of the accident pay clause of the BCMI Award.
13. Both the Background Paper and the CFMEU submissions also referred to an earlier application made by the CFMEU to vary the BCMI Award to delete the sunset

⁶ [2014] FWC 3704.

⁷ [2014] FWC 170.

⁸ Background Paper: 4 Yearly Review of modern awards—Transitional/sunset provisions relating to accident pay, redundancy and district allowances.

⁹ [2014] FWC 1790 at [8].

¹⁰ CFMEU submissions, 31 January 2014 (but dated 3 February 2014).

¹¹ Issues Paper: 4 Yearly Review of Modern Award, 24 January 2014.

¹² APESMA submissions, 4 February 2014 (but dated 3 February 2014).

provision (clause 18.8) filed in or about October 2013.¹³ That application dealt alone with the deletion of the sunset provision.

14. Further, it is noted that it had been earlier stated in an Issues Paper issued by President Ross on 24 February 2014 that *"the Commission should deal with the issue of the appropriate accident pay provisions to replace the present transitional provisions as a 'common issue' in the review."*¹⁴ In a conference conducted by Senior Deputy President Hamberger on 10 February 2014 concerning the CFMEU's application of October 2013, the CFMEU submitted that the common issue had been too broadly described in the Issues Paper, and that the CFMEU considered the deletion of the sunset provision alone was the common issue.¹⁵ The later Statement and Directions issued by President Ross on 17 March 2014 correspondingly, then, more narrowly described the *"common issue"* of sunset provisions in the accident pay clauses being dealt with.¹⁶
15. In the proceedings leading to the 2014 Full Bench Decision, the submissions of the CFMEU were supported by APESMA.¹⁷ The submissions of APESMA were correspondingly focussed upon the removal of the sunset provision in the accident pay clause of the BCMI Award.
16. In the proceedings, the Australian Industry Group (**AiGroup**) made detailed and substantive submissions as to why the transitional accident pay provisions should be deleted, in their entirety, from relevant modern awards.¹⁸ Those submissions were supported by the CMIEG,¹⁹ in particular that the entirety of the accident pay clause (clause 18) should be deleted from the BCMI Award.
17. In accordance with the scope of the ACTU and CFMEU's applications, the Full Bench proceeded to consider whether the sunset provisions in accident pay clauses

¹³ Application to Vary a Modern Award, filed by the CFMEU on 2 October 2013 (but dated 26 September 2013) (AM2013/20).

¹⁴ Issues Paper: 4 Yearly Review of Modern Awards – Common Issues, 24 February 2014 at [14]–[15]; see also CMIEG submissions, 30 January 2014 at [7]; and the Statement [2014] FWCFB 916, 6 February 2014 at [6(iv)].

¹⁵ Transcript of conference on 10 February 2014 before Senior Deputy President Hamberger, AM2013/20 see PN20–26, 48 (Mr Bukarica for the CFMEU).

¹⁶ [2014] FWC 1790 at [8].

¹⁷ APESMA submissions, 5 September 2014 (but dated 29 August 2014); see also the substantially similar APESMA submissions, 19 September 2014.

¹⁸ Ai Group submissions, 5 September 2014.

¹⁹ CMIEG submissions, 5 September 2014.

should be removed from relevant modern awards. The Full Bench rejected the ACTU's application. However, the Full Bench held in respect of the BCMI Award:

[7] *In relation to the CFMEU application regarding the Black Coal Mining Industry Award 2010, we have decided to delete clause 18.8 of that Award with the effect from 31 December 2014. In this regard, we consider that the accident pay provision in the Award provides a clear national standard for the particular industry as described in the Award Modernisation Decision 2008.*

18. The decision was clearly limited to dealing with the deletion of the sunset provision in clause 18.8.
19. The Full Bench went on to publish separate reasons via the February 2015 Decision ([2015] FWCFB 644). The relevant part of the decision in respect of the BCMI Award is set out at [65] to [72]. The scope of the application being dealt with was clearly stated by the Full Bench as an application for "*the deletion of the sunset provision (clause 18.8) from the accident pay clause of the Black Coal Award*" (at [65]). The Full Bench went on to confirm its decision to "*remove the sunset provision in clause 18 of the Black Coal Award*" (at [72]). The Full Bench subsequently issued a determination giving effect to its decision in relation to the BCMI Award by deleting clause 18.8.²⁰
20. There is nothing in these Decisions of the Full Bench indicating that it had considered the quantum of accident pay in the BCMI Award.²¹ This is unsurprising given the particular focus of the application of the CFMEU, and the submissions of each of the interested parties, on the question of whether the sunset provision should be deleted from the accident pay clause, and not upon the other aspects of the accident pay.
21. The scope of the proceedings leading to the decision of the Full Bench on 31 October 2014, is to be contrasted with the scope of the proceedings leading to the decision of the same Full Bench delivered in the August 2015 Full Bench Decision ([2015] FWCFB 3523). In the latter proceedings, the Full Bench gave its decision in

²⁰ PR559442, 19 December 2014.

²¹ Cf [2015] FWCFB 3523 at [152]; see also ACTU Submissions, 1 August 2015 at [79]–[81].

relation to applications by several unions and the ACTU to vary 37 modern awards²² to include provisions for accident pay.

22. As is apparent from the August 2015 Full Bench Decision, the applications arose from the decision of the 2014 Full Bench Decision, and the subsequent February 2015 Decision,²³ not to grant the ACTU's application to delete sunset provisions in accident pay clauses in various modern awards and, correspondingly, to grant the AiGroup's applications to delete the transitional accident pay clauses in those particular modern awards.
23. As previously noted, none of the applications before the Full Bench leading to the August 2015 Decision dealt with the BCMI Award. The CMIEG, accordingly, did not participate in those proceedings, as it had no relevant interest in respect of any awards being considered in the proceedings.²⁴ For the purposes of this Decision, the Full Bench determined a maximum period for the operation of accident pay provisions, including in awards which, like the BCMI Award, already had well established industry standard accident pay provisions applying for in excess of 52 weeks. Nothing in this conclusion or the above history discloses that the Full Bench determined the CMIEG's application or that the Commission has examined the merits of the accident pay provisions of the BCMI Award other than in relation to the removal of sunset provisions.
24. To the extent that there was any doubt about this, it was quelled by the 2016 Full Bench Decision. In that Decision, the Full Bench held as follows:

[24] The Full Bench acknowledged in the August 2015 decision the difference between its decision to insert accident pay provisions into a number of awards and its earlier decision to effectively maintain the existing accident pay provision in the BCMI Award (see underlined text in the above extract from the August 2015 decision). However, we note that:

- *the Full Bench's consideration of the accident pay clause in the BCMI Award was limited to the deletion of the transitional provision, i.e. the question of whether the 78 week maximum period continued to be appropriate was not canvassed by any party;*

²² See [2015] FWCFB 3523 at [3]–[4].

²³ [2015] FWCFB 644 (see [73]–[76]).

²⁴ Cf CFMEU/APESMA submissions, 17 July 2016 at [27].

- *s.156(2)(b)(i) of the Act provides that in a 4 yearly review of modern awards the Commission may make “one or more determinations varying modern awards”; and*
- *the 4 yearly review of modern awards is still ongoing.*

[25] In this instance, the employers in the coal industry wish to be heard in relation to a matter that has not been considered by the Commission in relation to the BCMI Award. We consider that the Commission has jurisdiction to deal with this question as part of the 4 yearly review as its powers are conferred in broad terms and particularly in circumstances where the 4 yearly review is still ongoing.

[26] Further, we consider that it is appropriate to hear from the parties to ascertain whether changes of the type sought should be made. Such a course will allow the parties to advance their respective provisions and allow the Commission to consider the matter as part of the 4 yearly review. Such a course is consistent with the Commission’s statutory responsibilities and does not involve any prejudice to any party. (emphasis added)

25. In light of the clear history of events and the specific findings made above, the Unions’ Submissions in this regard should be rejected.

THE STATUTORY ARGUMENT

26. The Unions’ Submissions critique the CMIEG’s primary submissions on the basis that they have been advanced on a singular proposition that the accident pay clause in the Award is inconsistent with other modern awards without any material distinguishing features: Unions’ Submissions at [30]. The general theme of the balance of the Unions’ Submissions is that the CMIEG has failed to demonstrate a “*case for change*” (at [34]),²⁵ has not engaged with the modern awards objective (at [36]–[38]) and not dealt with the relative impact on employers and employees (at [39]–[44]).
27. All of these contentions proceed from incorrect premises as to the nature of the statutory duty conferred upon the Commission as part of its 4-yearly review process and a misunderstanding of the CMIEG’s case.

²⁵ Cf *Construction, Forestry, Mining and Energy Union v Anglo American Metallurgical Coal Pty Ltd* [2017] FCAFC 123 (*BCMI Award Redundancy Pay Case*) at [37].

28. As has been previously submitted, the primary duty conferred upon the Commission under s.134 of the FW Act is to:

...ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions, taking into account...[the enumerated factors]

29. Not all of the factors enumerated in s.134, or any of them, may be relevant in any given case. Nor is the list of factors set out in s.134(1)(a)–(h) exhaustive.²⁶ In the recent “penalty rates case”, 4 yearly review of modern awards - *Penalty Rates* [2017] FWCFB 1001 (the **Penalty Rates Decision**), at [115], the Full Bench stated:

The modern awards objective is to ‘ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions’ taking into account the particular considerations identified in sections 134(1)(a) to (h)... The obligation to take into account the s.134 considerations means that each of these matters, in so far as they are relevant, must be treated as a matter of significant in the decision making process. No particular primacy is attached to any of the s.134 considerations and not all of the matters identified will necessarily be relevant in the context of a particular proposal to vary a modern award.

30. The Commission’s conclusions in this regard are consistent with the conclusions reached by the Full Court of the Federal Court in *National Retail Association v Fair Work Commission & Anor* (2014) 225 FCR 154 at [109]–[110], and as confirmed recently by a further Full Court in *Construction, Forestry, Mining and Energy Union v Anglo American Metallurgical Coal Pty Ltd* [2017] FCAFC 123 (**BCMI Award Redundancy Pay Case**) at [20]–[21], considering an application for judicial review of a decision of the Commission to vary the redundancy pay clause in the BCMI Award.²⁷

²⁶ *BCMI Award Redundancy Pay Case* at [21].

²⁷ See *Re 4 Yearly Review of Modern Awards – Black Coal Mining Industry Award 2010* [2017] FWCFB 584.

31. Thus, the critical question is whether the modern award provides a “*fair and relevant minimum safety net*”. In the Penalty Rates Decision, the Full Bench stated at [37] that:

*The modern awards objective is to ‘ensure that modern awards, together with the National Employment Standards (NES) provide a fair and relevant minimum safety net of terms and conditions’, taking into account the particular considerations identified in sections 134(1)(a) to (h). **Fairness in this context is to be assessed from the perspective of the employees and employers covered by the modern award in question. ‘Relevant’ is intended to convey that a modern award should be suited to contemporary circumstances.** We deal with the relevant legislative provisions in more detail in Chapter 3. (emphasis added)*

32. The Commission further stated at [120] that:

...the word ‘relevant’ is defined in the Macquarie Dictionary (6th Edition) to mean ‘bearing upon or connected with the matter in hand; to the purpose; pertinent’. In the context of s.134(1) we think the word ‘relevant’ is intended to convey that a modern award should be suited to contemporary circumstances. As stated in the Explanatory Memorandum to what is now s.138:

527 *...the scope and effect of permitted and mandatory terms of a modern award must be directed at achieving the modern awards objective of a fair and relevant safety net that accords with community standards and expectations.*

33. In considering the modern awards objective as set out in s.134, the Commission must also apply s.138 of the FW Act which provides that:

*A modern award may include terms that it is permitted to include, and must include terms that it is required to include, **only to the extent necessary to achieve the modern awards objective** and (to the extent applicable) the minimum wages objective. (emphasis added)*

34. In the *BCMI Award Redundancy Pay Case* the Full Court stated (at [23]) that:

The words “only to the extent necessary” in s 138 emphasise the fact that it is the minimum safety net and minimum wages objective to which the modern awards are directed.

35. Further, as is apparent from the text of s.134 of the FW Act, the relevant test is whether the award provides for a fair and relevant “*minimum safety net*”. In its ordinary meaning and language, a minimum safety net means a standard that operates as a minimum standard.
36. Thus, in the present case, the critical question is whether the Award as varied will meet the modern awards objective in that it provides for a “*fair and relevant minimum safety net*”. As noted by the Full Court in the *BCMI Award Redundancy Pay Case* at [29]:

... it is not necessary for the Commission to conclude that the award, or a term of it as it currently stands, does not meet the modern award objective. Rather, it is necessary for the Commission to review the award and, by reference to the matters in s 134(1) and any other consideration consistent with the purpose of the objective, come to an evaluative judgment about the objective and what terms should be included only to the extent necessary to achieve the objective of a fair and relevant minimum safety net.

That is, by reference to contemporary community standards and expectations as to a minimum standard.²⁸

37. The CMIEG’s central thesis is that the accident pay provision conferring “*top-up*” pay for 78 weeks is not a minimum standard. An element of this argument is that the “*safety net*” in the black coal mining industry is inconsistent with the safety net in other similar or like industries, and that there are no relevantly material distinguishing features. That is not to say that this is the singular argument. The more basal argument is that the accident pay provision is not a fair and relevant minimum safety net.
38. In advancing the argument, the CMIEG accepts that it has not adduced evidence as to the impact on employers, and also acknowledges that the proposed variation would result in less beneficial entitlement for employees than that which has existed. However, as outlined further below, the CMIEG does not accept that this results in a “*loss*” of “*income*” or “*remuneration*” and further contends that the impact on employees has been overstated by the Unions. The CMIEG’s position is that when evidence is considered as to the frequency of injuries and the periods of absence of

²⁸ As noted in the *Penalty Rates Decision* at [37] (see the citation at paragraph 31 above).

injured workers in the black coal mining industry and in other industries, there is no justification for the retention of an overly generous provision and that this provision does not meet the basal concept of being a fair and relevant minimum safety net.

THE IMPACT ARGUMENTS

39. The Unions' Submissions contend that the proposed variation would impact on employees via a loss of income, loss of protection from dismissal and risk to the overall safety outcomes in the industry. Each of these contentions either has no basis or is overstated.

Loss of income / reduction in remuneration

40. The Unions contend that the proposed variation will lead to a loss of income, which could reduce the benefit by up to 40% for employees in New South Wales. This part of the Unions' Submissions is based upon a number of assertions and premises which are unsound or incorrect.
41. *First*, the Unions' Submissions incorrectly assert that employees will suffer a reduction in remuneration or loss of income: Unions' Submissions at [45] and [52]. The entitlement to accident pay, by way of top-up, is a contingent entitlement that arises *only* in the event of an "incapacity" on the part of an employee whereby they are in receipt of "*weekly payments under the provisions of applicable workers compensation legislation*". In a strict sense, and also practically, there is no loss which arises in respect of a contingency as to incapacity that may never eventuate.
42. The evidence is that there were 44,000 miners engaged in the black coal mining industry during the mining boom in 2011: Dr Adams' Report at p2. Relevant data from the Australian Bureau of Statistics, referred to in the statement of David Gunzburg, dated 18 August 2017, shows that, in August 2011 up to 51,000 employed were employed in the broader coal mining industry and in May 2017 that these levels had reduced to around 48,000.²⁹
43. There is no suggestion in the Unions' case and no evidence adduced by the Unions that all employees in the industry will suffer an incapacity during their employment so

²⁹ Australian Bureau of Statistics, 6291.0.55.003 Labour Force, Australia, Detailed, Quarterly, May 2017, Table 06: 'Employed persons by Industry sub-division of main job (ANZSIC) and Sex'.

as to enliven the accident pay clause. By contrast, the evidence from Dr Adams, based on an examination of data provided by Coal Services (whose subsidiary Coal Mines Insurance (**CMI**) is the compulsory workers' compensation insurer in the coal industry in NSW) that the workers' compensation claims as a proportion of the workforce has reduced from 63% in 1982/3 to 5.3% in 2015/2016: Dr Adams' Report, p6. Whilst it is accepted that injuries do occur in the black coal mining industry and that such injuries lead to periods of incapacity, it is not the case that the accident pay provisions (as they stand or as varied) will affect the vast majority of the employees engaged in that industry. The Unions have adduced no evidence to contradict these matters.

44. *Second*, the Unions' contentions as to the alleged loss of entitlement suffered by employees who do suffer an incapacity has also been overstated. The position is that based on data available from Coal Services in New South Wales, Dr Adams points out that the majority of injuries result in workers' compensation claims of a duration of 1 week and the vast majority fall within a duration of 1–13 weeks: Dr Adams' Report, p9; see also the supplementary statement of David Gunzburg filed on 18 August 2017 (**Gunzburg Second Statement**) at [3]–[5]. A smaller proportion of employees have claims that are for a duration of greater than 26 weeks, and a relatively small proportion of employees have claims of greater than 52 weeks duration. Thus:

- (a) For the vast majority of employees who will never be injured, the proposed variation has no impact at all;
- (b) For employees who are injured up to 26 weeks, there is no change in the entitlement at all under the proposed variation as it does not alter the entitlement up to 26 weeks;
- (c) For a small number of employees who are incapacitated for beyond 26 weeks and less than 39 weeks, these employees may be slightly worse off under the proposed variation depending on the State in which they were injured;
- (d) For the relatively few employees injured who are incapacitated beyond 52 weeks, these employees may be slightly worse off under the proposed variation depending on the State in which they were injured.

45. *Third*, as to the alleged and contingent loss in entitlement for employees who are incapacitated for greater than 26 weeks, the tables and figures presented in the Unions' Submissions at [48]–[52] should be approached with caution. The figures have been computed by reference to the “*weekly amount received*” by particular employees, which footnote 18 discloses is the “*Assumed base rate of pay for an undermanager*”. In other words, the Unions' calculations are based upon one of the smallest classes of employee engaged in the black coal mining industry, Undermanager, who are covered by the BCMI Award and who are amongst the highest paid.³⁰ The tables set out below provide a more accurate estimate of the contingent impact on mineworkers.
46. *Fourth*, the tables contained in the Unions' Submissions are also inaccurate cannot form the basis of any reliable or probative assessment by the Commission. Making the calculations based on an undermanager is apt to provide a skewed assessment as to the effect that the proposed amendments will have. Undermanagers are engaged in underground mines only. The prevalence of black coal mines in Australia are open cut mines: Dr Adams' Report, p2. The position of undermanager reflects a statutory hierarchy, with the undermanager being the most senior position on duty at an underground mine, other than the mining engineering manager/mine manager (if they are present): see regs 84 and Schedule 10 (Part 2), *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (NSW). The number of undermanagers at any one mine concomitantly determined by number of shifts. As noted, the undermanager is, accordingly, amongst the most highly paid workers at a coal mine both under the BCMI Award and more generally. Due to the functions of an undermanager being to supervise mining operations, it may be expected that an undermanager is less likely to be exposed to risk of injury.
47. Further, the Unions' assessment does not take into account that aspects of the NSW workers' compensation regime are not governed by the 1987 workers compensation legislation and that certain aspects remain governed by the 1926 Act.

³⁰ See Annexure CB-05 to the Statement of Catherine Bolger (page 4). Undermanager has the second highest median in this table, with the highest being Technical Services Manager (as role not covered by the BCMI Award).

48. Alternative tables indicating the different types of impact for examples of mineworkers, whom it may be accepted make up the vast majority of the population of the workforce in the black coal mining industry, are set out below. The tables are based upon annualised salary rates from selected enterprise agreements in NSW in the classification of mineworker, which accord with those classifications in the BCMI Award, as being representative of the weekly amount that would be received.³¹
49. The examples also assume that the worker has a dependent spouse and two children (as compared to the example set out in the Union Submissions which assume a single person with no dependent children).

NSW Mineworker (taking the annualised salary of a 5D M-F 8hr Day Roster employee)				
Weeks	Statutory weekly rate	Under current award: weekly amount received	Under proposed award clause: weekly amount received	Difference between current award and proposed clause
1–26	\$858.60 ³²	\$1,286.45 ³³	\$1,286.45	–
27–39	\$595.80 ³⁴	\$1,286.45 ³⁵	\$858.60	\$5,562.05
40–52	\$595.80	\$858.60	\$858.60	–
53–78	\$595.80	\$858.60	\$595.80	\$6,832.80
Total				\$12,394.85

³¹ It is noted that enterprise agreements generally provide terms concerning accident pay, including those from which the example annualised salary rates of pay have been drawn. The tables are not to be taken, however, as applying the terms of those enterprise agreements concerning accident pay. The rates have been selected as broadly representative examples of rates of pay for mineworkers in NSW and Queensland and the application of the accident pay provisions of the BCMI Award to a person in receipt of such a rate of pay.

³² This is the rate of pay for the classification of "Mineworker" under the BCMI Award. It is noted that for coal mineworkers in NSW, in the first 26 weeks they receive their "current weekly wage rate" by virtue of various saving provisions applicable to coal miners in NSW workers' compensation legislation, capped at a maximum weekly benefit of \$2,084.90. This is explained in the State Insurance Regulatory Authority, Workers Compensation Benefits Guide July 2017 (a copy of which is **annexed** to these submissions as **Schedule A**) at pages 25-26.

³³ These rates were taken as an example from the *Mt Arthur Coal Enterprise Agreement 2016* (see Second Gunzburg Statement, Annexure DG-13) as they currently apply to a Mineworker (taking the annualised salary of a 5D M-F 8hr Day Roster Mineworker), as being broadly representative of a rate for a mineworker at an open cut mine in NSW and noting that such rates are inclusive of all allowances, penalties and overtime and accordingly provide a reflection of pre-injury earnings.

³⁴ This figure is based on the State Insurance Regulatory Authority, Workers Compensation Benefits Guide July 2017 (Schedule A). This sets the payments available, after 26 weeks, under the *Workers Compensation Act 1987* (NSW) (taking into account the saved provisions of the *Worker's Compensation Act 1926* (NSW)) for the period of 1 April 2017 to 30 September 2017, as follows: maximum weekly payments at \$408.60; additional weekly payments for each Dependant child at \$46.90; and additional weekly payments for a dependant spouse at \$93.40. As noted, it is assumed, in these examples, that the mineworker has a dependant spouse and two dependent children.

³⁵ This is the rate of pay for the classification of "Mineworker" under the BCMI Award.

NSW Mineworker (taking the annualised salary of a 7D 12hr Day-Night Roster employee)				
Weeks	Statutory weekly rate	Under current award: weekly amount received	Under proposed award clause: weekly amount received	Difference between current award and proposed clause
1–26	\$858.60 ³⁶	\$1,940.87 ³⁷	\$1,940.87	–
27–39	\$595.80 ³⁸	\$1,940.87	\$858.60	\$14,069.51
40–52	\$595.80	\$858.60	\$858.60	–
53–78	\$595.80	\$858.60	\$595.80	\$6,832.80
Total				<u>\$20,902.31</u>

50. The equivalent alternative tables for Queensland mineworkers are as follows:

Queensland Mineworker – standard M-F roster				
Weeks	Statutory weekly rate	Under current award: weekly amount received	Under proposed award clause: weekly amount received	Difference between current award and proposed clause
1–26	\$2,109.43 ³⁹	\$2,109.43	\$2,109.43	–
27–39	\$1,582.07	\$2,109.43	\$1,582.07	\$6,855.68
40–52	\$1,582.07	\$1,582.07	\$1,582.07	–
53–78	\$1,582.07	\$1,582.07	\$1,582.07	–
Total				<u>\$6,855.68</u>

³⁶ See FN 32.

³⁷ These rates were taken for this type of employee as an example from the *Mt Arthur Coal Enterprise Agreement 2016* (Second Gunzburg Statement, Annexure DG-13) (taking the annualised salary of a 7D 12hr Day-Night Roster employee; see FN 33).

³⁸ See FN 34.

³⁹ These are notional earnings of a Level 2 Mineworker employed on a standard 5day, Monday-Friday, 44week at Poitrel Mine as at the rate from September 2017 (from the *BHP Billiton Mitsui Coal Pty Ltd Poitrel Mine Enterprise Agreement 2015*) (Second Gunzburg Statement, Annexure DG-14) which have been selected as being broadly representative of a rate for a mineworker at an open cut mine in Queensland and noting that such rates are inclusive of all allowances, penalties and overtime and accordingly provide a reflection of pre-injury earnings.

Queensland Mineworker – 7 day roster				
Weeks	Statutory weekly rate	Under current award: weekly amount received	Under proposed award clause: weekly amount received	Difference between current award and proposed clause
1–26	\$2,724.19 ⁴⁰	\$2,724.19	\$2,724.19	–
27–39	\$2,043.14	\$2,724.19	\$2,043.14	\$8,853.65
40–52	\$2,043.14	\$2,043.14	\$2,043.14	–
53–78	\$2,043.14	\$2,043.14	\$2,043.14	–
Total				<u>\$6,855.68</u>

Protection from dismissal for injured workers

51. The Unions’ Submissions at [53]–[58] about loss of protection from dismissal is applicable to employees in New South Wales. It is accepted that the effect of the proposed variation would reduce the time available to make an application under section 248 of the *Workers Compensation Act 1987* (NSW) by 26 weeks (that is, from 78 to 52 weeks). However, there is no evidence to suggest that 52 weeks is not sufficient time for an employee to mount an appropriate case and that employees simply wait until the last moment, whenever that is, in which to act.
52. However, coal industry employees in New South Wales remain in a more advantageous position to the broader New South Wales workforce as the protections under section 248 who are normally limited to the period of six months after first becoming unfit for employment. They also enjoy various saving provisions which apply aspects of former workers’ compensation regimes, which are no longer enjoyed by any other workers in NSW.
53. Further, the assumption inherent in the Unions’ Submissions is that employees who are injured may not be rehabilitated back to pre-injury or modified duties. The rehabilitation time and return to work obligations are generally ongoing and related to

⁴⁰ These are the notional earnings of a Level 2 Mineworker employed on a 7day, 12.5hr, day/night, 4 Panel roster at Poitrel Mine as at the rate from September 2017 (from the *BHP Billiton Mitsui Coal Pty Ltd Poitrel Mine Enterprise Agreement 2015*) (Second Gunzburg Statement, Annexure DG-14); see FN 39.

the entitlement to worker's compensation rather than accident pay under s.11(2) of the 1926 Act.⁴¹ Both the obligation to provide suitable employment and the worker's entitlement to workers' compensation based of total or partial incapacity are not time limited.

54. Thus, whilst there is some loss of protection involved, black coal mining employees in New South Wales are still in a more advantageous position.

Impact on overall health and safety

55. The Unions contend that there is a “possibility” that there will be a reduction in the incentives imposed on employees — or disincentives — to promote safety by lessening the financial burden on accident pay. These contentions are speculative (which the Unions' Submissions appear to accept) and have no factual foundation. As noted in the CMIEG's primary submissions and acknowledged in the Unions' Submissions, the coal mining industry is heavily regulated as to safety and its performance in improving safety over the last few decades has not been contradicted by any evidence adduced by the Unions.

Impact on employers

56. It is accepted that no evidence has been presented as to the impact on premiums of the change in accident pay. The determination of premiums is a matter of some complexity. The Gunzburg Second Statement (at [9]-[11]) highlights the fact that a reduction in accident pay liabilities for employers will have an effect on the level of premiums paid, and will likely reduce the premiums (subject to all other factors remaining constant).
57. As to the promotion of collective bargaining, the effect of the proposed variation is to ensure that there is a safety net of conditions — not a ceiling. The Unions' contention at [63]–[65] as to the alleged intransigence in bargaining is limited to “staff employees” in respect of only some employers. The absence of any evidence as to the broader workforce indicates that collective bargaining is an essential feature of a large number of employees in the black coal mining industry.

⁴¹ This applies by virtue of the *Workers Compensation Act 1987* (NSW), Sch 6, Pt 4, cl 5.

THE SPECIAL FEATURES ARGUMENT

58. The Unions' Submissions contend that the black coal mining industry continues to have special features that distinguish it to other industries. However, the Unions' contentions in this regard do not withstand scrutiny.

Particular injury risks; peculiar safety, industry and workers' compensation regime

59. Although the Unions make an assertion that there are particular injury risks in the black coal mining industry, no evidence has been adduced in this respect. There is nothing to suggest that the nature of the injuries is any different in the black coal mining industry to other labour-intensive industries.

60. The Unions do not articulate the relevance of their further contentions that the black coal mining industry is distinguishable to other industries because it has a peculiar regime for regulation of safety and workers' compensation. Whilst it is true that the mining industry generally has different statutory regimes in this respect, there are other industries which also have industry specific regulations — the building industry is regulated by codes, the transport industry has an overlay of road safety and traffic regulations, etc. The fact that the coal mining industry has a distinct regime is not a reason for differential and more beneficial entitlements. Rather, it is a fact which indicates, consistently with the evidence of Dr Adams, that a vast amount of investment in safety has resulted in a reduction in the frequency of injuries/claims and lost time due to those injuries. These are facts that support the CMIEG's case, not tell against it.

61. Further, the specific regime applies also to mining generally, and also petroleum sites (in NSW), which industry sectors do not enjoy accident pay provisions as generous as under the BCMI Award.

High wages in the industry

62. The Unions' Submissions at [73]–[74] that the black coal mining industry is a high wage industry is simply a different way of putting the loss of income argument that has already been addressed above. The longer period for so-called adjustment is not justified on the evidence that there are few employees injured for in excess of 52 weeks.

Career industry

63. The Unions do not clearly articulate the relevance of the career industry argument set out in their Submissions at [75]. Absent evidence of the proportion of employees who actually leave the industry by reason of injury in the period between 52 weeks and 78 weeks, the Commission could not draw any safe or reliable inferences as to this matter.

CONCLUSION

64. The CMIEG otherwise relies upon its primary submissions.
65. The proposed variation ought be made.

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Counsel for the CMIEG

Ashurst Australia

18 August 2017

Workers compensation benefits guide

July 2017

Better
regulation.

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What benefits is an injured worker entitled to?

Depending on the individual claim and the type, nature and severity of the work related injury, an injured worker may be eligible for the following compensation benefits:

- weekly payments
- permanent impairment
- medical, hospital and rehabilitation expenses
- property damage expenses.

Death benefits and funeral expenses may be payable when a worker dies as a result of a workplace injury.

Legislation

The legislation provides different amounts of benefits depending on the period of incapacity, the date of the injury and the date the claim was lodged.

Benefits may be payable under the following Acts:

- *Workers Compensation Act 1987*¹
- *Workers Compensation (Dust Diseases) Act 1942*
- *Workplace Injury Management and Workers Compensation Act 1998*².

Most provisions of the *Workers Compensation Act 1987* came into force on 30 June 1987 and apply to injuries from that date. Subsequent legislative changes made to the *Workers Compensation Act 1987* and related legislation that are relevant to matters covered in this Guide include:

- amendments passed in 1989 restored limited entitlements, retrospective to 30 June 1987, for seriously injured workers to sue their employer for damages at common law. Those provisions included an eligibility threshold related to the seriousness of the worker's injury
- amendments effective from 1 February 1992 increased the maximum workers compensation lump sum entitlements for permanent injury (section 66) and pain and suffering (section 67) by 25 per cent and reduced the level of the common law eligibility threshold so that larger numbers of injured workers would qualify for common law claims

¹ The provisions of the former *Workers Compensation Act 1926*, which was repealed and replaced with the *Workers Compensation Act 1987*, cover most injuries incurred prior to 30 June 1987. The *Workers Compensation Act 1987* has special rules to ensure that benefits payable under the former *Workers Compensation Act 1926* continue to apply, with appropriate adjustments. These rules are referred to as the *Workers Compensation Act 1987 (re 1926 Act)*.

² The *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* should be read together.

- amendments effective from 1 September 1994 increased lump sum benefits for severe facial and bodily disfigurement to 80 per cent and 50 per cent respectively of the maximum permanent injury lump sum under section 66
- amendments effective from 1 January 1996 introduced lump sum benefits under sections 66 and 67 for HIV/AIDS and bowel injuries
- amendments effective from 12 January 1997 reduced the maximum lump sum for permanent impairment under sections 66 and 67 by 25 per cent
- the *Workplace Injury Management and Workers Compensation Act 1998* (apart from injury management provisions) commenced on 1 August 1998 together with changes to the *Workers Compensation Act 1987* made by the *Workers Compensation Legislation Amendment Act 1998*. The injury management provisions commenced on 1 September 1998. The 1998 legislation continues the benefit provisions of the *Workers Compensation Act 1987* with some exceptions such as reducing section 38 benefits from a maximum of 104 weeks to 52 weeks for those who first receive section 38 benefits on or after 1 August 1998
- amendments effective from 27 November 2001 that affect common law claims:
 - where a claim is filed with the court after 9am, 27 November 2001, no damages are awarded unless the degree of permanent impairment of an injured worker is at least 15 per cent
 - the degree of permanent impairment is assessed using the *WorkCover Guides for the Evaluation of Permanent Impairment*
 - common law damages for an injured worker are only awarded in respect of past and future loss of earnings
 - all workers' compensation benefits (except common law payments) are available even if a common law claim has been lodged. However, once common law damages are received, then entitlement to any further workers' compensation benefits cease, and any weekly payments that have been made to the injured worker will be deducted from the common law payments.
- amendments effective from 1 January 2002 that affect workers' compensation benefits other than common law payments:
 - the maximum lump sum benefit under section 66 was increased to \$200,000 for injuries received on or after 1 January 2002. The maximum lump sum benefit for section 67 remains at \$50,000
 - for injuries received from 1 January 2002, benefits under section 66 are determined by the degree of permanent impairment of the injured worker in accordance with the *WorkCover Guides for the Evaluation of Permanent Impairment*
 - primary psychological or psychiatric injuries are eligible for the benefits under section 66 (permanent impairment), provided that the degree of permanent impairment is at least 15 per cent (section 65A(3))
 - to be eligible for compensation under section 67 (pain and suffering) the degree of permanent impairment must be at least 10 per cent for a physical injury or at least 15 per cent for a primary psychological or psychiatric injury

- single and multiple physical injuries that have resulted from an accident are assessed together to determine the degree of permanent impairment of the injured worker. Permanent impairments arising from primary psychological or psychiatric injuries are assessed separately from physical injuries. In all cases, secondary psychological or psychiatric injuries are disregarded in determining the degree of permanent impairment
- if a worker receives a primary psychological or psychiatric injury and a physical injury arising out of the same incident, the worker is entitled to receive compensation for impairment resulting from only one of these injuries, whichever results in the greater amount of compensation being payable.
- for injuries occurring on or after 1 January 2006, amendments to section 66 (2A) of the *Workers Compensation Act 1987* increased the amount of compensation payable for permanent impairment of the spine by an additional five per cent. The maximum amount payable under section 66 of the *Workers Compensation Act 1987* was increased from \$200,000 to \$210,000
- for injuries incurred on or after 1 January 2007, the lump sum payable for permanent impairment (under section 66 of the *Workers Compensation Act 1987*) was increased by 10 per cent, up to a maximum of \$231,000. The 10 per cent increase applies to all types of permanent impairment, including spinal impairments
- the *Workers Compensation Legislation Amendment (Benefits) Act 2008* introduced a number of amendments to workers compensation death benefits. These amendments:
 - increased the lump sum death benefit to \$425,000
 - allow the lump sum death benefit to be paid to a worker's estate where the deceased leaves no dependants
 - ensure that weekly payments to a dependant are not to be reduced because of partial dependency. However, partial dependency may still be taken into account when apportioning the lump sum between multiple dependants
 - are retrospective and apply to deaths that occur on or after 24 October 2007, and are as a result of workplace injuries that occurred on or after 30 June 1987.
- a number of amendments to the lump sum death benefit payable under the *Workers Compensation (Dust Diseases) Act 1942* commenced on 7 December 2010, these amendments:
 - increased the lump sum death benefit payable to dependants of deceased workers from \$245,700 (current amount payable) to \$311,050. The increase was implemented in three annual increments:
 - the first increment of \$268,375 was payable on commencement of the *Workers' Compensation (Dust Diseases) Amendment Act 2010* (7 December 2010)
 - the second increment of \$291,040 was payable 12 months from the first increment
 - the final increment of \$311,050 was payable 24 months from the first increment.

- enable the Dust Diseases Board to take into account the age of the worker when determining the amount of lump sum compensation to be paid to a dependant of the deceased worker.

The lump sum was not indexed during this period. Indexation of the lump sum recommenced on 1 April 2013.

- The *Workers Compensation Legislation Amendment Act 2010* introduced a number of amendments to workers compensation legislation. The amendments commenced on 1 February 2011 and included the following changes to benefits related provisions:
 - clarification that the maximum statutory cap for weekly benefits (section 40 of the 1987 Act) is applied to the compensation payment only. This means that the cap applies to the make-up pay component of a worker's weekly income, not the total amount received by the worker, including wages or salary. The amendment applies to periods of incapacity from 1 February 2011 regardless of the date of injury
 - removal of restrictions on the maximum amount for which an employer is liable for workplace rehabilitation services provided to an injured worker (repeal of sections 63A(3) and (4) of the 1987 Act)
 - commencement of indexation of the maximum amount for an interim payment direction for medical expenses (section 297(2) of the 1998 Act) from 1 April 2011.

June 2012 workers compensation reforms

The *Workers Compensation Legislation Amendment Act 2012* introduced a number of changes to workers compensation benefits. The Act was passed by Parliament on 22 June 2012 and assented on 27 June 2012.

- The new laws change the way workers compensation benefits claims are assessed and paid. The changes affect all new and existing workers compensation claims, except for claims from:
 - police officers, paramedics and fire fighters
 - workers injured while working in or around a coal mine
 - bush fire fighter and emergency service volunteers (Rural Fire Service, Surf Life Savers, SES volunteers)
 - people with a dust disease claim under the *Workers Compensation (Dust Diseases) Act 1942*.
- Claims by these exempt workers will continue to be managed and administered as though the June 2012 changes never occurred.

Changes with effect on and after 19 June 2012:

- For permanent impairment lump sum compensation claims made on or after 19 June 2012:
 - payments for pain and suffering under section 67 of the *Workers Compensation Act 1987* are no longer available

- a threshold of more than 10 per cent permanent impairment for physical injury (including hearing loss) must be reached to access a permanent impairment lump sum. The threshold for a primary psychological injury lump sum payments remains at 15 per cent permanent impairment.
- Workers are no longer entitled to make multiple permanent impairment claims. Only one claim can be made for permanent impairment compensation in respect of an injury.
- Journey claims for an injury received on or after 19 June 2012 can only be made if there is a real and substantial connection between the employment and the incident out of which the injury arose.
- No compensation is payable for heart attack and stroke injuries received on and after 19 July 2012 unless the nature of the employment concerned gave rise to a significantly greater risk of the worker suffering the injury than had the worker not been employed in employment of that nature.
- Definition of 'injury' amended which refers to a 'disease injury' as a disease that is contracted in the course of employment only if the employment was the main contributing factor. 'Disease injury' also encompasses the aggravation, acceleration, exacerbation or deterioration in the course of employment of any disease provided the employment was the main contributing factor. This applies to all injuries received on and from 19 June 2012.
- The amendments prevent a claim for damages for nervous shock where the nervous shock is not a work injury and prevent a claim for damages by relatives of an injured or deceased worker because the relative's injuries are not work injuries. The amendments do not apply where court proceedings for nervous shock claims commenced before 19 June 2012.

Seriously injured workers

The following reforms for seriously injured workers (injured workers with a permanent impairment of more than 30 per cent) came into effect on 17 September 2012.

- The minimum amount used to calculate the weekly payment was increased to \$736.72 gross.
- There is no time cap on weekly payments, except for the Commonwealth retirement age.
- There is no time limit on payments for reasonably necessary medical and related expenses.
- Will not have to undergo a work capacity assessment every two years - unless the worker requests one to explore return to work options.

Weekly payments

The changes to weekly benefits came into effect on:

- 1 October 2012 for new claims
- 1 January 2013 for existing claims.

The changes to weekly benefits included:

- a simplified method for calculating workers entitlements based on the worker's pre-injury average weekly earnings - incorporating overtime and shift allowance in the initial 52 weeks of weekly payments
- up to 95 per cent of pre-injury average weekly earnings for the first 13 weeks of a claim
 - for weeks 14 to 130, weekly payments will be 80 per cent of pre-injury average weekly earnings. If a worker returns to work for at least 15 hours per week, weekly payments will be made up to 95 per cent of pre-injury average weekly earnings.
- *130 week limit - for all workers except where workers meet specified requirements*
 - workers who are fit to do some work and are not performing at least 15 hours of paid work per week by the 130th week of incapacity payment will not be entitled to payments after the 130th week
 - workers who do achieve an actual return to work of more than 15 hours, or have no capacity for work, or have an impairment of more than 30% of the whole person are not subject to this time limit.
- *5 year limit*
 - workers with a whole person impairment of 20% or less may only receive up to 260 weeks (5 years) worth of weekly payments
 - workers with permanent impairment of more than 20% are not subject to this time limit.
- weekly payments and retirement:
 - if an injury occurs before retiring age, a worker may be entitled to weekly payments until reaching retiring age
 - if an injury occurs after reaching retiring age, a worker may be entitled to weekly payments in the period up to 12 months after the first date of incapacity.

Work capacity assessments

- Work capacity assessments will be undertaken by the insurer. The assessment involves a review of the injured worker's medical, functional and vocational status, and helps to inform decisions about the injured worker's capacity to return to work in suitable employment and entitlement to weekly benefits.
- A work capacity assessment can occur at any point in the life of the claim. A decision must be made on the injured worker's work capacity by 130 weeks and then will be reviewed at least every two years thereafter.

WorkCover Independent Review Officer

The June 2012 reforms also enabled the establishment of a WorkCover Independent Review Officer (WIRO) (from September 2015 known as the Workers Compensation Independent Review Officer). From 1 October 2012, the WIRO is responsible for:

- investigating complaints made by workers about insurers, and making recommendations for action to be taken by the insurer or the worker

- reviewing work capacity decisions by insurers
- encouraging high quality complaint resolution by insurers and employers
- reporting annually to the Minister and the Parliament on their responsibilities
- administering the Independent Legal Assistance and Review Service. This service facilitates access to free independent legal advice to injured workers, in circumstances where there is a disagreement with insurers regarding entitlements.

Medical and related expenses

- The changes to payments for medical and related treatment came into effect on :
 - 1 October 2012 for new claims
 - 1 January 2013 for existing claims.
- Under the changes, payments for medical and related treatment will end at whichever occurs last:
 - where no weekly payments for compensation are payable, 12 months after the claim for compensation is made, or
 - 12 months after the last payment of weekly benefits.

This restriction does not apply to workers with a permanent impairment of over 30 per cent. For these workers, entitlement to medical cover will continue for life.

September 2014 workers compensation changes

The *Workers Compensation Amendment (Existing Claims) Regulation 2014* introduced a number of changes to workers compensation benefits. These changes apply to workers who sustained a workplace injury and who had made a claim for compensation for that injury **before 1 October 2012**. These changes do not apply to workers who made a claim after that date.

The changes allow:

- workers to continue to receive certain medical and related expenses until retiring age
- workers with whole person impairment of 21% to 30% to have access to medical and related expenses up until retiring age
- for the insurer to meet the cost of any secondary surgery
- that workers may receive weekly payments while a work capacity decision is being reviewed
- entitlement to weekly payments for up to one year after retiring age.

Medical and related expenses

As a result of the changes, a worker may have continued access to certain medical and related expenses until retiring age.

- Workers with a permanent impairment of between 21 per cent and 30 per cent will have continued access to ongoing reasonably necessary medical and related expenses until retiring age.

- For all other claims made before 1 October 2012, workers requiring the following types of medical and related treatment will have continued access until retiring age regardless of their degree of permanent impairment:
 - home and vehicle modifications
 - crutches
 - artificial members
 - eyes or teeth
 - spectacles or other artificial aids (including hearing aids and hearing aid batteries).

The insurer is still required to pre approve any such treatment or service.

If a worker disputes the insurer's decision, an unresolved matter may be referred to the Workers Compensation Commission. The Independent Legal Assistance and Review Service (ILARS) provides funding to pay for costs incurred by injured workers when disputing decisions made by the insurer.

Secondary surgery

Workers who require secondary surgery are entitled to receive it, as long as the secondary surgery:

- is directly consequential to an earlier surgery
- affects a part of the body affected by the earlier surgery
- is approved by the insurer within two years of approval of the earlier surgery.

The insurer is still required to pre approve any such treatment or service.

If a worker disputes the insurer's decision, an unresolved matter may be referred to the Workers Compensation Commission. The Independent Legal Assistance and Review Service (ILARS) provides funding to pay for costs incurred by injured workers when disputing decisions made by the insurer.

Eligibility for weekly payments until a review of a work capacity decision has been completed

In 2012, *work capacity* was introduced into the NSW workers compensation system. At certain points during a worker's claim, the insurer makes a work capacity decision which can affect a worker's entitlement to weekly payments.

Work capacity decisions can be reviewed through a three step review process.

- After a worker receives a work capacity decision notice they may request an internal review by the insurer.
- If a worker is not satisfied with the outcome of an insurer's internal review, or if the review is not completed within 30 days, the worker may lodge an application for the State Insurance Regulatory Authority (SIRA) to carry out a merit review of the insurer's internal review decision.

- If a worker is not satisfied with the outcome of a SIRA merit review, the worker may lodge an application for procedural review by the Workers Compensation Independent Review Officer within 30 days of receiving the merit review decision.

If a worker requests a review of a work capacity decision within 30 days after the day of receiving notification of the decision (whether the decision is an initial work capacity decision, an internal review decision or a merit review decision), an insurer may be prevented from taking action (such as reducing or ceasing weekly payments) while the work capacity decision is being reviewed, or until the worker withdraws the application for review.

Weekly payments on retiring age

Under the changes a worker is entitled to receive weekly payments for a maximum of 12 months after reaching retiring age.

2015 legislative reforms

The *State Insurance and Care Governance Act 2015* and cognate *Workers Compensation Amendment Act 2015* introduced reforms to government insurance services and workers compensation benefits. The two Acts were passed by Parliament on 13 August 2015 and were assented to on 21 August 2015.

Structural reforms

The *State Insurance and Care Governance Act 2015* reformed the governance and regulatory arrangements for statutory insurance and compensation schemes in New South Wales. The legislative reforms created three new agencies which replaced the functions of WorkCover NSW and enabled the structural separation of its insurance and regulatory functions.

As of 1 September 2015, the three new agencies are:

- The State Insurance Regulatory Authority (SIRA) – a new independent insurance regulator
 - SIRA has assumed the regulatory functions of WorkCover NSW in relation to workers compensation insurance and the Motor Accidents Authority in relation to Compulsory Third Party (CTP) insurance, and the regulatory functions relating to Home Building Compensation.
- Insurance & Care NSW (icare) – a single claimant-focused insurance and care service provider
 - icare provides services to those currently served by the Workers Compensation Nominal Insurer, Lifetime Care and Support Authority, Dust Diseases Authority, SICorp and Sporting Injuries Compensation Authority.
- SafeWork NSW – an independent workplace safety regulator
 - SafeWork NSW is the state’s workplace health and safety regulator and will also establish a centre of excellence for work health and safety.

Workers compensation benefit reforms

The *Workers Compensation Amendment Act 2015* (2015 amending Act) introduced benefit reforms that focused on three key objectives:

- helping injured workers with the highest needs

- supporting injured workers to recover and return to work
- ensuring the financial sustainability of the scheme.

The amendments made by the 2015 amending Act to the *Workers Compensation Act 1987* (1987 Act) do not apply:

- for the purposes of the *Workers' Compensation (Dust Diseases) Act 1942* or the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*
- to coal miners (see CI 15 of Part 19I of Schedule 6 to the 1987 Act)
- to police officers, paramedics and firefighters - except for the amendments made by the 2015 amending Act to sections 25 and 26 of the 1987 Act (see CI 14 of Part 19I of Schedule 6 to the 1987 Act).

Some provisions of the 2015 amending Act commenced on assent to the Act. The remaining provisions will commence over a period of time, starting from 16 October 2015.

The 2015 benefit reforms that commenced on 16 October include changes to:

- weekly payments and retiring age
 - Weekly payments for up to 12 months after reaching retiring age for all claims for weekly payments made on or after 1 October 2012.
- death benefits
 - Dependants of a worker who dies in a workplace accident or because of a workplace injury on or after 5 August 2015 are entitled to an increased maximum lump sum death benefit of \$750,000
 - Reasonable funeral expenses of up to \$15,000 are payable where a worker dies in a workplace accident or because of a workplace injury on or after 5 August 2015
 - These benefits will also apply to police officers, fire fighters, and paramedics
 - Entitlement to the increased lump sum death benefit only also applies to volunteer bush fire, emergency and rescue services workers. (Refer to *Workers Compensation Amendment (Death Benefits) Regulation 2015*)
 - Entitlement to the increased lump sum death benefit and funeral expenses also applies to coal miners (Refer to *Workers Compensation Amendment (Death Benefits) Regulation 2016*)
 - Indexation of the new lump sum death benefit amount commenced on 1 April 2016.
- permanent impairment compensation
 - For injuries received on or after 5 August 2015:
 - the compensation payable for permanent impairment has increased to a maximum of \$577,050 for workers with a permanent impairment of 75 per cent or more
 - the compensation payable for each percentage of permanent impairment of more than 10 per cent has increased.
 - From 1 July 2016 permanent impairment payments will be indexed annually.

The 2015 benefit reforms that commenced on 4 December 2015 include changes to:

Medical, hospital and rehabilitation expenses

All workers are entitled to reasonably necessary medical expenses for up to two years from the date the claim was made or two years from when the worker's entitlement to weekly payments ceased.

However for workers with a permanent impairment of 11 to 20 per cent the entitlement period for reasonably necessary medical expenses is extended to up to five years from the date the claim was made or five years from when the worker's entitlement to weekly payments ceased.

Workers with a permanent impairment of more than 20 per cent permanent impairment have an entitlement to reasonably necessary medical expenses for life.

All workers are able to make a claim for secondary surgery and make a claim for artificial aids and home and vehicle modifications for life.

Weekly payments

Workers with high needs (more than 20 per cent permanent impairment) who have been assessed by an insurer as having current work capacity, will no longer be required to work at least 15 hours per week to receive weekly payments after the end of the second entitlement period (130 weeks or 2.5 years).

Injured workers with more than 30 per cent permanent impairment now have access to a minimum weekly amount of \$788.32 per week. If the injured worker's income (made up of weekly payments and any earnings) falls below \$788.32, the insurer will increase the weekly payments to this amount. The change applies to all weekly payments on or after 17 September 2012. This amount will be indexed in April and October each year. The first indexed adjustment review date is 1 April 2016.

Workers will now have the effect of a work capacity decision stayed by the insurer while it is under review (e.g. weekly payments cannot be reduced during this time providing the decision has not taken effect)

Return to work assistance benefits:

The return to work assistance benefits, introduced as part of the 2015 benefit reforms, commenced on 29 April 2016. These benefits provide:

- **new employment assistance** of up to \$1,000 for injured workers who accept work with new employers
- **education or training assistance** of up to \$8,000 for workers assessed with greater than 20 per cent permanent impairment, who have received weekly payments for more than 78 weeks.

The pre-conditions for accessing the return to work assistance benefits are prescribed in the *Workers Compensation Regulation 2016*.

Indexation

Indexed adjustments based on movements in the Wage Price Index

New South Wales workers compensation legislation provides that certain weekly payments, death benefits (excluding funeral expenses) and the interim payment direction for medical expenses be indexed.

Sections 79 and 80 of the *Workers Compensation Act 1987* (1987 Act) describe how indexation is to be calculated. Essentially, these indexation changes are linked to movements in an Australian Bureau of Statistics (ABS) wages measure.

The indexation of workers compensation benefits commenced on 1 April 1978. Indexation adjustments are applied from 1 April and 1 October each year according to the “latest index number” prescribed by regulation. These index numbers are contained in clause 8 of the *Workers Compensation Regulation 2016*.

Until October 1997, workers compensation benefits were indexed according to the “latest index number” based on movements in the *Australian Bureau of Statistics* (ABS) *Award Rates of Pay Index for NSW males* (ARPI). The Australian Statistician ceased publication of the ARPI in June 1997.

Consequently, from 1 April 1998, indexation was calculated using the *Wage Cost Index* (WCI). First published by the ABS in December 1997, the WCI captured wage movements from enterprise bargaining, not previously captured by the ARPI. The ABS ceased publication of the WCI in June 2004.

In September 2004 the ABS commenced publication of the ‘Wage Price Index’ (WPI) in a new quarterly publication entitled, the *Labour Price Index*. The WPI replaced the WCI for ordinary time hourly rates of pay excluding bonuses. The only difference between WPI and the WCI is the reference base year. The WPI reference base is 2003-04, compared to the WCI reference base of September 1997.

From 1 April 2005, benefits payable were indexed to reflect movements in the Quarterly Wage Price Index for NSW ordinary time hourly rates of pay excluding bonuses. The ABS changed the WPI reference base from the September 2009 quarter onwards. The new WPI is now presented on a reference base of 2008-09, where previously the old WPI was presented on a reference base of 2003-04. The new WPI is converted to the old WPI using a rescaling factor published by the ABS. The old WPI is then converted to the equivalent WCI by using another scaling factor published by the ABS.

From the September quarter 2012, the ABS changed the name of the publication known as the *Labour Price Index* to the *Wage Price Index, Australia*. The title change reflected the change in content of the publication, as the non-wage and labour price indexes were discontinued by the ABS.

Rate of change of the 'latest index number' based on movements in the Wage Price Index

The index number for the latest benefit period and the rate of change of the 'latest index number' since October 1995 is as follows:

Benefit period	Computed 'latest index number'	Type of index used in the calculation	Percentage change
October 1995	140.2	ARPI	
April 1996	141.1	ARPI	0.64%
October 1996	142.1	ARPI	0.71%
April 1997	142.6	ARPI	0.35%
October 1997	145.3	ARPI	1.89%
April 1998	146.4	Estimated	0.76%
October 1998	149.0	WCI	1.78%
April 1999	151.6	WCI	1.74%
October 1999	154.1	WCI	1.65%
April 2000	156.6	WCI	1.62%
October 2000	158.3	WCI	1.09%
April 2001	161.9	WCI	2.27%
October 2001	164.7	WCI	1.73%
April 2002	167.6	WCI	1.76%
October 2002	170.0	WCI	1.43%
April 2003	172.9	WCI	1.71%
October 2003	176.4	WCI	2.02%
April 2004	179.6	WCI	1.81%
October 2004	182.9	WCI	1.84%
April 2005	185.8	Equivalent WCI	1.59%
October 2005	189.6	Equivalent WCI	2.05%
April 2006	193.5	Equivalent WCI	2.06%
October 2006	197.1	Equivalent WCI	1.86%
April 2007	200.9	Equivalent WCI	1.93%
October 2007	204.5	Equivalent WCI	1.79%
April 2008	208.5	Equivalent WCI	1.96%
October 2008	212.1	Equivalent WCI	1.73%
April 2009	216.4	Equivalent WCI	2.03%
October 2009	220.3	Equivalent WCI	1.80%
April 2010	224.5	Equivalent WCI*	1.91%
October 2010	227.5	Equivalent WCI*	1.34%
April 2011	232.1	Equivalent WCI*	2.02%
October 2011	236.1	Equivalent WCI*	1.72%
April 2012	240.5	Equivalent WCI*	1.86%

Benefit period	Computed 'latest index number'	Type of index used in the calculation	Percentage change
October 2012	244.4	Equivalent WCI*	1.62%
April 2013	249.0	Equivalent WCI*	1.88%
October 2013	251.7	Equivalent WCI*	1.08%
April 2014	254.9	Equivalent WCI*	1.27%
October 2014	258.2	Equivalent WCI*	1.29%
April 2015	261.5	Equivalent WCI*	1.28%
October 2015	263.7	Equivalent WCI*	0.84%
April 2016	267.2	Equivalent WCI*	1.33%
October 2016	269.2	Equivalent WCI*	0.75%
April 2017	272.7	Equivalent WCI*	1.30%

Note: ARPI= Award Rates of Pay Index, WCI= Wage Cost Index, Equivalent WCI = Rescaled Wage Price Index (WPI)

* The new WPI is now presented on a reference base of 2008-09, where previously the old WPI was presented on a reference base of 2003-04. The new WPI is converted to the old WPI and is then converted to the equivalent WCI.

Indexed adjustments based on movements in the Consumer Price Index

With the introduction of section 82A to the 1987 Act made by the *Workers Compensation Legislation Amendment Act 2012*, a worker's pre-injury average weekly earnings (within the meaning of Division 2) will be adjusted on 1 April and 1 October each year based on movements in the *Consumer Price Index* (All Groups Index for Sydney) published by the Australian Bureau of Statistics. Under section 82A(1) of the 1987 Act the adjustments are calculated in accordance with the formula:

$$A \times \frac{B}{C}$$

A is the amount of the worker's pre-injury average weekly earnings within the meaning of Division 2 or, if that amount has been varied in accordance with this section, that amount as last so varied.

B is:

- (a) the CPI for the December quarter immediately prior to the review date when the review date is 1 April,
- or
- (b) the CPI for the June quarter immediately prior to the review date when the review date is 1 October.

C is:

- (a) the CPI for the June quarter immediately prior to the review date when the review date is 1 April,
- or
- (b) the CPI for the December quarter immediately prior to the review date when the review date is 1 October.

Under section 82A(4) of the *Workers Compensation Act 1987* the number that equates to the factor B divided by C (B/C) is to be published, by order on the NSW legislation website.

Table of numbers equating to the factor B/C

Review date	B All groups CPI (Sydney)	C All groups CPI (Sydney)	Number that equates to the factor B/C
1 April 2013	102.3 (December 2012)	100.5 (June 2012)	1.0179
1 October 2013	103.1 (June 2013)	102.3 (December 2012)	1.0078
1 April 2014	105.0 (December 2013)	103.1 (June 2013)	1.0184
1 October 2014	106.0 (June 2014)	105.0 (December 2013)	1.0095
1 April 2015	106.8 (December 2014)	106.0 (June 2014)	1.0075

Review date	B All groups CPI (Sydney)	C All groups CPI (Sydney)	Number that equates to the factor B/C
1 October 2015	108.3 (June 2015)	106.8 (December 2014)	1.0140
1 April 2016	108.9 (December 2015)	108.3 (June 2015)	1.0055
1 October 2016	109.3 (June 2016)	108.9 (December 2015)	1.0037
1 April 2017	110.9 (December 2016)	109.3 (June 2016)	1.0146

Indexed adjustments to certain amounts based on movements in Average Weekly Earnings

From 1 July 2012, the amount of \$155 specified in sections 38, 40, 41 (or the amount last so varied) is to be adjusted on 1 July each year based on movements in *Average Weekly Earnings* (All employees total earnings for NSW) published by the Australian Bureau of Statistics. Section 82B of the *Workers Compensation Act 1987* describes how the amount will be adjusted in accordance with the formula:

$$A \times \frac{B}{C}$$

A is the amount of \$155 specified in sections 38, 40 and 41 or, if that amount has been varied in accordance with this section, that amount as last so varied.

B is the latest average weekly earnings as at 30 May in the preceding financial year of all employees for NSW published by the Australian Statistician in respect of the December quarter of that financial year or, if that is not available, the latest available quarter.

C is the average weekly earnings of all employees for NSW as at 30 May in the year preceding the preceding financial year published by the Australian Statistician in respect of the quarter preceding that 30 May corresponding to the quarter referred to above.

Financial year	A	B Average weekly earnings (Persons; total earnings for NSW) – see Note 2 below	C Average weekly earnings (Persons; total earnings for NSW) – see Note 2 below	Amount to apply from 1 July each year (rounded)
1 July 2012	\$155	\$1,016.30 (November 2011)	\$996.40 (November 2010)	\$158
1 July 2013	\$158	\$1,081.20 (November 2012)	\$1,016.30 (November 2011)	\$168
1 July 2014	\$168	\$1,112.90 (November 2013)	\$1,081.20 (November 2012)	\$173
1 July 2015	\$173	\$1,129.50 (November 2014)	\$1,112.90 (November 2013)	\$176
1 July 2016	\$176	\$1,176.30 (November 2015)	\$1,129.50 (November 2014)	\$183
1 July 2017	\$183	\$1,190.80 (November 2016)	\$1,176.30 (November 2015)	\$185

Changes to *Average Weekly Earnings* published by the Australian Bureau of Statistics

Note 1. Frequency change

From 2012, the Australian Bureau of Statistics changed the frequency of the publication of *Average Weekly Earnings* (AWE) from quarterly to biannually. The AWE will relate to May (usually released in the following August) and November (usually released in the

following February) each year. Therefore, the November AWE will be used to calculate the yearly adjustments to section 82B of the 1987 Act.

Note 2. Series labelling

From the November 2012 issue, the Series Label for All employees total earnings changed and is now listed as Persons; Total earnings in Column J of Table 13A - Average Weekly Earnings, NSW (Dollars), original.

Weekly payments

The 2012 and 2015 workers compensation reforms modified weekly payments arrangements for all new and existing workers compensation claims, except for claims from:

- police officers, paramedics and fire fighters
- workers injured while working in or around a coal mine
- bush fire fighter and emergency service volunteers (Rural Fire Service, Surf Life Savers, SES volunteers)
- people with a dust disease claim under the *Workers Compensation (Dust Diseases) Act 1942*.

Weekly benefits arrangements

No current work capacity

- During the first 13 weeks of incapacity, workers who have no current work capacity will receive up to 95 per cent of their pre-injury average weekly earnings.
- From weeks 14 to 130, workers who have no current work capacity will receive up to 80 per cent of their pre-injury average weekly earnings.
- After 130 weeks, workers who have no current work capacity will continue to receive up to 80 per cent of their pre-injury average weekly earnings.

Current work capacity

First entitlement period

- Workers who have current work capacity and are able to work during the 13 weeks after a claim is made are entitled to 95 per cent of their pre-injury average weekly earnings. This amount will comprise of any actual wages workers are earning plus an additional amount from their insurer if necessary up to 95 per cent of their pre-injury average weekly earnings.

Second entitlement period

- Workers who have returned to work for at least 15 hours per week from week 14 to 130 are be entitled to 95 per cent of their pre-injury average weekly earnings for the first 130 weeks. This amount will comprise of any actual wages workers are earning plus an additional amount from their insurer if necessary up to 95 per cent of their pre-injury average weekly earnings.
- Those who have capacity to work, but who are working less than 15 hours per week from week 14 to 130 may receive up to 80 per cent of their pre-injury average weekly earnings. This amount may comprise the actual wages they are earning and an additional amount paid by the insurer to ensure they continue to receive 80 per cent of their pre-injury average weekly earnings.
- If a worker is able to work and is not working at least 15 hours per week by the end of the 130 weeks, entitlement to weekly payments will cease, except workers with a permanent impairment of more than 20 per cent.

After the second entitlement period

- Continuation of weekly payments after 130 weeks will depend on the person having no capacity for work and if having capacity for work having achieved an actual return to paid employment of at least 15 hours per week earning at least \$185 per week.
- Workers must apply in writing to the insurer for continuation of weekly benefits beyond the second entitlement period – section 38 (3 a).
- Weekly payments will be limited to a maximum of five years except for workers with a permanent impairment of over 20 per cent.
- Workers with a permanent impairment over 20 per cent are eligible to receive weekly payments until reaching the Commonwealth retiring age, subject to ongoing work capacity assessments.

Special provision for workers with highest needs

Workers with highest needs (more than 30 per cent permanent impairment) have access to a minimum weekly payment of compensation of \$788.32 per week. If the worker's determined weekly payment of compensation that the worker is entitled to receive is below \$788.32, the insurer will increase the weekly payments to this amount. This amount will be indexed in April and October each year. The first indexed adjustment review date is 1 April 2016.

Maximum weekly payment

Applicable from			Maximum weekly payment
1 October 2012	to	31 March 2013	\$1,868.50
1 April 2013	to	30 September 2013	\$1,903.70
1 October 2013	to	31 March 2014	\$1,924.30
1 April 2014	to	30 September 2014	\$1,948.80
1 October 2014	to	31 March 2015	\$1,974.00
1 April 2015	to	30 September 2015	\$1,999.30
1 October 2015	to	31 March 2016	\$2,016.10
1 April 2016	to	30 September 2016	\$2,042.80
1 October 2016	to	31 March 2017	\$2,058.10
1 April 2017	to	30 September 2017	\$2,084.90

Section 34(1) of the *Workers Compensation Act 1987*

Transitional amount

Applicable from			Transitional amount
1 October 2012	to	31 March 2013	\$920.90
1 April 2013	to	30 September 2013	\$938.30
1 October 2013	to	31 March 2014	\$948.50
1 April 2014	to	30 September 2014	\$960.50
1 October 2014	to	31 March 2015	\$972.90
1 April 2015	to	30 September 2015	\$985.40
1 October 2015	to	31 March 2016	\$993.70
1 April 2016	to	30 September 2016	\$1,006.90
1 October 2016	to	31 March 2017	\$1,014.40
1 April 2017	to	30 September 2017	\$1,027.60

Schedule 6, Part 19H, Clause 2(1) of the *Workers Compensation Act 1987*

Special provision for workers with highest needs

Applicable from			Minimum weekly amount payable
17 September 2012	to	31 March 2016	\$788.32
1 April 2016	to	30 September 2016	\$793.00
1 October 2016	to	31 March 2017	\$796.00
1 April 2017	To	30 September 2017	\$808.00

Section 38A(1) and section 82BA of the *Workers Compensation Act 1987*

Weekly payments arrangements for workers entitled to the pre-2012 weekly payments

The changes to workers compensation benefits introduced by the *Workers Compensation Legislation Amendment Act 2012* do not apply to:

- police officers, paramedics and fire fighters
- workers injured while working in or around a coal mine
- bush fire fighter and emergency service volunteers (Rural Fire Service, Surf Life Savers, SES volunteers)
- people with a dust disease claim under the *Workers Compensation (Dust Diseases) Act 1942*.

These workers will continue under the following weekly benefit arrangements without regard to the amendments made by the 2012 amending Act.

A worker is entitled to weekly payments during any period of incapacity resulting from a workplace injury. The amount of the weekly payment will vary depending on whether the:

- level of incapacity is total or partial
- worker's pre-injury earnings are paid under an award, industrial or enterprise agreement
- period is within the first 26 weeks of incapacity or later.

The maximum weekly payment of compensation in respect of any period of total or partial incapacity for work is capped.

Weekly payments to injured workers who are totally incapacitated

For the first 26 weeks of total incapacity, the worker's weekly payments are calculated as the worker's current weekly wage rate. After 26 weeks of incapacity the weekly payments are reduced and will usually be the lesser of the statutory rate or 90 per cent of average weekly earnings. However, the total weekly benefit cannot exceed the worker's current weekly wage rate.

The current weekly wage rate is calculated as:

- for workers paid under an award, industrial or enterprise agreement, 100 per cent of the rate of remuneration for one week of work (excluding overtime, shiftwork, payments for special expenses and penalty rates) or
- for workers not employed under an award, industrial or enterprise agreement, 80 per cent of average weekly earnings (including regular overtime and allowances).

The statutory rate is the amount of specified in section 37 of the *Workers Compensation Act 1987* (without regard to the amendments to weekly benefits made by the *Workers Compensation Legislation Amendment Act 2012*) and is indexed twice a year. The current amount payable is listed on page 29.

Weekly payments to injured workers who return to work on suitable duties

If a worker is partially incapacitated following a workplace injury and returns to work on suitable duties the worker will earn income for the hours worked while undertaking those duties. If this income is less than what the worker earned before the injury, for example if the worker is working part-time or the suitable duties are at a lower pay rate, then the worker may also receive a weekly workers compensation payment, often referred to as 'make-up' pay.

'Make up' pay is usually calculated based on the difference between the worker's pre-injury earnings (including overtime, shift work, payments for special expenses and penalty rates) and the amount the worker earns while on suitable duties. Under the legislation, the amount of 'make up' pay cannot exceed the amount the worker would receive if the worker was totally incapacitated. For the first 26 weeks after the worker first received incapacity payments, this would be the worker's current weekly wage rate and for any later period, the statutory rate.

Weekly payments to injured workers who are fit for suitable duties but no suitable duties are provided by the pre-injury employer

If a worker is partially incapacitated and fit for suitable duties but no suitable duties are provided by the worker's pre-injury employer, the worker may be entitled to receive a weekly section 38 payment. To be eligible for a section 38 benefit the worker must be undertaking rehabilitation, or undertaking retraining approved by the insurer or job seeking. Section 38 benefits are paid for a maximum of 52 weeks.

For the first 26 weeks of incapacity the worker may receive the worker's current weekly wage rate. The first 26 weeks of incapacity includes any period of total incapacity already taken. Therefore, if the worker has been totally incapacitated for the first 10 weeks following the injury and the worker then becomes fit for suitable duties but no duties are available, the worker will be paid the worker's current weekly wage rate for a maximum of 16 weeks.

For any remaining period up to a total of 52 weeks, the worker may receive the greater of 80 per cent of the worker's current weekly wage rate or the statutory rate.

After this, if the worker remains fit for suitable duties, the worker may be entitled to weekly 'make-up' pay. This payment will be based on an assessment of the worker's capacity for work and most probably be at the statutory rate.

The following **weekly payments tables** only apply to workers:

- exempt from the changes introduced by the *Workers Compensation Legislation Amendment Act 2012* and the *Workers Compensation Amendment Act 2015*, including:
 - police officers, paramedics and fire fighters
 - workers injured while working in or around a coal mine
 - bush fire fighter and emergency service volunteers (Rural Fire Service, Surf Life Savers, SES volunteers)
 - people with a dust disease claim under the *Workers Compensation (Dust Diseases) Act 1942*.
- receiving weekly payments of compensation payable under the former Act (*Workers Compensation Act 1926*).

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

Maximum weekly payment

Applicable from			Maximum weekly payment
30 June 1987	to	30 September 1987	\$500.00
1 October 1987	to	31 March 1988	\$514.10
1 April 1988	to	30 September 1988	\$521.10
1 October 1988	to	31 March 1989	\$532.30
1 April 1989	to	29 June 1989	\$545.70
30 June 1989	to	30 September 1989	\$545.70
1 October 1989	to	31 January 1990	\$565.50
1 February 1990	to	31 March 1990	\$565.50
1 April 1990	to	30 September 1990	\$577.50
1 October 1990	to	31 March 1991	\$604.10
1 April 1991	to	30 September 1991	\$612.10
1 October 1991	to	31 January 1992	\$616.40
1 February 1992	to	31 March 1992	\$1,000.00
1 April 1992	to	30 September 1992	\$1,029.80
1 October 1992	to	31 March 1993	\$1,042.80
1 April 1993	to	30 September 1993	\$1,046.60
1 October 1993	to	31 March 1994	\$1,052.00
1 April 1994	to	30 September 1994	\$1,056.60
1 October 1994	to	31 March 1995	\$1,063.50
1 April 1995	to	30 September 1995	\$1,066.50
1 October 1995	to	31 March 1996	\$1,071.90
1 April 1996	to	30 September 1996	\$1,078.70
1 October 1996	to	31 March 1997	\$1,086.40
1 April 1997	to	30 September 1997	\$1,090.20
1 October 1997	to	31 March 1998	\$1,110.90
1 April 1998	to	30 September 1998	\$1,119.30
1 October 1998	to	31 March 1999	\$1,139.10
1 April 1999	to	30 September 1999	\$1,159.00
1 October 1999	to	31 March 2000	\$1,178.10
1 April 2000	to	30 September 2000	\$1,197.20
1 October 2000	to	31 March 2001	\$1,210.20
1 April 2001	to	30 September 2001	\$1,237.80
1 October 2001	to	31 December 2001	\$1,259.20

Section 35 *Workers Compensation Act 1987*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

Maximum weekly payment (cont.)

Applicable from			Maximum weekly payment
1 January 2002	to	31 March 2002	\$1,259.20
1 April 2002	to	30 September 2002	\$1,281.30
1 October 2002	to	31 March 2003	\$1,299.70
1 April 2003	to	30 September 2003	\$1,321.90
1 October 2003	to	31 March 2004	\$1,348.60
1 April 2004	to	30 September 2004	\$1,373.10
1 October 2004	to	31 March 2005	\$1,398.30
1 April 2005	to	30 September 2005	\$1,420.50
1 October 2005	to	31 March 2006	\$1,449.50
1 April 2006	to	30 September 2006	\$1,479.40
1 October 2006	to	31 March 2007	\$1,506.90
1 April 2007	to	30 September 2007	\$1,535.90
1 October 2007	to	31 March 2008	\$1,563.50
1 April 2008	to	30 September 2008	\$1,594.00
1 October 2008	to	31 March 2009	\$1,621.60
1 April 2009	to	30 September 2009	\$1,654.40
1 October 2009	to	31 March 2010	\$1,684.30
1 April 2010	to	30 September 2010	\$1,716.40
1 October 2010	to	31 March 2011	\$1,739.30
1 April 2011	to	30 September 2011	\$1,774.50
1 October 2011	to	31 March 2012	\$1,805.00
1 April 2012	to	30 September 2012	\$1,838.70
1 October 2012	to	31 March 2013	\$1,868.50
1 April 2013	to	30 September 2013	\$1,903.70
1 October 2013	to	31 March 2014	\$1,924.30
1 April 2014	to	30 September 2014	\$1,948.80
1 October 2014	to	31 March 2015	\$1,974.00
1 April 2015	to	30 September 2015	\$1,999.20
1 October 2015	to	31 March 2016	\$2,016.10
1 April 2016	to	30 September 2016	\$2,042.80
1 October 2016	to	31 March 2017	\$2,058.10
1 April 2017	to	30 September 2017	\$2,084.90

Section 35 *Workers Compensation Act 1987*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, maximum weekly payment

Applicable from			Maximum weekly payment
30 June 1987	to	30 September 1987	\$159.00
1 October 1987	to	31 March 1988	\$163.50
1 April 1988	to	30 September 1988	\$165.70
1 October 1988	to	31 March 1989	\$169.30
1 April 1989	to	29 June 1989	\$173.50
30 June 1989	to	30 September 1989	\$173.50
1 October 1989	to	31 January 1990	\$179.80
1 February 1990	to	31 March 1990	\$179.80
1 April 1990	to	30 September 1990	\$183.60
1 October 1990	to	31 March 1991	\$192.10
1 April 1991	to	30 September 1991	\$194.60
1 October 1991	to	31 January 1992	\$196.00
1 February 1992	to	31 March 1992	\$235.20
1 April 1992	to	30 September 1992	\$242.20
1 October 1992	to	31 March 1993	\$245.30
1 April 1993	to	30 September 1993	\$246.20
1 October 1993	to	31 March 1994	\$247.40
1 April 1994	to	30 September 1994	\$248.50
1 October 1994	to	31 March 1995	\$250.10
1 April 1995	to	30 September 1995	\$250.80
1 October 1995	to	31 March 1996	\$252.10
1 April 1996	to	30 September 1996	\$253.70
1 October 1996	to	31 March 1997	\$255.50
1 April 1997	to	30 September 1997	\$256.40
1 October 1997	to	31 March 1998	\$261.30
1 April 1998	to	30 September 1998	\$263.30
1 October 1998	to	31 March 1999	\$267.90
1 April 1999	to	30 September 1999	\$272.60
1 October 1999	to	31 March 2000	\$277.10
1 April 2000	to	30 September 2000	\$281.60
1 October 2000	to	31 March 2001	\$284.60
1 April 2001	to	30 September 2001	\$291.10
1 October 2001	to	31 December 2001	\$296.20

Section 37(1)(a)(i) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, maximum weekly payment (cont.)

Applicable from			Maximum weekly payment
1 January 2002	to	31 March 2002	\$296.20
1 April 2002	to	30 September 2002	\$301.40
1 October 2002	to	31 March 2003	\$305.70
1 April 2003	to	30 September 2003	\$310.90
1 October 2003	to	31 March 2004	\$317.20
1 April 2004	to	30 September 2004	\$323.00
1 October 2004	to	31 March 2005	\$328.90
1 April 2005	to	30 September 2005	\$334.10
1 October 2005	to	31 March 2006	\$340.90
1 April 2006	to	30 September 2006	\$347.90
1 October 2006	to	31 March 2007	\$354.40
1 April 2007	to	30 September 2007	\$361.30
1 October 2007	to	31 March 2008	\$367.70
1 April 2008	to	30 September 2008	\$374.90
1 October 2008	to	31 March 2009	\$381.40
1 April 2009	to	30 September 2009	\$389.10
1 October 2009	to	31 March 2010	\$396.10
1 April 2010	to	30 September 2010	\$403.70
1 October 2010	to	31 March 2011	\$409.10
1 April 2011	to	30 September 2011	\$417.40
1 October 2011	to	31 March 2012	\$424.50
1 April 2012	to	30 September 2012	\$432.50
1 October 2012	to	31 March 2013	\$439.50
1 April 2013	to	30 September 2013	\$447.70
1 October 2013	to	31 March 2014	\$452.60
1 April 2014	to	30 September 2014	\$458.40
1 October 2014	to	31 March 2015	\$464.30
1 April 2015	to	30 September 2015	\$470.20
1 October 2015	to	31 March 2016	\$474.20
1 April 2016	to	30 September 2016	\$480.50
1 October 2016	to	31 March 2017	\$484.10
1 April 2017	to	30 September 2017	\$490.40

Section 37(1)(a)(i) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, for workers aged 21 or more, minimum weekly payment

Applicable from			Minimum weekly payment
30 June 1987	to	30 September 1987	\$126.40
1 October 1987	to	31 March 1988	\$130.00
1 April 1988	to	30 September 1988	\$131.10
1 October 1988	to	31 March 1989	\$134.60
1 April 1989	to	29 June 1989	\$138.00
30 June 1989	to	30 September 1989	\$138.00
1 October 1989	to	31 January 1990	\$143.00
1 February 1990	to	31 March 1990	\$143.00
1 April 1990	to	30 September 1990	\$146.00
1 October 1990	to	31 March 1991	\$152.80
1 April 1991	to	30 September 1991	\$154.80
1 October 1991	to	31 January 1992	\$155.90
1 February 1992	to	31 March 1992	\$187.10
1 April 1992	to	30 September 1992	\$192.70
1 October 1992	to	31 March 1993	\$195.10
1 April 1993	to	30 September 1993	\$195.80
1 October 1993	to	31 March 1994	\$196.80
1 April 1994	to	30 September 1994	\$197.70
1 October 1994	to	31 March 1995	\$199.00
1 April 1995	to	30 September 1995	\$199.50
1 October 1995	to	31 March 1996	\$200.50
1 April 1996	to	30 September 1996	\$201.80
1 October 1996	to	31 March 1997	\$203.30
1 April 1997	to	30 September 1997	\$204.00
1 October 1997	to	31 March 1998	\$207.80
1 April 1998	to	30 September 1998	\$209.40
1 October 1998	to	31 March 1999	\$213.10
1 April 1999	to	30 September 1999	\$216.90
1 October 1999	to	31 March 2000	\$220.40
1 April 2000	to	30 September 2000	\$224.00
1 October 2000	to	31 March 2001	\$226.40
1 April 2001	to	30 September 2001	\$231.60
1 October 2001	to	31 December 2001	\$235.60

Section 37(1)(a)(ii) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, for workers aged 21 or more, minimum weekly payment (cont.)

Applicable from			Minimum weekly payment
1 January 2002	to	31 March 2002	\$235.60
1 April 2002	to	30 September 2002	\$239.70
1 October 2002	to	31 March 2003	\$243.20
1 April 2003	to	30 September 2003	\$247.30
1 October 2003	to	31 March 2004	\$252.30
1 April 2004	to	30 September 2004	\$256.90
1 October 2004	to	31 March 2005	\$261.60
1 April 2005	to	30 September 2005	\$265.80
1 October 2005	to	31 March 2006	\$271.20
1 April 2006	to	30 September 2006	\$276.80
1 October 2006	to	31 March 2007	\$281.90
1 April 2007	to	30 September 2007	\$287.40
1 October 2007	to	31 March 2008	\$292.50
1 April 2008	to	30 September 2008	\$298.20
1 October 2008	to	31 March 2009	\$303.40
1 April 2009	to	30 September 2009	\$309.50
1 October 2009	to	31 March 2010	\$315.10
1 April 2010	to	30 September 2010	\$321.10
1 October 2010	to	31 March 2011	\$325.40
1 April 2011	to	30 September 2011	\$332.00
1 October 2011	to	31 March 2012	\$337.70
1 April 2012	to	30 September 2012	\$344.00
1 October 2012	to	31 March 2013	\$349.60
1 April 2013	to	30 September 2013	\$356.20
1 October 2013	to	31 March 2014	\$360.00
1 April 2014	to	30 September 2014	\$364.60
1 October 2014	to	31 March 2015	\$369.30
1 April 2015	to	30 September 2015	\$374.10
1 October 2015	to	31 March 2016	\$377.20
1 April 2016	to	30 September 2016	\$382.20
1 October 2016	to	31 March 2017	\$385.10
1 April 2017	to	30 September 2017	\$390.10

Section 37(1)(a)(ii) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, where average weekly earnings do not exceed Column A, weekly payment is 100 per cent of earnings, subject to an upper limit of Column B

Applicable from			Column A Upper limit of average weekly earnings	Column B Maximum weekly payment
30 June 1987	to	30 September 1987	\$114.90	\$103.40
1 October 1987	to	31 March 1988	\$118.10	\$106.30
1 April 1988	to	30 September 1988	\$119.80	\$107.80
1 October 1988	to	31 March 1989	\$122.30	\$110.10
1 April 1989	to	29 June 1989	\$125.40	\$112.80
30 June 1989	to	30 September 1989	\$125.40	\$112.90
1 October 1989	to	31 January 1990	\$129.90	\$117.00
1 February 1990	to	31 March 1990	\$129.90	\$117.00
1 April 1990	to	30 September 1990	\$132.70	\$119.50
1 October 1990	to	31 March 1991	\$138.80	\$125.00
1 April 1991	to	30 September 1991	\$140.70	\$126.70
1 October 1991	to	31 January 1992	\$141.60	\$127.50
1 February 1992	to	31 March 1992	\$170.00	\$153.00
1 April 1992	to	30 September 1992	\$175.10	\$157.60
1 October 1992	to	31 March 1993	\$177.30	\$159.60
1 April 1993	to	30 September 1993	\$177.90	\$160.10
1 October 1993	to	31 March 1994	\$178.80	\$161.00
1 April 1994	to	30 September 1994	\$179.60	\$161.70
1 October 1994	to	31 March 1995	\$180.80	\$162.70
1 April 1995	to	30 September 1995	\$181.30	\$163.20
1 October 1995	to	31 March 1996	\$182.20	\$164.00
1 April 1996	to	30 September 1996	\$183.40	\$165.00
1 October 1996	to	31 March 1997	\$184.70	\$166.20
1 April 1997	to	30 September 1997	\$185.30	\$166.80
1 October 1997	to	31 March 1998	\$188.80	\$170.00
1 April 1998	to	30 September 1998	\$190.30	\$171.20
1 October 1998	to	31 March 1999	\$193.70	\$174.30
1 April 1999	to	30 September 1999	\$197.00	\$177.30
1 October 1999	to	31 March 2000	\$200.30	\$180.30
1 April 2000	to	30 September 2000	\$203.50	\$183.20
1 October 2000	to	31 March 2001	\$205.70	\$185.20

Section 37(1)(a)(iii) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, where average weekly earnings do not exceed Column A, weekly payment is 100 per cent of earnings, subject to an upper limit of Column B (cont.)

Applicable from		Column A Upper limit of average weekly earnings	Column B Maximum weekly payment
1 April 2001	to 30 September 2001	\$210.40	\$189.40
1 October 2001	to 31 December 2001	\$214.10	\$192.70
1 January 2002	to 31 March 2002	\$214.10	\$192.70
1 April 2002	to 30 September 2002	\$217.80	\$196.00
1 October 2002	to 31 March 2003	\$220.90	\$198.90
1 April 2003	to 30 September 2003	\$224.70	\$202.20
1 October 2003	to 31 March 2004	\$229.30	\$206.30
1 April 2004	to 30 September 2004	\$233.40	\$210.10
1 October 2004	to 31 March 2005	\$237.70	\$213.90
1 April 2005	to 30 September 2005	\$241.50	\$217.30
1 October 2005	to 31 March 2006	\$246.40	\$221.80
1 April 2006	to 30 September 2006	\$251.50	\$226.30
1 October 2006	to 31 March 2007	\$256.20	\$230.60
1 April 2007	to 30 September 2007	\$261.10	\$235.00
1 October 2007	to 31 March 2008	\$265.80	\$239.20
1 April 2008	to 30 September 2008	\$271.00	\$243.90
1 October 2008	to 31 March 2009	\$275.70	\$248.10
1 April 2009	to 30 September 2009	\$281.30	\$253.10
1 October 2009	to 31 March 2010	\$286.30	\$257.70
1 April 2010	to 30 September 2010	\$291.80	\$262.60
1 October 2010	to 31 March 2011	\$295.70	\$266.10
1 April 2011	to 30 September 2011	\$301.70	\$271.50
1 October 2011	to 31 March 2012	\$306.90	\$276.20
1 April 2012	to 30 September 2012	\$312.60	\$281.30
1 October 2012	to 31 March 2013	\$317.60	\$285.90
1 April 2013	to 30 September 2013	\$323.60	\$291.30
1 October 2013	to 31 March 2014	\$327.10	\$294.40
1 April 2014	to 30 September 2014	\$331.30	\$298.20
1 October 2014	to 31 March 2015	\$335.60	\$302.00
1 April 2015	to 30 September 2015	\$339.90	\$305.90
1 October 2015	to 31 March 2016	\$342.70	\$308.50
1 April 2016	to 30 September 2016	\$347.30	\$312.60
1 October 2016	to 31 March 2017	\$349.90	\$314.90
1 April 2017	to 30 September 2017	\$354.40	\$319.00

Section 37(1)(a)(iii) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, additional payments for spouse and/or dependant children

Applicable from			Weekly payment					
			Dependant spouse	1 Dependant child	2 Dependant children	3 Dependant children	4 Dependant children	Each additional child in excess of 4
30 June 1987	to	30 September 1987	\$42.00	\$30.00	\$67.00	\$111.00	\$156.00	\$45.00
1 October 1987	to	31 March 1988	\$43.20	\$30.90	\$68.90	\$114.10	\$160.40	\$46.30
1 April 1988	to	30 September 1988	\$43.80	\$31.30	\$69.80	\$115.70	\$162.60	\$46.90
1 October 1988	to	31 March 1989	\$44.70	\$31.90	\$71.30	\$118.20	\$166.10	\$47.90
1 April 1989	to	29 June 1989	\$45.80	\$32.70	\$73.10	\$121.10	\$170.30	\$49.10
30 June 1989	to	30 September 1989	\$45.80	\$32.70	\$73.10	\$121.10	\$170.30	\$49.10
1 October 1989	to	31 January 1990	\$47.50	\$33.90	\$75.70	\$125.50	\$176.50	\$50.90
1 February 1990	to	31 March 1990	\$47.50	\$33.90	\$75.70	\$125.50	\$176.50	\$50.90
1 April 1990	to	30 September 1990	\$48.50	\$34.60	\$77.40	\$128.20	\$180.20	\$52.00
1 October 1990	to	31 March 1991	\$50.70	\$36.20	\$80.90	\$134.10	\$188.50	\$54.40
1 April 1991	to	30 September 1991	\$51.40	\$36.70	\$82.00	\$135.80	\$191.00	\$55.10
1 October 1991	to	31 January 1992	\$51.70	\$36.90	\$82.60	\$136.80	\$192.40	\$55.50
1 February 1992	to	31 March 1992	\$62.00	\$44.30	\$99.10	\$164.16	\$230.90	\$66.60
1 April 1992	to	30 September 1992	\$63.80	\$45.60	\$102.10	\$169.00	\$237.80	\$68.60
1 October 1992	to	31 March 1993	\$64.70	\$46.20	\$103.30	\$171.20	\$240.80	\$69.50
1 April 1993	to	30 September 1993	\$64.90	\$46.40	\$103.70	\$171.80	\$241.70	\$69.70
1 October 1993	to	31 March 1994	\$65.20	\$46.60	\$104.30	\$172.70	\$242.90	\$70.10
1 April 1994	to	30 September 1994	\$65.50	\$46.80	\$104.70	\$173.40	\$244.00	\$70.40
1 October 1994	to	31 March 1995	\$65.90	\$47.10	\$105.40	\$174.60	\$245.60	\$70.80
1 April 1995	to	30 September 1995	\$66.10	\$47.20	\$105.70	\$175.10	\$246.30	\$71.00
1 October 1995	to	31 March 1996	\$66.50	\$47.50	\$106.20	\$176.00	\$247.50	\$71.40

Sections 37 (1)(b) and 37 (1)(c) *Workers Compensation Act 1987*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, additional payments for spouse and/or dependant children (cont.)

Applicable from			Weekly payment					
			Dependant spouse	1 Dependant child	2 Dependant children	3 Dependant children	4 Dependant children	Each additional child in excess of 4
1 April 1996	to	30 September 1996	\$66.90	\$47.80	\$106.90	\$177.10	\$249.10	\$71.80
1 October 1996	to	31 March 1997	\$67.40	\$48.10	\$107.70	\$178.30	\$250.80	\$72.40
1 April 1997	to	30 September 1997	\$67.60	\$48.30	\$108.00	\$179.00	\$251.70	\$72.60
1 October 1997	to	31 March 1998	\$68.90	\$49.20	\$110.10	\$182.40	\$256.50	\$74.00
1 April 1998	to	30 September 1998	\$69.40	\$49.60	\$110.90	\$183.70	\$258.40	\$74.50
1 October 1998	to	31 March 1999	\$70.60	\$50.50	\$112.90	\$187.00	\$263.00	\$75.90
1 April 1999	to	30 September 1999	\$71.90	\$51.30	\$114.90	\$190.30	\$267.60	\$77.20
1 October 1999	to	31 March 2000	\$73.00	\$52.20	\$116.80	\$193.40	\$272.00	\$78.50
1 April 2000	to	30 September 2000	\$74.20	\$53.00	\$118.60	\$196.50	\$276.40	\$79.70
1 October 2000	to	31 March 2001	\$75.00	\$53.60	\$119.90	\$198.70	\$279.40	\$80.60
1 April 2001	to	30 September 2001	\$76.70	\$54.80	\$122.70	\$203.20	\$285.80	\$82.40
1 October 2001	to	31 December 2001	\$78.10	\$55.80	\$124.80	\$206.70	\$290.70	\$83.90
1 January 2002	to	31 March 2002	\$78.10	\$55.80	\$124.80	\$206.70	\$290.70	\$83.90
1 April 2002	to	30 September 2002	\$79.40	\$56.80	\$127.00	\$210.30	\$295.90	\$85.30
1 October 2002	to	31 March 2003	\$80.60	\$57.60	\$128.80	\$213.40	\$300.10	\$86.60
1 April 2003	to	30 September 2003	\$82.00	\$58.60	\$131.00	\$217.00	\$305.20	\$88.00
1 October 2003	to	31 March 2004	\$83.60	\$59.70	\$133.60	\$221.40	\$311.40	\$89.80
1 April 2004	to	30 September 2004	\$85.10	\$60.80	\$136.10	\$225.40	\$317.00	\$91.40
1 October 2004	to	31 March 2005	\$86.70	\$61.90	\$138.60	\$229.50	\$322.90	\$93.10
1 April 2005	to	30 September 2005	\$88.10	\$62.90	\$140.80	\$233.20	\$328.00	\$94.60
1 October 2005	to	31 March 2006	\$89.90	\$64.20	\$143.70	\$238.00	\$334.70	\$96.50

Sections 37 (1)(b) and 37 (1)(c) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

After 26 weeks, additional payments for spouse and/or dependant children (cont.)

Applicable from			Weekly payment					
			Dependant spouse	1 Dependant child	2 Dependant children	3 Dependant children	4 Dependant children	Each additional child in excess of 4
1 April 2006	to	30 September 2006	\$91.70	\$65.50	\$146.60	\$242.90	\$341.60	\$98.50
1 October 2006	to	31 March 2007	\$93.40	\$66.80	\$149.30	\$247.40	\$347.90	\$100.40
1 April 2007	to	30 September 2007	\$95.20	\$68.00	\$152.20	\$252.10	\$354.60	\$102.30
1 October 2007	to	31 March 2008	\$96.90	\$69.30	\$154.90	\$256.70	\$361.00	\$104.10
1 April 2008	to	30 September 2008	\$98.80	\$70.60	\$158.00	\$261.70	\$368.10	\$106.20
1 October 2008	to	31 March 2009	\$100.50	\$71.80	\$160.70	\$266.20	\$374.40	\$108.00
1 April 2009	to	30 September 2009	\$102.60	\$73.30	\$164.00	\$271.60	\$382.00	\$110.20
1 October 2009	to	31 March 2010	\$104.40	\$74.60	\$166.90	\$276.50	\$388.90	\$112.20
1 April 2010	to	30 September 2010	\$106.40	\$76.00	\$170.10	\$281.80	\$396.30	\$114.30
1 October 2010	to	31 March 2011	\$107.80	\$77.10	\$172.40	\$285.50	\$401.60	\$115.80
1 April 2011	to	30 September 2011	\$110.00	\$78.60	\$175.80	\$291.30	\$409.70	\$118.20
1 October 2011	to	31 March 2012	\$111.90	\$80.00	\$178.90	\$296.30	\$416.80	\$120.20
1 April 2012	to	30 September 2012	\$114.00	\$81.50	\$182.20	\$301.80	\$424.60	\$122.50
1 October 2012	to	31 March 2013	\$115.80	\$82.80	\$185.20	\$306.70	\$431.40	\$124.40
1 April 2013	to	30 September 2013	\$118.00	\$84.30	\$188.70	\$312.50	\$439.60	\$126.80
1 October 2013	to	31 March 2014	\$119.30	\$85.20	\$190.70	\$315.90	\$444.30	\$128.20
1 April 2014	to	30 September 2014	\$120.80	\$86.30	\$193.10	\$319.90	\$450.00	\$129.80
1 October 2014	to	31 March 2015	\$122.40	\$87.40	\$195.60	\$324.10	\$455.80	\$131.50
1 April 2015	to	30 September 2015	\$124.00	\$88.60	\$198.10	\$328.20	\$461.60	\$133.10
1 October 2015	to	31 March 2016	\$125.00	\$89.30	\$199.80	\$331.00	\$465.50	\$134.30
1 April 2016	to	30 September 2016	\$126.70	\$90.50	\$202.40	\$335.30	\$471.70	\$136.10
1 October 2016	to	31 March 2017	\$127.60	\$91.20	\$204.00	\$337.90	\$475.20	\$137.10
1 April 2017	to	30 September 2017	\$129.30	\$92.40	\$206.60	\$342.30	\$481.40	\$138.90

Sections 37 (1)(b) and 37 (1)(c) Workers Compensation Act 1987

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

Weekly wage rate, where no award exists

Applicable from			Weekly payment
30 June 1987	to	30 September 1987	\$276.92
1 October 1987	to	31 March 1988	\$284.70
1 April 1988	to	30 September 1988	\$288.60
1 October 1988	to	31 March 1989	\$294.80
1 April 1989	to	29 June 1989	\$302.20
30 June 1989	to	31 September 1989	\$302.20
1 October 1989	to	31 January 1990	\$313.20
1 February 1990	to	31 March 1990	\$313.20
1 April 1990	to	30 September 1990	\$319.80
1 October 1990	to	31 March 1991	\$334.60
1 April 1991	to	30 September 1991	\$339.00
1 October 1991	to	31 January 1992	\$341.30
1 February 1992	to	31 March 1992	\$341.30
1 April 1992	to	30 September 1992	\$351.50
1 October 1992	to	31 March 1993	\$355.90
1 April 1993	to	30 September 1993	\$357.20
1 October 1993	to	31 March 1994	\$359.00
1 April 1994	to	30 September 1994	\$360.60
1 October 1994	to	31 March 1995	\$363.00
1 April 1995	to	30 September 1995	\$364.00
1 October 1995	to	31 March 1996	\$365.80
1 April 1996	to	30 September 1996	\$368.20
1 October 1996	to	31 March 1997	\$370.80
1 April 1997	to	30 September 1997	\$372.10
1 October 1997	to	31 March 1998	\$379.10
1 April 1998	to	30 September 1998	\$382.00
1 October 1998	to	31 March 1999	\$388.80
1 April 1999	to	30 September 1999	\$395.60
1 October 1999	to	31 March 2000	\$402.10
1 April 2000	to	30 September 2000	\$408.60
1 October 2000	to	31 March 2001	\$413.10
1 April 2001	to	30 September 2001	\$422.50
1 October 2001	to	31 December 2001	\$429.80
1 January 2002	to	31 March 2002	\$429.80
1 April 2002	to	30 September 2002	\$437.30
1 October 2002	to	31 March 2003	\$443.60

Schedule 6 Part 4 Clause 7 *Workers Compensation Act 1987*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

Weekly wage rate, where no award exists (cont.)

Applicable from			Weekly payment
1 April 2003	to	30 September 2003	\$451.20
1 October 2003	to	31 March 2004	\$460.30
1 April 2004	to	30 September 2004	\$468.60
1 October 2004	to	31 March 2005	\$477.20
1 April 2005	to	30 September 2005	\$484.80
1 October 2005	to	31 March 2006	\$494.70
1 April 2006	to	30 September 2006	\$504.90
1 October 2006	to	31 March 2007	\$514.30
1 April 2007	to	30 September 2007	\$524.20
1 October 2007	to	31 March 2008	\$533.60
1 April 2008	to	30 September 2008	\$544.00
1 October 2008	to	31 March 2009	\$553.40
1 April 2009	to	30 September 2009	\$564.70
1 October 2009	to	31 March 2010	\$574.80
1 April 2010	to	30 September 2010	\$585.80
1 October 2010	to	31 March 2011	\$593.60
1 April 2011	to	30 September 2011	\$605.60
1 October 2011	to	31 March 2012	\$616.10
1 April 2012	to	30 September 2012	\$627.50
1 October 2012	to	31 March 2013	\$637.70
1 April 2013	to	30 September 2013	\$649.70
1 October 2013	to	31 March 2014	\$656.80
1 April 2014	to	30 September 2014	\$665.10
1 October 2014	to	31 March 2015	\$673.70
1 April 2015	to	30 September 2015	\$682.30
1 October 2015	to	31 March 2016	\$688.10
1 April 2016	to	30 September 2016	\$697.20
1 October 2016	to	31 March 2017	\$702.40
1 April 2017	to	30 September 2017	\$711.60

Schedule 6 Part 4 Clause 7 *Workers Compensation Act 1987*

This applies to a worker who became entitled to receive weekly payments in respect of incapacity for work before the commencement of Schedule 1 (5) to the *Workers Compensation (Benefits) Amendment Act 1991* and who, immediately before becoming so entitled, was not a worker to whom Section 42 (1) (a), (b) or (c) of the *Workers Compensation Act 1987* applied.

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

Partial incapacity weekly payment, formula ceiling

Applicable from			Maximum weekly payment
30 June 1987	to	30 September 1987	\$500.00
1 October 1987	to	31 March 1988	\$514.10
1 April 1988	to	30 September 1988	\$521.10
1 October 1988	to	31 March 1989	\$532.30
1 April 1989	to	29 June 1989	\$545.70
30 June 1989	to	30 September 1989	\$545.70
1 October 1989	to	31 January 1990	\$565.50
1 February 1990	to	31 March 1990	\$565.50
1 April 1990	to	30 September 1990	\$577.50
1 October 1990	to	31 March 1991	\$604.10
1 April 1991	to	30 September 1991	\$612.10
1 October 1991	to	31 January 1992	\$616.40
1 February 1992	to	31 March 1992	\$1,000.00
1 April 1992	to	30 September 1992	\$1,029.80
1 October 1992	to	31 March 1993	\$1,042.80
1 April 1993	to	30 September 1993	\$1,046.60
1 October 1993	to	31 March 1994	\$1,052.00
1 April 1994	to	30 September 1994	\$1,056.60
1 October 1994	to	31 March 1995	\$1,063.50
1 April 1995	to	30 September 1995	\$1,066.50
1 October 1995	to	31 March 1996	\$1,071.90
1 April 1996	to	30 September 1996	\$1,078.70
1 October 1996	to	31 March 1997	\$1,086.40
1 April 1997	to	30 September 1997	\$1,090.20
1 October 1997	to	31 March 1998	\$1,110.90
1 April 1998	to	30 September 1998	\$1,119.30
1 October 1998	to	31 March 1999	\$1,139.10
1 April 1999	to	30 September 1999	\$1,159.00
1 October 1999	to	31 March 2000	\$1,178.10
1 April 2000	to	30 September 2000	\$1,197.20
1 October 2000	to	31 March 2001	\$1,210.20
1 April 2001	to	30 September 2001	\$1,237.80
1 October 2001	to	31 December 2001	\$1,259.20

Section 40 *Workers Compensation Act 1987*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987

Partial incapacity weekly payment, formula ceiling (cont.)

Applicable from			Maximum weekly payment
1 January 2002	to	31 March 2002	\$1,259.20
1 April 2002	to	30 September 2002	\$1,281.30
1 October 2002	to	31 March 2003	\$1,299.70
1 April 2003	to	30 September 2003	\$1,321.90
1 October 2003	to	31 March 2004	\$1,348.60
1 April 2004	to	30 September 2004	\$1,373.10
1 October 2004	to	31 March 2005	\$1,398.30
1 April 2005	to	30 September 2005	\$1,420.50
1 October 2005	to	31 March 2006	\$1,449.50
1 April 2006	to	30 September 2006	\$1,479.40
1 October 2006	to	31 March 2007	\$1,506.90
1 April 2007	to	30 September 2007	\$1,535.90
1 October 2007	to	31 March 2008	\$1,563.50
1 April 2008	to	30 September 2008	\$1,594.00
1 October 2008	to	31 March 2009	\$1,621.60
1 April 2009	to	30 September 2009	\$1,654.40
1 October 2009	to	31 March 2010	\$1,684.30
1 April 2010	to	30 September 2010	\$1,716.40
1 October 2010	to	31 March 2011	\$1,739.30
1 April 2011	to	30 September 2011	\$1,774.50
1 October 2011	to	31 March 2012	\$1,805.00
1 April 2012	to	30 September 2012	\$1,838.70
1 October 2012	to	31 March 2013	\$1,868.50
1 April 2013	to	30 September 2013	\$1,903.70
1 October 2013	to	31 March 2014	\$1,924.30
1 April 2014	to	30 September 2014	\$1,948.80
1 October 2014	to	31 March 2015	\$1,974.00
1 April 2015	to	30 September 2015	\$1,999.20
1 October 2015	to	31 March 2016	\$2,016.10
1 April 2016	to	30 September 2016	\$2,042.80
1 October 2016	to	31 March 2017	\$2,058.10
1 April 2017	to	30 September 2017	\$2,084.90

Section 40 *Workers Compensation Act 1987*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, maximum weekly payment (no Dependants)

Applicable from			Maximum weekly payment
30 June 1987	to	30 September 1987	\$159.00
1 October 1987	to	31 March 1988	\$163.50
1 April 1988	to	30 September 1988	\$165.70
1 October 1988	to	31 March 1989	\$169.30
1 April 1989	to	29 June 1989	\$173.50
30 June 1989	to	30 September 1989	\$173.50
1 October 1989	to	31 January 1990	\$179.80
1 February 1990	to	31 March 1990	\$179.80
1 April 1990	to	30 September 1990	\$183.60
1 October 1990	to	31 March 1991	\$192.10
1 April 1991	to	30 September 1991	\$194.60
1 October 1991	to	31 January 1992	\$196.00
1 February 1992	to	31 March 1992	\$196.00
1 April 1992	to	30 September 1992	\$201.80
1 October 1992	to	31 March 1993	\$204.40
1 April 1993	to	30 September 1993	\$205.10
1 October 1993	to	31 March 1994	\$206.20
1 April 1994	to	30 September 1994	\$207.10
1 October 1994	to	31 March 1995	\$208.40
1 April 1995	to	30 September 1995	\$209.00
1 October 1995	to	31 March 1996	\$210.10
1 April 1996	to	30 September 1996	\$211.40
1 October 1996	to	31 March 1997	\$212.90
1 April 1997	to	30 September 1997	\$213.70
1 October 1997	to	31 March 1998	\$217.70
1 April 1998	to	30 September 1998	\$219.40
1 October 1998	to	31 March 1999	\$223.30
1 April 1999	to	30 September 1999	\$227.20
1 October 1999	to	31 March 2000	\$230.90
1 April 2000	to	30 September 2000	\$234.70
1 October 2000	to	31 March 2001	\$237.20
1 April 2001	to	30 September 2001	\$242.60
1 October 2001	to	31 March 2002	\$246.80
1 April 2002	to	30 September 2002	\$251.10
1 October 2002	to	31 March 2003	\$254.70

Schedule 6 Part 4 Clause 4A (2)(a) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, maximum weekly payment (no Dependants) (cont.)

Applicable from			Maximum weekly payment
1 April 2003	to	30 September 2003	\$259.10
1 October 2003	to	31 March 2004	\$264.30
1 April 2004	to	30 September 2004	\$269.10
1 October 2004	to	31 March 2005	\$274.10
1 April 2005	to	30 September 2005	\$278.40
1 October 2005	to	31 March 2006	\$284.10
1 April 2006	to	30 September 2006	\$290.00
1 October 2006	to	31 March 2007	\$295.40
1 April 2007	to	30 September 2007	\$301.00
1 October 2007	to	31 March 2008	\$306.40
1 April 2008	to	30 September 2008	\$312.40
1 October 2008	to	31 March 2009	\$317.80
1 April 2009	to	30 September 2009	\$324.30
1 October 2009	to	31 March 2010	\$330.10
1 April 2010	to	30 September 2010	\$336.40
1 October 2010	to	31 March 2011	\$340.90
1 April 2011	to	30 September 2011	\$347.80
1 October 2011	to	31 March 2012	\$353.80
1 April 2012	to	30 September 2012	\$360.40
1 October 2012	to	31 March 2013	\$366.20
1 April 2013	to	30 September 2013	\$373.10
1 October 2013	to	31 March 2014	\$377.20
1 April 2014	to	30 September 2014	\$382.00
1 October 2014	to	31 March 2015	\$386.90
1 April 2015	to	30 September 2015	\$391.90
1 October 2015	to	31 March 2016	\$395.10
1 April 2016	to	30 September 2016	\$400.40
1 October 2016	to	31 March 2017	\$403.40
1 April 2017	to	30 September 2017	\$408.60

Schedule 6 Part 4 Clause 4A (2)(a) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, for workers aged 21 or more, minimum weekly payment

Applicable from			Minimum weekly payment
30 June 1987	to	30 September 1987	\$126.40
1 October 1987	to	31 March 1988	\$130.00
1 April 1988	to	30 September 1988	\$131.70
1 October 1988	to	31 March 1989	\$134.60
1 April 1989	to	29 June 1989	\$137.90
30 June 1989	to	30 September 1989	\$138.00
1 October 1989	to	31 January 1990	\$143.00
1 February 1990	to	31 March 1990	\$143.00
1 April 1990	to	30 September 1990	\$146.00
1 October 1990	to	31 March 1991	\$152.80
1 April 1991	to	30 September 1991	\$154.80
1 October 1991	to	31 January 1992	\$155.90
1 February 1992	to	31 March 1992	\$155.90
1 April 1992	to	30 September 1992	\$160.50
1 October 1992	to	31 March 1993	\$162.60
1 April 1993	to	30 September 1993	\$163.20
1 October 1993	to	31 March 1994	\$164.00
1 April 1994	to	30 September 1994	\$164.70
1 October 1994	to	31 March 1995	\$165.80
1 April 1995	to	30 September 1995	\$166.30
1 October 1995	to	31 March 1996	\$167.10
1 April 1996	to	30 September 1996	\$168.20
1 October 1996	to	31 March 1997	\$169.40
1 April 1997	to	30 September 1997	\$170.00
1 October 1997	to	31 March 1998	\$173.20
1 April 1998	to	30 September 1998	\$174.50
1 October 1998	to	31 March 1999	\$177.60
1 April 1999	to	30 September 1999	\$180.70
1 October 1999	to	31 March 2000	\$183.70
1 April 2000	to	30 September 2000	\$186.70
1 October 2000	to	31 March 2001	\$188.70
1 April 2001	to	30 September 2001	\$193.00
1 October 2001	to	31 March 2002	\$196.30
1 April 2002	to	30 September 2002	\$199.80
1 October 2002	to	31 March 2003	\$202.60

Schedule 6 Part 4 Clause 4A (2)(b) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, for workers aged 21 or more, minimum weekly payment (cont.)

Applicable from			Minimum weekly payment
1 April 2003	to	30 September 2003	\$206.10
1 October 2003	to	31 March 2004	\$210.30
1 April 2004	to	30 September 2004	\$214.10
1 October 2004	to	31 March 2005	\$218.00
1 April 2005	to	30 September 2005	\$221.50
1 October 2005	to	31 March 2006	\$226.00
1 April 2006	to	30 September 2006	\$230.60
1 October 2006	to	31 March 2007	\$234.90
1 April 2007	to	30 September 2007	\$239.50
1 October 2007	to	31 March 2008	\$243.70
1 April 2008	to	30 September 2008	\$248.50
1 October 2008	to	31 March 2009	\$252.80
1 April 2009	to	30 September 2009	\$257.90
1 October 2009	to	31 March 2010	\$262.60
1 April 2010	to	30 September 2010	\$267.60
1 October 2010	to	31 March 2011	\$271.20
1 April 2011	to	30 September 2011	\$276.60
1 October 2011	to	31 March 2012	\$281.40
1 April 2012	to	30 September 2012	\$286.70
1 October 2012	to	31 March 2013	\$291.30
1 April 2013	to	30 September 2013	\$296.80
1 October 2013	to	31 March 2014	\$300.00
1 April 2014	to	30 September 2014	\$303.80
1 October 2014	to	31 March 2015	\$307.70
1 April 2015	to	30 September 2015	\$311.70
1 October 2015	to	31 March 2016	\$314.30
1 April 2016	to	30 September 2016	\$318.50
1 October 2016	to	31 March 2017	\$320.90
1 April 2017	to	30 September 2017	\$325.00

Schedule 6 Part 4 Clause 4A (2)(b) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, additional payment for a Dependant spouse

Applicable from			Weekly payment
30 June 1987	to	30 September 1987	\$36.40
1 October 1987	to	31 March 1988	\$37.40
1 April 1988	to	30 September 1988	\$37.90
1 October 1988	to	31 March 1989	\$38.70
1 April 1989	to	29 June 1989	\$39.70
30 June 1989	to	30 September 1989	\$39.70
1 October 1989	to	31 January 1990	\$41.10
1 February 1990	to	31 March 1990	\$41.10
1 April 1990	to	30 September 1990	\$42.00
1 October 1990	to	31 March 1991	\$44.00
1 April 1991	to	30 September 1991	\$44.50
1 October 1991	to	31 January 1992	\$44.80
1 February 1992	to	31 March 1992	\$44.80
1 April 1992	to	30 September 1992	\$46.10
1 October 1992	to	31 March 1993	\$46.70
1 April 1993	to	30 September 1993	\$46.90
1 October 1993	to	31 March 1994	\$47.10
1 April 1994	to	30 September 1994	\$47.30
1 October 1994	to	31 March 1995	\$47.60
1 April 1995	to	30 September 1995	\$47.80
1 October 1995	to	31 March 1996	\$48.00
1 April 1996	to	30 September 1996	\$48.30
1 October 1996	to	31 March 1997	\$48.70
1 April 1997	to	30 September 1997	\$48.80
1 October 1997	to	31 March 1998	\$49.80
1 April 1998	to	30 September 1998	\$50.10
1 October 1998	to	31 March 1999	\$51.00
1 April 1999	to	30 September 1999	\$51.90
1 October 1999	to	31 March 2000	\$52.80
1 April 2000	to	30 September 2000	\$53.60
1 October 2000	to	31 March 2001	\$54.20
1 April 2001	to	30 September 2001	\$55.50
1 October 2001	to	31 March 2002	\$56.40
1 April 2002	to	30 September 2002	\$57.40
1 October 2002	to	31 March 2003	\$58.20

Schedule 6 Part 4 Clause 4 (1)(b)(i) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, additional payment for a Dependant spouse (cont.)

Applicable from			Weekly payment
1 April 2003	to	30 September 2003	\$59.20
1 October 2003	to	31 March 2004	\$60.40
1 April 2004	to	30 September 2004	\$61.50
1 October 2004	to	31 March 2005	\$62.60
1 April 2005	to	30 September 2005	\$63.60
1 October 2005	to	31 March 2006	\$64.90
1 April 2006	to	30 September 2006	\$66.30
1 October 2006	to	31 March 2007	\$67.50
1 April 2007	to	30 September 2007	\$68.80
1 October 2007	to	31 March 2008	\$70.00
1 April 2008	to	30 September 2008	\$71.40
1 October 2008	to	31 March 2009	\$72.60
1 April 2009	to	30 September 2009	\$74.10
1 October 2009	to	31 March 2010	\$75.50
1 April 2010	to	30 September 2010	\$76.90
1 October 2010	to	31 March 2011	\$77.90
1 April 2011	to	30 September 2011	\$79.50
1 October 2011	to	31 March 2012	\$80.90
1 April 2012	to	30 September 2012	\$82.40
1 October 2012	to	31 March 2013	\$83.70
1 April 2013	to	30 September 2013	\$85.30
1 October 2013	to	31 March 2014	\$86.20
1 April 2014	to	30 September 2014	\$87.30
1 October 2014	to	31 March 2015	\$88.40
1 April 2015	to	30 September 2015	\$89.60
1 October 2015	to	31 March 2016	\$90.30
1 April 2016	to	30 September 2016	\$91.50
1 October 2016	to	31 March 2017	\$92.20
1 April 2017	to	30 September 2017	\$93.40

Schedule 6 Part 4 Clause 4 (1)(b)(i) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, additional payment for each Dependant child

Applicable from			Weekly payment
30 June 1987	to	30 September 1987	\$18.20
1 October 1987	to	31 March 1988	\$18.70
1 April 1988	to	30 September 1988	\$19.00
1 October 1988	to	31 March 1989	\$19.40
1 April 1989	to	29 June 1989	\$19.90
30 June 1989	to	30 September 1989	\$19.90
1 October 1989	to	31 January 1990	\$20.60
1 February 1990	to	31 March 1990	\$20.60
1 April 1990	to	30 September 1990	\$21.10
1 October 1990	to	31 March 1991	\$22.00
1 April 1991	to	30 September 1991	\$22.30
1 October 1991	to	31 January 1992	\$22.50
1 February 1992	to	31 March 1992	\$22.50
1 April 1992	to	30 September 1992	\$23.20
1 October 1992	to	31 March 1993	\$23.50
1 April 1993	to	30 September 1993	\$23.50
1 October 1993	to	31 March 1994	\$23.70
1 April 1994	to	30 September 1994	\$23.80
1 October 1994	to	31 March 1995	\$23.90
1 April 1995	to	30 September 1995	\$24.00
1 October 1995	to	31 March 1996	\$24.10
1 April 1996	to	30 September 1996	\$24.30
1 October 1996	to	31 March 1997	\$24.40
1 April 1997	to	30 September 1997	\$24.50
1 October 1997	to	31 March 1998	\$25.00
1 April 1998	to	30 September 1998	\$25.20
1 October 1998	to	31 March 1999	\$25.60
1 April 1999	to	30 September 1999	\$26.10
1 October 1999	to	31 March 2000	\$26.50
1 April 2000	to	30 September 2000	\$26.90
1 October 2000	to	31 March 2001	\$27.20
1 April 2001	to	30 September 2001	\$27.80
1 October 2001	to	31 March 2002	\$28.30
1 April 2002	to	30 September 2002	\$28.80
1 October 2002	to	31 March 2003	\$29.20

Schedule 6 Part 4 Clause 4 (1)(b)(ii) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, additional payment for each Dependant child (Cont.)

Applicable from			Weekly payment
1 April 2003	to	30 September 2003	\$29.70
1 October 2003	to	31 March 2004	\$30.30
1 April 2004	to	30 September 2004	\$30.90
1 October 2004	to	31 March 2005	\$31.50
1 April 2005	to	30 September 2005	\$32.00
1 October 2005	to	31 March 2006	\$32.60
1 April 2006	to	30 September 2006	\$33.30
1 October 2006	to	31 March 2007	\$33.90
1 April 2007	to	30 September 2007	\$34.60
1 October 2007	to	31 March 2008	\$35.20
1 April 2008	to	30 September 2008	\$35.90
1 October 2008	to	31 March 2009	\$36.50
1 April 2009	to	30 September 2009	\$37.20
1 October 2009	to	31 March 2010	\$37.90
1 April 2010	to	30 September 2010	\$38.60
1 October 2010	to	31 March 2011	\$39.10
1 April 2011	to	30 September 2011	\$39.90
1 October 2011	to	31 March 2012	\$40.60
1 April 2012	to	30 September 2012	\$41.40
1 October 2012	to	31 March 2013	\$42.00
1 April 2013	to	30 September 2013	\$42.80
1 October 2013	to	31 March 2014	\$43.30
1 April 2014	to	30 September 2014	\$43.80
1 October 2014	to	31 March 2015	\$44.40
1 April 2015	to	30 September 2015	\$45.00
1 October 2015	to	31 March 2016	\$45.40
1 April 2016	to	30 September 2016	\$46.00
1 October 2016	to	31 March 2017	\$46.30
1 April 2017	to	30 September 2017	\$46.90

Schedule 6 Part 4 Clause 4 (1)(b)(ii) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, where average weekly earnings do not exceed Column A, weekly payment is 100 per cent of earnings, subject to an upper limit of Column B

Applicable from			Column A Upper limit of average weekly earnings	Column B Maximum weekly payment
1 February 1992	to	31 March 1992	\$141.60	\$127.50
1 April 1992	to	30 September 1992	\$145.80	\$131.30
1 October 1992	to	31 March 1993	\$147.70	\$133.00
1 April 1993	to	30 September 1993	\$148.20	\$133.40
1 October 1993	to	31 March 1994	\$149.00	\$134.10
1 April 1994	to	30 September 1994	\$149.60	\$134.70
1 October 1994	to	31 March 1995	\$150.60	\$135.60
1 April 1995	to	30 September 1995	\$151.00	\$136.00
1 October 1995	to	31 March 1996	\$151.80	\$136.70
1 April 1996	to	30 September 1996	\$152.80	\$137.50
1 October 1996	to	31 March 1997	\$153.80	\$138.50
1 April 1997	to	30 September 1997	\$154.40	\$139.00
1 October 1997	to	31 March 1998	\$157.30	\$141.60
1 April 1998	to	30 September 1998	\$158.50	\$142.70
1 October 1998	to	31 March 1999	\$161.30	\$145.20
1 April 1999	to	30 September 1999	\$164.10	\$147.80
1 October 1999	to	31 March 1999	\$166.80	\$150.20
1 April 2000	to	30 September 2000	\$169.50	\$152.60
1 October 2000	to	31 March 2001	\$171.40	\$154.30
1 April 2001	to	30 September 2001	\$175.30	\$157.80
1 October 2001	to	31 March 2002	\$178.30	\$160.50
1 April 2002	to	30 September 2002	\$181.40	\$163.40
1 October 2002	to	31 March 2003	\$184.00	\$165.70
1 April 2003	to	30 September 2003	\$187.20	\$168.50
1 October 2003	to	31 March 2004	\$191.00	\$171.90
1 April 2004	to	30 September 2004	\$194.40	\$175.10
1 October 2004	to	31 March 2005	\$198.00	\$178.30
1 April 2005	to	30 September 2005	\$201.10	\$181.10
1 October 2005	to	31 March 2006	\$205.30	\$184.80
1 April 2006	to	30 September 2006	\$209.50	\$188.60
1 October 2006	to	31 March 2007	\$213.40	\$192.10

Schedule 6 Part 4 Clause 4A (2)(c) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation Act 1987 (re 1926 Act)

After 26 weeks, where average weekly earnings do not exceed Column A, weekly payment is 100 per cent of earnings, subject to an upper limit of Column B (cont.)

Applicable from			Column A Upper limit of average weekly earnings	Column B Maximum weekly payment
1 April 2007	to	30 September 2007	\$217.50	\$195.80
1 October 2007	to	31 March 2008	\$221.40	\$199.30
1 April 2008	to	30 September 2008	\$225.70	\$203.20
1 October 2008	to	31 March 2009	\$229.60	\$206.70
1 April 2009	to	30 September 2009	\$234.30	\$210.90
1 October 2009	to	31 March 2010	\$238.50	\$214.70
1 April 2010	to	30 September 2010	\$243.00	\$218.80
1 October 2010	to	31 March 2011	\$246.30	\$221.80
1 April 2011	to	30 September 2011	\$251.30	\$226.20
1 October 2011	to	31 March 2012	\$255.60	\$230.10
1 April 2012	to	30 September 2012	\$260.40	\$234.40
1 October 2012	to	31 March 2013	\$264.60	\$238.20
1 April 2013	to	30 September 2013	\$269.60	\$242.70
1 October 2013	to	31 March 2014	\$272.50	\$245.30
1 April 2014	to	30 September 2014	\$275.90	\$248.50
1 October 2014	to	31 March 2015	\$279.50	\$251.70
1 April 2015	to	30 September 2015	\$283.10	\$254.90
1 October 2015	to	31 March 2016	\$285.50	\$257.00
1 April 2016	to	30 September 2016	\$289.30	\$260.50
1 October 2016	to	31 March 2017	\$291.40	\$262.40
1 April 2017	to	30 September 2017	\$295.20	\$265.80

Schedule 6 Part 4 Clause 4A (2)(c) *Workers Compensation Act 1987 (re 1926 Act)*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, maximum weekly payment

Applicable from			Maximum weekly payment
1 April 1992	to	30 June 1992	\$201.80
1 July 1992	to	30 September 1992	\$242.20
1 October 1992	to	31 March 1993	\$245.30
1 April 1993	to	30 September 1993	\$246.20
1 October 1993	to	31 March 1994	\$247.40
1 April 1994	to	30 September 1994	\$248.50
1 October 1994	to	31 March 1995	\$250.10
1 April 1995	to	30 September 1995	\$250.80
1 October 1995	to	31 March 1996	\$252.10
1 April 1996	to	30 September 1996	\$253.70
1 October 1996	to	31 March 1997	\$255.50
1 April 1997	to	30 September 1997	\$256.40
1 October 1997	to	31 March 1998	\$261.30
1 April 1998	to	30 September 1998	\$263.30
1 October 1998	to	31 March 1999	\$267.90
1 April 1999	to	30 September 1999	\$272.60
1 October 1999	to	31 March 2000	\$277.10
1 April 2000	to	30 September 2000	\$281.60
1 October 2000	to	31 March 2001	\$284.60
1 April 2001	to	30 September 2001	\$291.10
1 October 2001	to	31 March 2002	\$296.20
1 April 2002	to	30 September 2002	\$301.40
1 October 2002	to	31 March 2003	\$305.70
1 April 2003	to	30 September 2003	\$310.90
1 October 2003	to	31 March 2004	\$317.20
1 April 2004	to	30 September 2004	\$323.00
1 October 2004	to	31 March 2005	\$328.90
1 April 2005	to	30 September 2005	\$334.10
1 October 2005	to	31 March 2006	\$340.90
1 April 2006	to	30 September 2006	\$347.90
1 October 2006	to	31 March 2007	\$354.40
1 April 2007	to	30 September 2007	\$361.30
1 October 2007	to	31 March 2008	\$367.70
1 April 2008	to	30 September 2008	\$374.90
1 October 2008	to	31 March 2009	\$381.40

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, maximum weekly payment (cont.)

Applicable from		Maximum weekly payment
1 April 2009	to 30 September 2009	\$389.10
1 October 2009	to 31 March 2010	\$396.10
1 April 2010	to 30 September 2010	\$403.70
1 October 2010	to 31 March 2011	\$409.10
1 April 2011	to 30 September 2011	\$417.40
1 October 2011	to 31 March 2012	\$424.50
1 April 2012	to 30 September 2012	\$432.50
1 October 2012	to 31 March 2013	\$439.50
1 April 2013	to 30 September 2013	\$447.70
1 October 2013	to 31 March 2014	\$452.60
1 April 2014	to 30 September 2014	\$458.40
1 October 2014	to 31 March 2015	\$464.30
1 April 2015	to 30 September 2015	\$470.20
1 October 2015	to 31 March 2016	\$474.20
1 April 2016	to 30 September 2016	\$480.50
1 October 2016	to 31 March 2017	\$484.10
1 April 2017	to 30 September 2017	\$490.40

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, for workers aged 21 or more, minimum weekly payment

Applicable from			Minimum weekly payment
1 April 1992	to	30 June 1992	\$160.50
1 July 1992	to	30 September 1992	\$192.70
1 October 1992	to	31 March 1993	\$195.10
1 April 1993	to	30 September 1993	\$195.80
1 October 1993	to	31 March 1994	\$196.80
1 April 1994	to	30 September 1994	\$197.70
1 October 1994	to	31 March 1995	\$199.00
1 April 1995	to	30 September 1995	\$199.50
1 October 1995	to	31 March 1996	\$200.50
1 April 1996	to	30 September 1996	\$201.80
1 October 1996	to	31 March 1997	\$203.30
1 April 1997	to	30 September 1997	\$204.00
1 October 1997	to	31 March 1998	\$207.80
1 April 1998	to	30 September 1998	\$209.40
1 October 1998	to	31 March 1999	\$213.10
1 April 1999	to	30 September 1999	\$216.90
1 October 1999	to	31 March 2000	\$220.40
1 April 2000	to	30 September 2000	\$224.00
1 October 2000	to	31 March 2001	\$226.40
1 April 2001	to	30 September 2001	\$231.60
1 October 2001	to	31 March 2002	\$235.60
1 April 2002	to	30 September 2002	\$239.70
1 October 2002	to	31 March 2003	\$243.20
1 April 2003	to	30 September 2003	\$247.30
1 October 2003	to	31 March 2004	\$252.30
1 April 2004	to	30 September 2004	\$256.90
1 October 2004	to	31 March 2005	\$261.60
1 April 2005	to	30 September 2005	\$265.80
1 October 2005	to	31 March 2006	\$271.20
1 April 2006	to	30 September 2006	\$276.80
1 October 2006	to	31 March 2007	\$281.90
1 April 2007	to	30 September 2007	\$287.40
1 October 2007	to	31 March 2008	\$292.50

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, for workers aged 21 or more, minimum weekly payment (cont.)

Applicable from			Minimum Weekly Payment
1 April 2008	to	30 September 2008	\$298.20
1 October 2008	to	31 March 2009	\$303.40
1 April 2009	to	30 September 2009	\$309.50
1 October 2009	to	31 March 2010	\$315.10
1 April 2010	to	30 September 2010	\$321.10
1 October 2010	to	31 March 2011	\$325.40
1 April 2011	to	30 September 2011	\$332.00
1 October 2011	to	31 March 2012	\$337.70
1 April 2012	to	30 September 2012	\$344.00
1 October 2012	to	31 March 2013	\$349.60
1 April 2013	to	30 September 2013	\$356.20
1 October 2013	To	31 March 2014	\$360.00
1 April 2014	to	30 September 2014	\$364.60
1 October 2014	to	31 March 2015	\$369.30
1 April 2015	to	30 September 2015	\$374.10
1 October 2015	to	31 March 2016	\$377.20
1 April 2016	to	30 September 2016	\$382.20
1 October 2016	to	31 March 2017	\$385.10
1 April 2017	to	30 September 2017	\$390.10

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, where average weekly earnings do not exceed Column A, weekly payment is 100 per cent of earnings, subject to an upper limit of Column B

Applicable from			Column A Upper limit of average weekly earnings	Column B Maximum weekly payment
1 April 1992	to	30 June 1992	\$145.80	\$131.30
1 July 1992	to	30 September 1992	\$175.10	\$157.60
1 October 1992	to	31 March 1993	\$177.30	\$159.60
1 April 1993	to	30 September 1993	\$177.90	\$160.10
1 October 1993	to	31 March 1994	\$178.80	\$161.00
1 April 1994	to	30 September 1994	\$179.60	\$161.70
1 October 1994	to	31 March 1995	\$180.80	\$162.70
1 April 1995	to	30 September 1995	\$181.30	\$163.20
1 October 1995	to	31 March 1996	\$182.20	\$164.00
1 April 1996	to	30 September 1996	\$183.40	\$165.00
1 October 1996	to	31 March 1997	\$184.70	\$166.20
1 April 1997	to	30 September 1997	\$185.30	\$166.80
1 October 1997	to	31 March 1998	\$188.80	\$170.00
1 April 1998	to	30 September 1998	\$190.30	\$171.20
1 October 1998	to	31 March 1999	\$193.70	\$174.30
1 April 1999	to	30 September 1999	\$197.00	\$177.30
1 October 1999	to	31 March 2000	\$200.30	\$180.30
1 April 2000	to	30 September 2000	\$203.50	\$183.20
1 October 2000	to	31 March 2001	\$205.70	\$185.20
1 April 2001	to	30 September 2001	\$210.40	\$189.40
1 October 2001	to	31 March 2002	\$214.10	\$192.70
1 April 2002	to	30 September 2002	\$217.80	\$196.00
1 October 2002	to	31 March 2003	\$220.90	\$198.90
1 April 2003	to	30 September 2003	\$224.70	\$202.20
1 October 2003	to	31 March 2004	\$229.30	\$206.30
1 April 2004	to	30 September 2004	\$233.40	\$210.10
1 October 2004	to	31 March 2005	\$237.70	\$213.90
1 April 2005	to	30 September 2005	\$241.50	\$217.30
1 October 2005	to	31 March 2006	\$246.40	\$221.80
1 April 2006	to	30 September 2006	\$251.50	\$226.30
1 October 2006	to	31 March 2007	\$256.20	\$230.60

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, where average weekly earnings do not exceed Column A, weekly payment is 100 per cent of earnings, subject to an upper limit of Column B (cont.)

Applicable from			Column A Upper limit of average weekly earnings	Column B Maximum weekly payment
1 April 2007	to	30 September 2007	\$261.10	\$235.00
1 October 2007	to	31 March 2008	\$265.80	\$239.20
1 April 2008	to	30 September 2008	\$271.00	\$243.90
1 October 2008	to	31 March 2009	\$275.70	\$248.10
1 April 2009	to	30 September 2009	\$281.30	\$253.10
1 October 2009	to	31 March 2010	\$286.30	\$257.70
1 April 2010	to	30 September 2010	\$291.80	\$262.60
1 October 2010	to	31 March 2011	\$295.70	\$266.10
1 April 2011	to	30 September 2011	\$301.70	\$271.50
1 October 2011	to	31 March 2012	\$306.90	\$376.20
1 April 2012	to	30 September 2012	\$312.60	\$281.30
1 October 2012	to	31 March 2013	\$317.60	\$285.90
1 April 2013	to	30 September 2013	\$323.60	\$291.30
1 October 2013	to	31 March 2014	\$327.10	\$294.40
1 April 2014	to	30 September 2014	\$331.30	\$298.20
1 October 2014	to	31 March 2015	\$335.60	\$302.00
1 April 2015	to	30 September 2015	\$339.90	\$305.90
1 October 2015	to	31 March 2016	\$342.70	\$308.50
1 April 2016	to	30 September 2016	\$347.30	\$312.60
1 October 2016	to	31 March 2017	\$349.90	\$314.90
1 April 2017	to	30 September 2017	\$354.40	\$319.00

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, additional payments for spouse and/or Dependant children

Applicable from			Weekly payment					
			Dependant spouse	1 Dependant child	2 Dependant children	3 Dependant children	4 Dependant children	Each additional child in excess of 4
1 April 1992	to	30 June 1992	\$53.20	\$38.00	\$85.30	\$140.90	\$198.10	\$57.10
1 July 1992	to	30 September 1992	\$63.80	\$45.60	\$102.10	\$169.00	\$237.80	\$68.60
1 October 1992	to	31 March 1993	\$64.70	\$46.20	\$103.30	\$171.20	\$240.80	\$69.50
1 April 1993	to	30 September 1993	\$64.90	\$46.40	\$103.70	\$171.80	\$241.70	\$69.70
1 October 1993	to	31 March 1994	\$65.20	\$46.60	\$104.30	\$172.70	\$242.90	\$70.10
1 April 1994	to	30 September 1994	\$65.50	\$46.80	\$104.70	\$173.40	\$244.00	\$70.40
1 October 1994	to	31 March 1995	\$65.90	\$47.10	\$105.40	\$174.60	\$245.60	\$70.80
1 April 1995	to	30 September 1995	\$66.10	\$47.20	\$105.70	\$175.10	\$246.30	\$71.00
1 October 1995	to	31 March 1996	\$66.50	\$47.50	\$106.20	\$176.00	\$247.50	\$71.40
1 April 1996	to	30 September 1996	\$66.90	\$47.80	\$106.90	\$177.10	\$249.10	\$71.80
1 October 1996	to	31 March 1997	\$67.40	\$48.10	\$107.70	\$178.30	\$250.80	\$72.40
1 April 1997	to	30 September 1997	\$67.60	\$48.30	\$108.00	\$179.00	\$251.70	\$72.60
1 October 1997	to	31 March 1998	\$68.90	\$49.20	\$110.10	\$182.40	\$256.50	\$74.00
1 April 1998	to	30 September 1998	\$69.40	\$49.60	\$110.90	\$183.70	\$258.40	\$74.50
1 October 1998	to	31 March 1999	\$70.60	\$50.50	\$112.90	\$187.00	\$263.00	\$75.90
1 April 1999	to	30 September 1999	\$71.90	\$51.30	\$114.90	\$190.30	\$267.60	\$77.20
1 October 1999	to	31 March 2000	\$73.00	\$52.20	\$116.80	\$193.40	\$272.00	\$78.50
1 April 2000	to	30 September 2000	\$74.20	\$53.00	\$118.60	\$196.50	\$276.40	\$79.70
1 October 2000	to	31 March 2001	\$75.00	\$53.60	\$119.90	\$198.70	\$279.40	\$80.60

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, additional payments for spouse and/or Dependant children (cont.)

Applicable from			Weekly payment					
			Dependant spouse	1 Dependant child	2 Dependant children	3 Dependant children	4 Dependant children	Each additional child in excess of 4
1 April 2001	to	30 September 2001	\$76.70	\$54.80	\$122.70	\$203.20	\$285.80	\$82.40
1 October 2001	to	31 December 2001	\$78.10	\$55.80	\$124.80	\$206.70	\$290.70	\$83.90
1 January 2002	to	31 March 2002	\$78.10	\$55.80	\$124.80	\$206.70	\$290.70	\$83.90
1 April 2002	to	30 September 2002	\$79.40	\$56.80	\$127.00	\$210.30	\$295.90	\$85.30
1 October 2002	to	31 March 2003	\$80.60	\$57.60	\$128.80	\$213.40	\$300.10	\$86.60
1 April 2003	to	30 September 2003	\$82.00	\$58.60	\$131.00	\$217.00	\$305.20	\$88.00
1 October 2003	to	31 March 2004	\$83.60	\$59.70	\$133.60	\$221.40	\$311.40	\$89.80
1 April 2004	to	30 September 2004	\$85.10	\$60.80	\$136.10	\$225.40	\$317.00	\$91.40
1 October 2004	to	31 March 2005	\$86.70	\$61.90	\$138.60	\$229.50	\$322.90	\$93.10
1 April 2005	to	30 September 2005	\$88.10	\$62.90	\$140.80	\$233.20	\$328.00	\$94.60
1 October 2005	to	31 March 2006	\$89.90	\$64.20	\$143.70	\$238.00	\$334.70	\$96.50
1 April 2006	to	30 September 2006	\$91.70	\$65.50	\$146.60	\$242.90	\$341.60	\$98.50
1 October 2006	to	31 March 2007	\$93.40	\$66.80	\$149.30	\$247.40	\$347.90	\$100.40
1 April 2007	to	30 September 2007	\$95.20	\$68.00	\$152.20	\$252.10	\$354.60	\$102.30
1 October 2007	to	31 March 2008	\$96.90	\$69.30	\$154.90	\$256.70	\$361.00	\$104.10
1 April 2008	to	30 September 2008	\$98.80	\$70.60	\$158.00	\$261.70	\$368.10	\$106.20
1 October 2008	to	31 March 2009	\$100.50	\$71.80	\$160.70	\$266.20	\$374.40	\$108.00
1 April 2009	to	30 September 2009	\$102.60	\$73.30	\$164.00	\$271.60	\$382.00	\$110.20
1 October 2009	to	31 March 2010	\$104.40	\$74.60	\$166.90	\$276.50	\$388.90	\$112.20

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Maximum Weekly Benefits Payable

Workers Compensation (Dust Diseases) Act 1942

After 26 weeks, additional payments for spouse and/or Dependant children (cont.)

Applicable from			Weekly payment					
			Dependant spouse	1 Dependant child	2 Dependant children	3 Dependant children	4 Dependant children	Each additional child in excess of 4
1 April 2010	to	30 September 2010	\$106.40	\$76.00	\$170.10	\$281.80	\$396.30	\$114.30
1 October 2010	to	31 March 2011	\$107.80	\$77.10	\$172.40	\$285.50	\$401.60	\$115.80
1 April 2011	to	30 September 2011	\$110.00	\$78.60	\$175.80	\$291.30	\$409.70	\$118.20
1 October 2011	to	31 March 2012	\$111.90	\$80.00	\$178.90	\$296.30	\$416.80	\$120.20
1 April 2012	to	30 September 2012	\$114.00	\$81.50	\$182.20	\$301.80	\$424.60	\$122.50
1 October 2012	to	31 March 2013	\$115.80	\$82.80	\$185.20	\$306.70	\$431.40	\$124.40
1 April 2013	to	30 September 2013	\$118.00	\$84.30	\$188.70	\$312.50	\$439.60	\$126.80
1 October 2013	to	31 March 2014	\$119.30	\$85.20	\$190.70	\$315.90	\$444.30	\$128.20
1 April 2014	to	30 September 2014	\$120.80	\$86.30	\$193.10	\$319.90	\$450.00	\$129.80
1 October 2014	to	31 March 2015	\$122.40	\$87.40	\$195.60	\$324.10	\$455.80	\$131.50
1 April 2015	to	30 September 2015	\$124.00	\$88.60	\$198.10	\$328.20	\$461.60	\$133.10
1 October 2015	to	31 March 2016	\$125.00	\$89.30	\$199.80	\$331.00	\$465.50	\$134.30
1 April 2016	to	30 September 2016	\$126.70	\$90.50	\$202.40	\$335.30	\$471.70	\$136.10
1 October 2016	to	31 March 2017	\$127.60	\$91.20	\$204.00	\$337.90	\$475.20	\$137.10
1 April 2017	to	30 September 2017	\$129.30	\$92.40	\$206.60	\$342.30	\$481.40	\$138.90

Section 8(2)(a) *Workers Compensation (Dust Diseases) Act 1942*

Death Benefits and Funeral Expenses

Benefits are payable upon the death of an injured worker under the:

- *Workers Compensation Act 1987*
- *Workers Compensation (Dust Diseases) Act 1942.*

Death benefits that may be payable

The benefits that may be payable when a worker dies as a result of a workplace injury include:

- a lump sum
- weekly payments for dependants
- reasonable funeral expenses, including the:
 - funeral director's professional fees
 - cost of the funeral service (including cremation or burial)
 - coffin
 - mourning car
 - cemetery site
 - flowers
 - newspaper notice, and
 - death certificate.

The lump sum benefit payable is the amount that is applicable at the date of the worker's death.

All death benefits, except funeral expenses, are indexed on 1 April and 1 October each year.

Benefits Payable for the death of a worker

Workers Compensation Act 1987

Death of worker: Lump sum

Applicable from			Lump sum payment
30 June 1987	to	30 September 1987	\$80,000
1 October 1987	to	31 March 1988	\$82,300
1 April 1988	to	30 September 1988	\$83,400
1 October 1988	to	31 March 1989	\$85,200
1 April 1989	to	29 June 1989	\$87,350
30 June 1989	to	30 September 1989	\$150,000
1 October 1989	to	31 March 1990	\$155,450
1 April 1990	to	30 September 1990	\$158,750
1 October 1990	to	31 March 1991	\$166,100
1 April 1991	to	30 September 1991	\$168,300
1 October 1991	to	31 January 1992	\$169,450
1 February 1992	to	31 March 1992	\$211,850
1 April 1992	to	30 September 1992	\$218,200
1 October 1992	to	31 March 1993	\$220,950
1 April 1993	to	30 September 1993	\$221,750
1 October 1993	to	31 March 1994	\$222,900
1 April 1994	to	30 September 1994	\$223,850
1 October 1994	to	31 March 1995	\$225,300
1 April 1995	to	30 September 1995	\$225,950
1 October 1995	to	31 March 1996	\$227,100
1 April 1996	to	30 September 1996	\$228,550
1 October 1996	to	31 March 1997	\$230,200
1 April 1997	to	30 September 1997	\$231,000
1 October 1997	to	31 March 1998	\$235,350
1 April 1998	to	30 September 1998	\$237,150
1 October 1998	to	31 March 1999	\$241,350
1 April 1999	to	30 September 1999	\$245,550
1 October 1999	to	31 March 2000	\$249,600

Section 25 (1)(a) *Workers Compensation Act 1987*

Benefits Payable for the death of a worker

Workers Compensation Act 1987

Death of worker: Lump sum (cont.)

Applicable from			Lump sum payment
1 April 2000	to	30 September 2000	\$253,650
1 October 2000	to	31 March 2001	\$256,400
1 April 2001	to	30 September 2001	\$262,250
1 October 2001	to	31 December 2001	\$266,800
1 January 2002	to	31 March 2002	\$266,800
1 April 2002	to	30 September 2002	\$271,500
1 October 2002	to	31 March 2003	\$275,350
1 April 2003	to	30 September 2003	\$280,050
1 October 2003	to	31 March 2004	\$285,750
1 April 2004	to	30 September 2004	\$290,900
1 October 2004	to	31 March 2005	\$296,250
1 April 2005	to	30 September 2005	\$300,950
1 October 2005	to	31 March 2006	\$307,100
1 April 2006	to	30 September 2006	\$313,450
1 October 2006	to	31 March 2007	\$319,250
1 April 2007	to	30 September 2007	\$325,400
1 October 2007	to	23 October 2007	\$331,250
24 October 2007	to	31 March 2009	\$425,000
1 April 2009	to	30 September 2009	\$433,650
1 October 2009	to	31 March 2010	\$441,450
1 April 2010	to	30 September 2010	\$449,850
1 October 2010	to	31 March 2011	\$455,900
1 April 2011	to	30 September 2011	\$465,100
1 October 2011	to	31 March 2012	\$473,100
1 April 2012	to	30 September 2012	\$481,950
1 October 2012	to	31 March 2013	\$489,750
1 April 2013	to	30 September 2013	\$498,950
1 October 2013	to	31 March 2014	\$504,350
1 April 2014	to	30 September 2014	\$510,800
1 October 2014	to	31 March 2015	\$517,400
1 April 2015	to	4 August 2015	\$524,000
5 August 2015	to	31 March 2016	\$750,000
1 April 2016	to	30 September 2016	\$760,000
1 October 2016	to	31 March 2017	\$765,650
1 April 2017	to	30 September 2017	\$775,600

Section 25 (1)(a) *Workers Compensation Act 1987*

Note: The amendment made by the *Workers Compensation Amendment Act 2015* to section 25 (1)(a) of the *Workers Compensation Act 1987* (1987 Act) does not apply for the purposes of the *Workers' Compensation (Dust Diseases) Act 1942*.

Benefits Payable for the death of a worker

Workers Compensation Act 1987

Death of worker: Weekly payment to each Dependant child

Applicable from			Weekly payment
30 June 1987	to	30 September 1987	\$45.00
1 October 1987	to	31 March 1988	\$46.30
1 April 1988	to	30 September 1988	\$46.90
1 October 1988	to	31 March 1989	\$47.90
1 April 1989	to	29 June 1989	\$49.10
30 June 1989	to	30 September 1989	\$49.10
1 October 1989	to	31 March 1990	\$50.90
1 April 1990	to	30 September 1990	\$52.00
1 October 1990	to	31 March 1991	\$54.40
1 April 1991	to	30 September 1991	\$55.10
1 October 1991	to	31 January 1992	\$55.50
1 February 1992	to	31 March 1992	\$66.60
1 April 1992	to	30 September 1992	\$68.60
1 October 1992	to	31 March 1993	\$69.50
1 April 1993	to	30 September 1993	\$69.70
1 October 1993	to	31 March 1994	\$70.10
1 April 1994	to	30 September 1994	\$70.40
1 October 1994	to	31 March 1995	\$70.80
1 April 1995	to	30 September 1995	\$71.00
1 October 1995	to	31 March 1996	\$71.40
1 April 1996	to	30 September 1996	\$71.80
1 October 1996	to	31 March 1997	\$72.40
1 April 1997	to	30 September 1997	\$72.60
1 October 1997	to	31 March 1998	\$74.00
1 April 1998	to	30 September 1998	\$74.50
1 October 1998	to	31 March 1999	\$75.90
1 April 1999	to	30 September 1999	\$77.20
1 October 1999	to	31 March 2000	\$78.50
1 April 2000	to	30 September 2000	\$79.70
1 October 2000	to	31 March 2001	\$80.60
1 April 2001	to	30 September 2001	\$82.40
1 October 2001	to	31 December 2001	\$83.90
1 January 2002	to	31 March 2002	\$83.90
1 April 2002	to	30 September 2002	\$85.30
1 October 2002	to	31 March 2003	\$86.60
1 April 2003	to	30 September 2003	\$88.00
1 October 2003	to	31 March 2004	\$89.80
1 April 2004	to	30 September 2004	\$91.40
1 October 2004	to	31 March 2005	\$93.10
1 April 2005	to	30 September 2005	\$94.60
1 October 2005	to	31 March 2006	\$96.50

Section 25 (1)(b) *Workers Compensation Act 1987*

Benefits Payable for the death of a worker

Workers Compensation Act 1987

Death of worker: Weekly payment to each Dependant child (cont.)

Applicable from			Weekly payment
1 April 2006	to	30 September 2006	\$98.50
1 October 2006	to	31 March 2007	\$100.40
1 April 2007	to	30 September 2007	\$102.30
1 October 2007	to	31 March 2008	\$104.10
1 April 2008	to	30 September 2008	\$106.20
1 October 2008	to	31 March 2009	\$108.00
1 April 2009	to	30 September 2009	\$110.20
1 October 2009	to	31 March 2010	\$112.20
1 April 2010	to	30 September 2010	\$114.30
1 October 2010	to	31 March 2011	\$115.80
1 April 2011	to	30 September 2011	\$118.20
1 October 2011	to	31 March 2012	\$120.20
1 April 2012	to	30 September 2012	\$122.50
1 October 2012	to	31 March 2013	\$124.40
1 April 2013	to	30 September 2013	\$126.80
1 October 2013	to	31 March 2014	\$128.20
1 April 2014	to	30 September 2014	\$129.80
1 October 2014	to	31 March 2015	\$131.50
1 April 2015	to	30 September 2015	\$133.10
1 October 2015	to	31 March 2016	\$134.30
1 April 2016	to	30 September 2016	\$136.10
1 October 2016	to	31 March 2017	\$137.10
1 April 2017	to	30 September 2017	\$138.90

Section 25 (1)(b) *Workers Compensation Act 1987*

Benefits Payable for the death of a worker

Workers Compensation Act 1987

Death of worker: Funeral expenses

Applicable from			Maximum payment
30 June 1987	to	17 May 1990	\$1,425
18 May 1990	to	31 January 1992	\$2,700
1 February 1992	to	30 June 2000	\$4,000
1 July 2000	to	18 November 2004	\$4,400
19 November 2004	to	4 August 2015	\$9,000
From 5 August 2015			\$15,000

Section 26 *Workers Compensation Act 1987*

Note: The amendment made by the *Workers Compensation Amendment Act 2015* to section 26 of the *Workers Compensation Act 1987* (1987 Act) does not apply for the purposes of the *Workers' Compensation (Dust Diseases) Act 1942* and the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

Death of worker: Funeral expenses

(without regard to any amendment made by the
Workers Compensation Amendment Act 2015)

Applicable from			Maximum payment
30 June 1987	to	17 May 1990	\$1,425
18 May 1990	to	31 January 1992	\$2,700
1 February 1992	to	30 June 2000	\$4,000
1 July 2000	to	18 November 2004	\$4,400
From 19 November 2004			\$9,000

Section 26 *Workers Compensation Act 1987* (without regard to any amendment made by the *Workers Compensation Amendment Act 2015*)

Note: The amendment made by the *Workers Compensation Amendment Act 2015* to section 26 of the *Workers Compensation Act 1987* (1987 Act) does not apply for the purposes of the *Workers' Compensation (Dust Diseases) Act 1942* and the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

Benefits Payable for the death of a worker

Workers Compensation Act 1987 (re 1926 Act)

Death of worker: Lump sum to dependants

Applicable from			Lump sum payment
30 June 1987	to	30 September 1987	\$62,200
1 October 1987	to	31 March 1988	\$64,000
1 April 1988	to	30 September 1988	\$64,850
1 October 1988	to	31 March 1989	\$66,250
1 April 1989	to	29 June 1989	\$67,900
30 June 1989	to	30 September 1989	\$67,900
1 October 1989	to	31 January 1990	\$70,400
1 February 1990	to	31 March 1990	\$70,400
1 April 1990	to	30 September 1990	\$71,900
1 October 1990	to	31 March 1991	\$75,200
1 April 1991	to	30 September 1991	\$76,200
1 October 1991	to	31 January 1992	\$76,700
1 February 1992	to	31 March 1992	\$76,700
1 April 1992	to	30 September 1992	\$79,000
1 October 1992	to	31 March 1993	\$80,000
1 April 1993	to	30 September 1993	\$80,300
1 October 1993	to	31 March 1994	\$80,700
1 April 1994	to	30 September 1994	\$81,050
1 October 1994	to	31 March 1995	\$81,600
1 April 1995	to	30 September 1995	\$81,850
1 October 1995	to	31 March 1996	\$82,250
1 April 1996	to	30 September 1996	\$82,750
1 October 1996	to	31 March 1997	\$83,350
1 April 1997	to	30 September 1997	\$83,650
1 October 1997	to	31 March 1998	\$85,250
1 April 1998	to	30 September 1998	\$85,850
1 October 1998	to	31 March 1999	\$87,400
1 April 1999	to	30 September 1999	\$88,900
1 October 1999	to	31 March 2000	\$90,400
1 April 2000	to	30 September 2000	\$91,850
1 October 2000	to	31 March 2001	\$92,850
1 April 2001	to	30 September 2001	\$94,950
1 October 2001	to	31 March 2002	\$96,600
1 April 2002	to	30 September 2002	\$98,300
1 October 2002	to	31 March 2003	\$99,700
1 April 2003	to	30 September 2003	\$101,400
1 October 2003	to	31 March 2004	\$103,450
1 April 2004	to	30 September 2004	\$105,350
1 October 2004	to	31 March 2005	\$107,250
1 April 2005	to	30 September 2005	\$108,950
1 October 2005	to	31 March 2006	\$111,200

Schedule 6 Part 3 Clause 2(2) *Workers Compensation Act 1987 (re 1926 Act)*

Benefits Payable for the death of a worker

Workers Compensation Act 1987 (re 1926 Act)

Death of worker: Lump sum to dependants (cont.)

Applicable from			Lump sum payment
1 April 2006	to	30 September 2006	\$113,500
1 October 2006	to	31 March 2007	\$115,600
1 April 2007	to	30 September 2007	\$117,850
1 October 2007	to	31 March 2008	\$119,950
1 April 2008	to	30 September 2008	\$122,300
1 October 2008	to	31 March 2009	\$124,400
1 April 2009	to	30 September 2009	\$126,900
1 October 2009	to	31 March 2010	\$129,200
1 April 2010	to	30 September 2010	\$131,650
1 October 2010	to	31 March 2011	\$133,450
1 April 2011	to	30 September 2011	\$136,150
1 October 2011	to	31 March 2012	\$138,450
1 April 2012	to	30 September 2012	\$141,050
1 October 2012	to	31 March 2013	\$143,350
1 April 2013	to	30 September 2013	\$146,050
1 October 2013	to	31 March 2014	\$147,600
1 April 2014	to	30 September 2014	\$149,500
1 October 2014	to	31 March 2015	\$151,450
1 April 2015	to	30 September 2015	\$153,350
1 October 2015	to	31 March 2016	\$154,650
1 April 2016	to	30 September 2016	\$156,700
1 October 2016	to	31 March 2017	\$157,900
1 April 2017	to	30 September 2017	\$159,950

Schedule 6 Part 3 Clause 2(2) *Workers Compensation Act 1987 (re 1926 Act)*

Benefits Payable for the death of a worker

Workers Compensation Act 1987 (re 1926 Act)

Death of worker: Weekly payment for each dependant child

Applicable from			Weekly payment
30 June 1987	to	30 September 1987	\$31.10
1 October 1987	to	31 March 1988	\$32.00
1 April 1988	to	30 September 1988	\$32.40
1 October 1988	to	31 March 1989	\$33.10
1 April 1989	to	29 June 1989	\$33.90
30 June 1989	to	30 September 1989	\$33.90
1 October 1989	to	31 January 1990	\$35.10
1 February 1990	to	31 March 1990	\$35.10
1 April 1990	to	30 September 1990	\$35.90
1 October 1990	to	31 March 1991	\$37.50
1 April 1991	to	30 September 1991	\$38.00
1 October 1991	to	31 January 1992	\$38.30
1 February 1992	to	31 March 1992	\$38.30
1 April 1992	to	30 September 1992	\$39.40
1 October 1992	to	31 March 1993	\$39.90
1 April 1993	to	30 September 1993	\$40.10
1 October 1993	to	31 March 1994	\$40.30
1 April 1994	to	30 September 1994	\$40.50
1 October 1994	to	31 March 1995	\$40.70
1 April 1995	to	30 September 1995	\$40.80
1 October 1995	to	31 March 1996	\$41.10
1 April 1996	to	30 September 1996	\$41.30
1 October 1996	to	31 March 1997	\$41.60
1 April 1997	to	30 September 1997	\$41.80
1 October 1997	to	31 March 1998	\$42.50
1 April 1998	to	30 September 1998	\$42.90
1 October 1998	to	31 March 1999	\$43.60
1 April 1999	to	30 September 1999	\$44.40
1 October 1999	to	31 March 2000	\$45.10
1 April 2000	to	30 September 2000	\$45.90
1 October 2000	to	31 March 2001	\$46.40
1 April 2001	to	30 September 2001	\$47.40
1 October 2001	to	31 March 2002	\$48.20
1 April 2002	to	30 September 2002	\$49.10
1 October 2002	to	31 March 2003	\$49.80
1 April 2003	to	30 September 2003	\$50.60
1 October 2003	to	31 March 2004	\$51.70
1 April 2004	to	30 September 2004	\$52.60
1 October 2004	to	31 March 2005	\$53.60
1 April 2005	to	30 September 2005	\$54.40
1 October 2005	to	31 March 2006	\$55.50

Schedule 6 Part 3 Clause 2(3) *Workers Compensation Act 1987 (re 1926 Act)*

Benefits Payable for the death of a worker

Workers Compensation Act 1987 (re 1926 Act)

Death of worker: Weekly payment for each dependant child (cont.)

Applicable from			Weekly payment
1 April 2006	to	30 September 2006	\$56.70
1 October 2006	to	31 March 2007	\$57.70
1 April 2007	to	30 September 2007	\$58.80
1 October 2007	to	31 March 2008	\$59.90
1 April 2008	to	30 September 2008	\$61.10
1 October 2008	to	31 March 2009	\$62.10
1 April 2009	to	30 September 2009	\$63.40
1 October 2009	to	31 March 2010	\$64.50
1 April 2010	to	30 September 2010	\$65.70
1 October 2010	to	31 March 2011	\$66.60
1 April 2011	to	30 September 2011	\$68.00
1 October 2011	to	31 March 2012	\$69.10
1 April 2012	to	30 September 2012	\$70.40
1 October 2012	to	31 March 2013	\$71.60
1 April 2013	to	30 September 2013	\$72.90
1 October 2013	to	31 March 2014	\$73.70
1 April 2014	to	30 September 2014	\$74.60
1 October 2014	to	31 March 2015	\$75.60
1 April 2015	to	30 September 2015	\$76.60
1 October 2015	to	31 March 2016	\$77.20
1 April 2016	to	30 September 2016	\$78.20
1 October 2016	to	31 March 2017	\$78.80
1 April 2017	to	30 September 2017	\$79.90

Schedule 6 Part 3 Clause 2(3) *Workers Compensation Act 1987 (re 1926 Act)*

Benefits Payable for the death of a worker

Workers Compensation (Dust Diseases) Act 1942

Death of worker: Lump sum to dependant relatives

Applicable from			Lump sum payment
30 June 1987	to	30 September 1987	\$25,650.00
1 October 1987	to	31 March 1988	\$26,372.90
1 April 1988	to	30 September 1988	\$26,734.30
1 October 1988	to	31 March 1989	\$27,305.60
1 April 1989	to	29 June 1989	\$27,993.50
30 June 1989	to	30 September 1989	\$100,000
1 October 1989	to	31 January 1990	\$103,650
1 February 1990	to	31 March 1990	\$103,650
1 April 1990	to	30 September 1990	\$105,850
1 October 1990	to	31 March 1991	\$110,750
1 April 1991	to	30 September 1991	\$112,200
1 October 1991	to	31 March 1992	\$113,000
1 April 1992	to	30 June 1992	\$116,400
1 July 1992	to	30 September 1992	\$145,500
1 October 1992	to	31 March 1993	\$147,300
1 April 1993	to	30 September 1993	\$147,850
1 October 1993	to	31 March 1994	\$148,600
1 April 1994	to	30 September 1994	\$149,250
1 October 1994	to	31 March 1995	\$150,250
1 April 1995	to	30 September 1995	\$150,650
1 October 1995	to	31 March 1996	\$151,450
1 April 1996	to	30 September 1996	\$152,400
1 October 1996	to	31 March 1997	\$153,500
1 April 1997	to	30 September 1997	\$154,000
1 October 1997	to	31 March 1998	\$156,950
1 April 1998	to	30 September 1998	\$158,100
1 October 1998	to	31 March 1999	\$160,950
1 April 1999	to	30 September 1999	\$163,750
1 October 1999	to	31 March 2000	\$166,450
1 April 2000	to	30 September 2000	\$169,150
1 October 2000	to	31 March 2001	\$170,950
1 April 2001	to	30 September 2001	\$174,850
1 October 2001	to	31 March 2002	\$177,900
1 April 2002	to	30 September 2002	\$181,000
1 October 2002	to	31 March 2003	\$183,600
1 April 2003	to	30 September 2003	\$186,750
1 October 2003	to	31 March 2004	\$190,500
1 April 2004	to	30 September 2004	\$193,950
1 October 2004	to	31 March 2005	\$197,550
1 April 2005	to	30 September 2005	\$200,650
1 October 2005	to	31 March 2006	\$204,750

Section 8 (2B)(b)(i) *Workers Compensation (Dust Diseases) Act 1942*

Benefits Payable for the death of a worker

Workers Compensation (Dust Diseases) Act 1942

Death of worker: Lump sum to dependant relatives (cont.)

Applicable from			Lump sum payment
1 April 2006	to	30 September 2006	\$209,000
1 October 2006	to	31 March 2007	\$212,850
1 April 2007	to	30 September 2007	\$216,950
1 October 2007	to	31 March 2008	\$220,850
1 April 2008	to	30 September 2008	\$225,200
1 October 2008	to	31 March 2009	\$229,050
1 April 2009	to	30 September 2009	\$233,700
1 October 2009	to	31 March 2010	\$237,900
1 April 2010	to	30 September 2010	\$242,450
1 October 2010	to	6 December 2010	\$245,700
7 December 2010	to	6 December 2011	\$268,375
7 December 2011	to	6 December 2012	\$291,040
7 December 2012	to	31 March 2013	\$311,050
1 April 2013	to	30 September 2013	\$316,950
1 October 2013	to	31 March 2014	\$320,350
1 April 2014	to	30 September 2014	\$324,450
1 October 2014	to	31 March 2015	\$328,650
1 April 2015	to	30 September 2015	\$332,850
1 October 2015	to	31 March 2016	\$335,650
1 April 2016	to	30 September 2016	\$340,100
1 October 2016	to	31 March 2017	\$342,650
1 April 2017	to	30 September 2017	\$347,100

Section 8 (2B)(b)(i) *Workers Compensation (Dust Diseases) Act 1942*

Benefits Payable for the death of a worker

Workers Compensation (Dust Diseases) Act 1942

Death of worker: Weekly payment to dependant spouse

Applicable from			Weekly payment
30 June 1987	to	30 September 1987	\$89.10
1 October 1987	to	31 March 1988	\$91.60
1 April 1988	to	30 September 1988	\$92.90
1 October 1988	to	31 March 1989	\$94.90
1 April 1989	to	29 June 1989	\$97.20
30 June 1989	to	30 September 1989	\$97.20
1 October 1989	to	31 January 1990	\$100.70
1 February 1990	to	31 March 1990	\$100.70
1 April 1990	to	30 September 1990	\$102.90
1 October 1990	to	31 March 1991	\$107.60
1 April 1991	to	30 September 1991	\$109.00
1 October 1991	to	31 March 1992	\$109.80
1 April 1992	to	30 June 1992	\$113.10
1 July 1992	to	30 September 1992	\$141.40
1 October 1992	to	31 March 1993	\$143.20
1 April 1993	to	30 September 1993	\$143.70
1 October 1993	to	31 March 1994	\$144.40
1 April 1994	to	30 September 1994	\$145.10
1 October 1994	to	31 March 1995	\$146.00
1 April 1995	to	30 September 1995	\$146.40
1 October 1995	to	31 March 1996	\$147.20
1 April 1996	to	30 September 1996	\$148.10
1 October 1996	to	31 March 1997	\$149.20
1 April 1997	to	30 September 1997	\$149.70
1 October 1997	to	31 March 1998	\$152.50
1 April 1998	to	30 September 1998	\$153.70
1 October 1998	to	31 March 1999	\$156.40
1 April 1999	to	30 September 1999	\$159.10
1 October 1999	to	31 March 2000	\$161.80
1 April 2000	to	30 September 2000	\$164.40
1 October 2000	to	31 March 2001	\$166.20
1 April 2001	to	30 September 2001	\$169.90
1 October 2001	to	31 March 2002	\$172.90
1 April 2002	to	30 September 2002	\$175.90
1 October 2002	to	31 March 2003	\$178.40
1 April 2003	to	30 September 2003	\$181.50
1 October 2003	to	31 March 2004	\$185.20
1 April 2004	to	30 September 2004	\$188.50
1 October 2004	to	31 March 2005	\$192.00
1 April 2005	to	30 September 2005	\$195.00
1 October 2005	to	31 March 2006	\$199.00

Section 8 (2B)(b)(ii) *Workers Compensation (Dust Diseases) Act 1942*

Benefits Payable for the death of a worker

Workers Compensation (Dust Diseases) Act 1942

Death of worker: Weekly payment to dependant spouse (cont.)

Applicable from			Weekly payment
1 April 2006	to	30 September 2006	\$203.10
1 October 2006	to	31 March 2007	\$206.90
1 April 2007	to	30 September 2007	\$210.90
1 October 2007	to	31 March 2008	\$214.70
1 April 2008	to	30 September 2008	\$218.90
1 October 2008	to	31 March 2009	\$222.60
1 April 2009	to	30 September 2009	\$227.20
1 October 2009	to	31 March 2010	\$231.20
1 April 2010	to	30 September 2010	\$235.70
1 October 2010	to	31 March 2011	\$238.80
1 April 2011	to	30 September 2011	\$243.60
1 October 2011	to	31 March 2012	\$247.80
1 April 2012	to	30 September 2012	\$252.50
1 October 2012	to	31 March 2013	\$256.50
1 April 2013	to	30 September 2013	\$261.40
1 October 2013	to	31 March 2014	\$264.20
1 April 2014	to	30 September 2014	\$267.60
1 October 2014	to	31 March 2015	\$271.00
1 April 2015	to	30 September 2015	\$274.50
1 October 2015	to	31 March 2016	\$276.80
1 April 2016	to	30 September 2016	\$280.50
1 October 2016	to	31 March 2017	\$282.60
1 April 2017	to	30 September 2017	\$286.30

Section 8 (2B)(b)(ii) *Workers Compensation (Dust Diseases) Act 1942*

Benefits Payable for the death of a worker

Workers Compensation (Dust Diseases) Act 1942

Death of worker: Weekly payment to each dependant child

Applicable from			Weekly payment
30 June 1987	to	30 September 1987	\$31.10
1 October 1987	to	31 March 1988	\$32.00
1 April 1988	to	30 September 1988	\$32.40
1 October 1988	to	31 March 1989	\$33.10
1 April 1989	to	29 June 1989	\$33.90
30 June 1989	to	30 September 1989	\$49.10
1 October 1989	to	31 January 1990	\$50.90
1 February 1990	to	31 March 1990	\$50.90
1 April 1990	to	30 September 1990	\$52.00
1 October 1990	to	31 March 1991	\$54.40
1 April 1991	to	30 September 1991	\$55.10
1 October 1991	to	31 March 1992	\$55.50
1 April 1992	to	30 June 1992	\$57.20
1 July 1992	to	30 September 1992	\$71.50
1 October 1992	to	31 March 1993	\$72.40
1 April 1993	to	30 September 1993	\$72.60
1 October 1993	to	31 March 1994	\$73.00
1 April 1994	to	30 September 1994	\$73.30
1 October 1994	to	31 March 1995	\$73.80
1 April 1995	to	30 September 1995	\$74.00
1 October 1995	to	31 March 1996	\$74.40
1 April 1996	to	30 September 1996	\$74.90
1 October 1996	to	31 March 1997	\$75.40
1 April 1997	to	30 September 1997	\$75.70
1 October 1997	to	31 March 1998	\$77.10
1 April 1998	to	30 September 1998	\$77.70
1 October 1998	to	31 March 1999	\$79.10
1 April 1999	to	30 September 1999	\$80.40
1 October 1999	to	31 March 2000	\$81.80
1 April 2000	to	30 September 2000	\$83.10
1 October 2000	to	31 March 2001	\$84.00
1 April 2001	to	30 September 2001	\$85.90
1 October 2001	to	31 March 2002	\$87.40
1 April 2002	to	30 September 2002	\$88.90
1 October 2002	to	31 March 2003	\$90.20
1 April 2003	to	30 September 2003	\$91.70
1 October 2003	to	31 March 2004	\$93.60
1 April 2004	to	30 September 2004	\$95.30
1 October 2004	to	31 March 2005	\$97.00
1 April 2005	to	30 September 2005	\$98.60
1 October 2005	to	31 March 2006	\$100.60

Section 8 (2B)(b)(iii) *Workers Compensation (Dust Diseases) Act 1942*

Benefits Payable for the death of a worker

Workers Compensation (Dust Diseases) Act 1942

Death of worker: Weekly payment to each dependant child (cont.)

Applicable from			Weekly payment
1 April 2006	to	30 September 2006	\$102.70
1 October 2006	to	31 March 2007	\$104.60
1 April 2007	to	30 September 2007	\$106.60
1 October 2007	to	31 March 2008	\$108.50
1 April 2008	to	30 September 2008	\$110.60
1 October 2008	to	31 March 2009	\$112.50
1 October 2009	to	31 March 2010	\$116.90
1 April 2010	to	30 September 2010	\$119.10
1 October 2010	to	31 March 2011	\$120.70
1 April 2011	to	30 September 2011	\$123.10
1 October 2011	to	31 March 2012	\$125.30
1 April 2012	to	30 September 2012	\$127.60
1 October 2012	to	31 March 2013	\$129.70
1 April 2013	to	30 September 2013	\$132.10
1 October 2013	to	31 March 2014	\$133.50
1 April 2014	to	30 September 2014	\$135.20
1 October 2014	to	31 March 2015	\$137.00
1 April 2015	to	30 September 2015	\$138.70
1 October 2015	to	31 March 2016	\$139.90
1 April 2016	to	30 September 2016	\$141.80
1 October 2016	to	31 March 2017	\$142.80
1 April 2017	to	30 September 2017	\$144.70

Section 8 (2B)(b)(iii) *Workers Compensation (Dust Diseases) Act 1942*

Benefits Payable for the death of a worker

Workers Compensation (Dust Diseases) Act 1942

Death of worker: Funeral expenses

Applicable from			Maximum payment
30 June 1987	to	17 May 1990	\$1,425
18 May 1990	to	31 January 1992	\$2,700
1 February 1992	to	30 June 2000	\$4,000
1 July 2000	to	18 November 2004	\$4,400
19 November 2004			\$9,000

Section 8 (2A) *Workers Compensation (Dust Diseases) Act 1942*

Permanent Impairment Benefits

This chapter provides information on the lump sum compensation payable for permanent impairment for:

- injuries received on and from 5 August 2015
- claims made on and from 19 June 2012 (without regard to any amendment made by the *Workers Compensation Amendment Act 2015* to the 1987 Act)
- previous arrangements concerning the lump sum amounts payable for permanent impairment and pain and suffering from:
 - 1 January 2007 - 18 June 2012
 - 1 January 2002 - 31 December 2006
- previous arrangements concerning the lump sum amounts payable for permanent loss, including the:
 - Table of Disabilities: 30 June 1987 - 31 December 2001, payable under the *Workers Compensation Act 1987*
 - Table of Disabilities: to 29 June 1987, payable under the former *Workers Compensation Act 1926*.

2015 legislative changes

The *Workers Compensation Amendment Act 2015* (2015 amending Act) introduced amendments to permanent impairment compensation. For injuries received on and from 5 August 2015:

- the maximum compensation payable for permanent impairment was increased to a maximum of \$577,050 for workers with a permanent impairment of 75 per cent or more
- the compensation amounts payable for each percentage of permanent impairment of more than 10 per cent permanent impairment were increased
- from 1 July 2016 permanent impairment compensation payments will be indexed annually.

The amendments to permanent impairment lump sum payments made by the 2015 amending Act do not apply:

- for the purposes of the *Workers' Compensation (Dust Diseases) Act 1942* or the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* (see CI 3 of Part 19I of Schedule 6 to the 1987 Act)
- to coal miners (see CI 15 of Part 19I of Schedule 6 to the 1987 Act)
- to police officers, paramedics and firefighters (see CI 14 of Part 19I of Schedule 6 to the 1987 Act).

For claims made on and after 19 June 2012

- Payments for pain and suffering under section 67 of the *Workers Compensation Act 1987* are no longer available.
- A threshold of more than 10 per cent permanent impairment for physical injury (including hearing loss) must be reached to access a permanent impairment lump sum. The threshold for psychological injury lump sum payments remains at 15 per cent permanent impairment.
- Payments are based on an assessment of the injured worker's permanent impairment.
- The degree of permanent impairment is assessed using the *WorkCover Guides for the Evaluation of Permanent Impairment*.
- Evaluations of permanent impairment can only be conducted by a suitably qualified medical specialist who is trained in the use of the guides and listed on the State Insurance Regulatory Authority (SIRA) website.
- The maximum lump sum payment for permanent impairment injuries is \$220,000, with an additional five per cent for permanent impairment of the back.

These changes do not apply to:

- police officers, paramedics and fire fighters
- workers injured while working in or around a coal mine
- bush fire fighters and emergency service volunteers (Rural Fire Service, Surf Life Savers, SES volunteers)
- people with a dust disease claim under the *Workers Compensation (Dust Diseases) Act 1942*.

For injuries on and after 1 January 2002 to 18 June 2012 and claims made up to and including 18 June 2012

- Payments are based on an assessment of the injured worker's permanent impairment.
- The degree of permanent impairment is assessed using the *WorkCover Guides for the Evaluation of Permanent Impairment*.
- Evaluations of permanent impairment can only be conducted by a suitably qualified medical specialist who is trained in the use of the guides and listed on the State Insurance Regulatory Authority (SIRA) website.
- A minimum level of permanent impairment must be present before compensation payments are made. The minimum level is one per cent of whole person impairment. However, for permanent psychiatric and psychological impairment there is a 15 per cent threshold.
- For hearing loss claims, a minimum level of six per cent binaural hearing loss must be present.

The maximum lump sum payment for permanent impairment injuries incurred:

- between 1 January 2002 and 31 December 2006 was \$200,000, with an additional five per cent for permanent impairment of the back on and after 1 January 2006
- on or after 1 January 2007 is \$220,000, with an additional five per cent for permanent impairment of the back.

An injured worker may also have access to 'pain and suffering' payments under section 67 of the *Workers Compensation Act 1987*, if 10 per cent or more whole person impairment is present. However, for permanent impairment for psychiatric and psychological injury there is a 15 per cent threshold. The maximum amount payable for pain and suffering is \$50,000.

For injuries before 1 January 2002

- For injuries prior to 1 July 1987, payments for any permanent loss of efficient use are determined according to the *Table of Maims*. The *Table of Maims* lists limited body parts. There is no payment for pain and suffering for injuries sustained prior to 1 July 1987.
- For injuries that occurred between 1 July 1987 and 31 December 2001, payments for any permanent loss of efficient use are determined according to the *Table of Disabilities*.
- If the **claim** for permanent loss was made **before** 12 January 1997, the most a worker can receive is dependent on the date of the injury.
- For a claim made **on or after** 12 January 1997, and the injury occurred between 1 February 1992 and 31 December 2001:
 - the maximum amount a worker may receive for:
 - a single permanent loss is \$100,000
 - multiple permanent losses is \$121,000.
 - an injured worker may also have access to 'pain and suffering' payments under section 67 of the *Workers Compensation Act 1987*, if the worker is entitled to 10 per cent or more of the maximum amount payable under section 66(1), that is, the worker is entitled to a payment of \$10,000 or more for a permanent loss. The maximum amount payable for pain and suffering is \$50,000.

Maximum Benefits Payable for Permanent Injuries

Workers Compensation Act 1987

Thresholds for entitlement to permanent impairment lump sum compensation for claims made on or after 19 June 2012

		<i>Workers Compensation Act 1987</i>	Person impairment threshold
Permanent impairment	Physical injury (including hearing loss claims)	s.66(1)	11%
	Primary psychological/psychiatric injury	s.65A(3)	15%

No lump sum compensation is payable for pain and suffering (section 67) for claims made on or after 19 June 2012.

Minimum degree of permanent impairment required for benefits for permanent injuries received on or after 1 January 2002 to 18 June 2012

		Provision of <i>Workers Compensation Act 1987</i>	Minimum degree of impairment
Permanent impairment	Physical injury (Note 1)	s.66(2)	1%
	Primary psychological/psychiatric injury	s.65A(3)	15%
Pain and suffering	Physical injury	s.67(1)	10%
	Primary psychological/psychiatric injury	s.65A(3)	15%

Note 1: For hearing loss, a minimum of six per cent total hearing loss is required (section 69A(1)). The degree of permanent impairment should be rounded to the nearest whole number in accordance with the *American Medical Association Guides to the Evaluation of Permanent Impairment* (Section 2.5d). Therefore, the minimum degree of impairment under section 66(2) is shown here as one per cent.

Pain and suffering: maximum lump sum payable from 1 February 1992 to 18 June 2012

Effective period	Maximum lump sum
From 1 February 1992 (Note 2)	\$50,000

Note 2: Section 67(1) *Workers Compensation Act 1987*. Minimum degree of permanent impairment required for benefits is 10 per cent. This amount applies to claims lodged on or after 12 January 1997 where the date of injury is on or after 1 February 1992.

Permanent impairment compensation amounts payable for injuries received on and from 5 August 2015

Section 66 of the *Workers Compensation Act 1987*

Permanent impairment	5 August 2015 to 30 June 2016	1 July 2016 to 30 June 2017	1 July 2017 to 30 June 2018
1% to 10%	N/A	N/A	N/A
11%	\$22,480	\$22,770	\$23,310
12%	\$ 25,420	\$25,750	\$26,360
13%	\$28,360	\$28,730	\$29,410
14%	\$31,300	\$31,710	\$32,460
15%	\$34,240	\$34,690	\$35,510
16%	\$ 37,180	\$37,670	\$38,560
17%	\$40,120	\$40,650	\$41,610
18%	\$43,060	\$43,630	\$44,660
19%	\$46,000	\$46,610	\$47,710
20%	\$48,940	\$49,590	\$50,760
21%	\$51,880	\$52,570	\$53,810
22%	\$54,820	\$55,550	\$56,860
23%	\$57,760	\$58,530	\$59,910
24%	\$60,700	\$61,510	\$62,960
25%	\$63,640	\$64,490	\$66,010
26%	\$66,580	\$67,470	\$69,060
27%	\$69,520	\$70,450	\$72,110
28%	\$72,460	\$73,430	\$75,160
29%	\$75,400	\$76,410	\$78,210
30%	\$78,340	\$79,390	\$81,260
31%	\$ 83,040	\$84,120	\$86,130
32%	\$87,880	\$89,020	\$91,150
33%	\$92,720	\$93,920	\$96,170
34%	\$97,560	\$98,820	\$101,190
35%	\$102,400	\$103,720	\$106,210
36%	\$107,240	\$108,620	\$111,230
37%	\$112,080	\$ 113,520	\$116,250
38%	\$116,920	\$118,420	\$121,270
39%	\$121,760	\$123,320	\$126,290
40%	\$126,600	\$128,220	\$131,310
41%	\$131,440	\$133,120	\$136,330
42%	\$136,280	\$138,020	\$141,350
43%	\$141,120	\$142,920	\$146,370
44%	\$145,960	\$147,820	\$151,390
45%	\$150,800	\$152,720	\$156,410
46%	\$155,640	\$157,620	\$161,430
47%	\$160,480	\$162,520	\$166,450
48%	\$165,320	\$167,420	\$171,470
49%	\$170,160	\$172,320	\$176,490
50%	\$175,000	\$177,220	\$181,510
51% to 55%	\$242,010	\$245,170	\$251,030
56% to 60%	\$309,020	\$313,050	\$320,540
61% to 65%	\$376,030	\$380,940	\$390,050
66% to 70%	\$443,030	\$448,810	\$459,550

71% to 74%	\$510,040	\$516,690	\$529,050
75% to 100%	\$577,050	\$584,580	\$598,560

The amounts listed in the table above do not apply:

- for the purposes of the *Workers' Compensation (Dust Diseases) Act 1942* or the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* (see CI 3 of Part 19I of Schedule 6 to the 1987 Act)
- to coal miners (see CI 15 of Part 19I of Schedule 6 to the 1987 Act)
- to police officers, paramedics and firefighters (see CI 14 of Part 19I of Schedule 6 to the 1987 Act).

For back injuries occurring after 1 January 2006, the amount of compensation payable under section 66(2A) of the *Workers Compensation Act 1987* was increased by five per cent.

Benefits payable for claims made on or after 19 June 2012 – (without regard to any amendment made by the *Workers Compensation Amendment Act 2015*)

Section 66 of the *Workers Compensation Act 1987*

Maximum amount payable for multiple injuries (see Note 1)						\$220,000	
Maximum amount payable for back impairment (see Note 2)						\$231,000	
Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit
0%	\$0	19%	\$28,600	38%	\$79,750	57%	\$150,700
1%	\$0	20%	\$30,250	39%	\$82,500	58%	\$154,550
2%	\$0	21%	\$33,000	40%	\$85,250	59%	\$158,400
3%	\$0	22%	\$35,750	41%	\$89,100	60%	\$162,250
4%	\$0	23%	\$38,500	42%	\$92,950	61%	\$166,100
5%	\$0	24%	\$41,250	43%	\$96,800	62%	\$169,950
6%	\$0	25%	\$44,000	44%	\$100,650	63%	\$173,800
7%	\$0	26%	\$46,750	45%	\$104,500	64%	\$177,650
8%	\$0	27%	\$49,500	46%	\$108,350	65%	\$181,500
9%	\$0	28%	\$52,250	47%	\$112,200	66%	\$185,350
10%	\$0	29%	\$55,000	48%	\$116,050	67%	\$189,200
11%	\$15,400	30%	\$57,750	49%	\$119,900	68%	\$193,050
12%	\$17,050	31%	\$60,500	50%	\$123,750	69%	\$196,900
13%	\$18,700	32%	\$63,250	51%	\$127,600	70%	\$200,750
14%	\$20,350	33%	\$66,000	52%	\$131,450	71%	\$204,600
15%	\$22,000	34%	\$68,750	53%	\$135,300	72%	\$208,450
16%	\$23,650	35%	\$71,500	54%	\$139,150	73%	\$212,300
17%	\$25,300	36%	\$74,250	55%	\$143,000	74%	\$216,150
18%	\$26,950	37%	\$77,000	56%	\$146,850	75% and over	\$220,000

Note 1: The total amount payable for multiple injuries suffered in any single claim is limited to the maximum amount shown for multiple injuries or impairments. For multiple injuries sustained on or after 1 January 2006 an additional five per cent compensation will be payable where there is impairment of the back. This increase is limited to the component of compensation payable for the back impairment (see Note 11).

Note 2: For back injuries occurring after 1 January 2006, the amount of compensation payable under section 66(2A) of the *Workers Compensation Act 1987* increased by five per cent. For example:

Example 1. A person suffers 12% permanent impairment. Under subsection (2), the amount of permanent impairment compensation to which he or she is entitled is \$17,050 (\$13,750 + [2 × \$1,650]). If the whole of the impairment is to the back, the compensation payable in relation to the back will be the whole \$17,050. Under this subsection, that \$17,050 will be increased by 5%, yielding \$17,902.50.

Example 2. A person suffers 50% permanent impairment. Under subsection (2), the amount of permanent impairment compensation to which he or she is entitled is \$123,750 (\$85,250 + (10 × \$3,850)). If two-thirds of the impairment is to the back, the compensation payable in relation to the back will be two-thirds of \$123,750, or \$82,500. Under this subsection, that \$82,500 will be increased by 5%, yielding \$86,625. The total compensation payable for the impairment will therefore be \$127,875. (section 66(2A) *Workers Compensation Act 1987*).

- The amount of permanent impairment compensation in the above table is calculated using the formulae under section 66 of the *Workers Compensation Act 1987*.
- Injuries received on or after 1 January 2002 are assessed in accordance with the *WorkCover Guides for the Evaluation of Permanent Impairment* to determine the degree of permanent impairment.
- To be eligible for compensation under section 66, all permanent physical injuries must have a degree of permanent impairment over 10 per cent (including hearing loss claims). Permanent **primary** psychological or psychiatric injuries are also compensable under section 66, provided that the degree of permanent impairment is at least 15 per cent (section 65A(3), 1987 Act).
- Single and multiple physical injuries that have resulted from an accident are assessed together to determine the degree of permanent impairment. Permanent impairments arising from primary psychological or psychiatric injuries are assessed separately from physical injuries. In all cases, secondary psychological or psychiatric injuries are disregarded in determining the degree of permanent impairment (section 65A(2), 1987 Act).
- If a worker receives a primary psychological or psychiatric injury and a physical injury arising out of the same incident, the worker is entitled to receive compensation for impairment resulting from only one of these injuries, whichever results in the greater amount of compensation being payable (section 65A(4), 1987 Act).

Benefits payable for permanent injuries received on or after 1 January 2007 to 18 June 2012

(Notes 10 & 11) (Section 66 of the *Workers Compensation Act 1987*)

Maximum amount payable for multiple injuries (Note 12)						\$220,000	
Maximum amount payable for spinal impairment (see Notes 10 & 11)						\$231,000	
Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit
0%	\$0	19%	\$28,600	38%	\$79,750	57%	\$150,700
1%	\$1,375	20%	\$30,250	39%	\$82,500	58%	\$154,550
2%	\$2,750	21%	\$33,000	40%	\$85,250	59%	\$158,400
3%	\$4,125	22%	\$35,750	41%	\$89,100	60%	\$162,250
4%	\$5,500	23%	\$38,500	42%	\$92,950	61%	\$166,100
5%	\$6,875	24%	\$41,250	43%	\$96,800	62%	\$169,950
6%	\$8,250	25%	\$44,000	44%	\$100,650	63%	\$173,800
7%	\$9,625	26%	\$46,750	45%	\$104,500	64%	\$177,650
8%	\$11,000	27%	\$49,500	46%	\$108,350	65%	\$181,500
9%	\$12,375	28%	\$52,250	47%	\$112,200	66%	\$185,350
10%	\$13,750	29%	\$55,000	48%	\$116,050	67%	\$189,200
11%	\$15,400	30%	\$57,750	49%	\$119,900	68%	\$193,050
12%	\$17,050	31%	\$60,500	50%	\$123,750	69%	\$196,900
13%	\$18,700	32%	\$63,250	51%	\$127,600	70%	\$200,750
14%	\$20,350	33%	\$66,000	52%	\$131,450	71%	\$204,600
15%	\$22,000	34%	\$68,750	53%	\$135,300	72%	\$208,450
16%	\$23,650	35%	\$71,500	54%	\$139,150	73%	\$212,300
17%	\$25,300	36%	\$74,250	55%	\$143,000	74%	\$216,150
18%	\$26,950	37%	\$77,000	56%	\$146,850	75% and over	\$220,000

Note 10: Amendments to sections 66(2) and 66(2A) of the *Workers Compensation Act 1987* increased the amount of permanent impairment compensation by 10 per cent. The increase applies to all types of permanent impairment, including permanent impairment of the spine, arising from injuries received on or after 1 January 2007.

Note 11: For back injuries occurring after 1 January 2006, the amount of compensation payable under section 66(2A) of the *Workers Compensation Act 1987* increased by five per cent. For example:

A person suffers 10% permanent impairment. Under subsection (2), the amount of permanent impairment compensation to which he or she is entitled is \$13,750 (10 × \$1,375). If the whole of the impairment is to the back, the compensation payable in relation to the back will be the whole \$13,750. Under this subsection, that \$13,750 will be increased by 5%, yielding \$14,437.50 (section 66(2A) *Workers Compensation Act 1987*).

Note 12: The total amount payable for multiple injuries suffered in any single claim is limited to the maximum amount shown for multiple injuries or impairments. For multiple injuries sustained on or after 1 January 2006 an additional five per cent compensation will be payable where there is impairment of the spine. This increase is limited to the component of compensation payable for the spinal impairment (see Note 11).

- The amount of permanent impairment compensation in the above table is calculated using the formulae under section 66 of the *Workers Compensation Act 1987*.
- Injuries received on or after 1 January 2002 are assessed in accordance with the *WorkCover Guides for the Evaluation of Permanent Impairment* to determine the degree of permanent impairment.
- To be eligible for compensation under section 66, all permanent physical injuries are eligible for compensation, except for hearing loss where at least six per cent total permanent hearing loss is required (section 69A(1)). Permanent **primary** psychological or psychiatric injuries are also compensable under section 66, provided that the degree of permanent impairment is at least 15 per cent (section 65A(3), 1987 Act).
- Single and multiple physical injuries that have resulted from an accident are assessed together to determine the degree of permanent impairment. Permanent impairments arising from primary psychological or psychiatric injuries are assessed separately from physical injuries. In all cases, secondary psychological or psychiatric injuries are disregarded in determining the degree of permanent impairment (section 65A(2), 1987 Act).
- If a worker receives a primary psychological or psychiatric injury and a physical injury arising out of the same incident, the worker is entitled to receive compensation for impairment resulting from only one of these injuries, whichever results in the greater amount of compensation being payable (section 65A(4), 1987 Act).

Benefits payable for permanent injuries received on or after 1 January 2002 to 31 December 2006

(Note 8) (Section 66 of the *Workers Compensation Act 1987*)

Maximum amount payable for multiple injuries (Note 9)						\$200,000	
Maximum amount payable for spinal impairment (see Note 8)						\$210,000	
Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit	Degree of permanent impairment	Benefit
0%	\$0	19%	\$26,000	38%	\$72,500	57%	\$137,000
1%	\$1,250	20%	\$27,500	39%	\$75,000	58%	\$140,500
2%	\$2,500	21%	\$30,000	40%	\$77,500	59%	\$144,000
3%	\$3,750	22%	\$32,500	41%	\$81,000	60%	\$147,500
4%	\$5,000	23%	\$35,000	42%	\$84,500	61%	\$151,000
5%	\$6,250	24%	\$37,500	43%	\$88,000	62%	\$154,500
6%	\$7,500	25%	\$40,000	44%	\$91,500	63%	\$158,000
7%	\$8,750	26%	\$42,500	45%	\$95,000	64%	\$161,500
8%	\$10,000	27%	\$45,000	46%	\$98,500	65%	\$165,000
9%	\$11,250	28%	\$47,500	47%	\$102,000	66%	\$168,500
10%	\$12,500	29%	\$50,000	48%	\$105,500	67%	\$172,000
11%	\$14,000	30%	\$52,500	49%	\$109,000	68%	\$175,500
12%	\$15,500	31%	\$55,000	50%	\$112,500	69%	\$179,000
13%	\$17,000	32%	\$57,500	51%	\$116,000	70%	\$182,500
14%	\$18,500	33%	\$60,000	52%	\$119,500	71%	\$186,000
15%	\$20,000	34%	\$62,500	53%	\$123,000	72%	\$189,500
16%	\$21,500	35%	\$65,000	54%	\$126,500	73%	\$193,000
17%	\$23,000	36%	\$67,500	55%	\$130,000	74%	\$196,500
18%	\$24,500	37%	\$70,000	56%	\$133,500	75% and over	\$200,000

Note 8: Amendments to section 66 (2A) of the *Workers Compensation Act 1987* increased the amount of compensation payable for permanent impairment of the spine by five per cent. The increase applies to back injuries received on or after 1 January 2006.

Note 9: The total amount payable for multiple injuries suffered in any single claim is limited to the maximum amount shown for multiple injuries or impairments. For multiple injuries sustained on or after 1 January 2006 an additional five per cent compensation will be payable where there is impairment of the back. This increase is limited to the component of compensation payable for the back impairment (see Note 8).

- The amount of permanent impairment compensation in the above table is calculated using the formulae under section 66 of the *Workers Compensation Act 1987*.
- Injuries received on or after 1 January 2002 are assessed in accordance with the *WorkCover Guides for the Evaluation of Permanent Impairment* to determine the degree of permanent impairment.
- To be eligible for compensation under section 66, all permanent physical injuries are eligible for compensation, except for hearing loss where at least six per cent total permanent hearing loss is required (section 69A(1)). Permanent **primary** psychological or psychiatric injuries are also compensable under section 66, provided that the degree of permanent impairment is at least 15 per cent (section 65A(3), 1987 Act).
- Single and multiple physical injuries that have resulted from an accident are assessed together to determine the degree of permanent impairment. Permanent impairments arising from primary psychological or psychiatric injuries are assessed separately from physical injuries. In all cases, secondary psychological or psychiatric injuries are disregarded in determining the degree of permanent impairment (section 65A(2), 1987 Act).
- If a worker receives a primary psychological or psychiatric injury and a physical injury arising out of the same incident, the worker is entitled to receive compensation for impairment resulting from only one of these injuries, whichever results in the greater amount of compensation being payable (section 65A(4), 1987 Act).

Maximum benefits payable for permanent injuries received from 1 February 1992 – 31 December 2001, where the date lodged is on or after 12 January 1997 (Note 3) (Section 66 of *Workers Compensation Act 1987*)

Location of Injury	Injury detail	Maximum % payable	Maximum amount for individual impairment or loss
			Date of injury 01/02/1992 to 31/12/2001 (Lodged on or after 12/01/1997)
Maximum amount payable under 1987 Act for multiple losses or impairments (Note 4)s. 66(2)			\$121,000
Maximum amount payable under 1987 Act for individual losses or impairments s. 66(1)			\$100,000
Speech loss	Loss of power of speech	60	\$60,000
Sensory loss	Loss of sense of smell	17	\$17,000
	Loss of sense of taste	17	\$17,000
	Loss of senses of smell and taste	34	\$34,000
Hearing loss	Loss of hearing of both ears	65	\$65,000
	Loss of hearing of one ear	20	\$20,000
Loss of vision	Loss of sight of both eyes	100	\$100,000
	Loss of sight of an only eye	100	\$100,000
	Loss of sight of one eye, together with diminution of the sight of the other eye	75	\$75,000
	Loss of sight of one eye	40	\$40,000
	Loss of binocular vision (where not otherwise compensational under this Table)	40	\$40,000
	Loss of eyeball (in addition to compensation for loss of sight of the eye)	22	\$22,000
	Arm injuries	Loss of right arm at or above elbow	80
	Loss of right arm below elbow	75	\$75,000
	Loss of left arm at or above elbow	75	\$75,000
	Loss of left arm below elbow	70	\$70,000
Hand injuries	Loss of right hand	70	\$70,000
	Loss of left hand	65	\$65,000
	Loss of thumb of right hand	30	\$30,000

Location of Injury	Injury detail	Maximum % payable	Maximum amount for individual impairment or loss
			Date of injury 01/02/1992 to 31/12/2001 (Lodged on or after 12/01/1997)
	Loss of thumb of left hand	26	\$26,000
	Loss of a joint of the thumb	16	\$16,000
	Loss of forefinger of the right hand	21	\$21,000
	Loss of the forefinger of the left hand	18	\$18,000
	Loss of 2 joints of forefinger of the right hand	16	\$16,000
	Loss of 2 joints of forefinger of the left hand	12	\$12,000
	Loss of the first joint of forefinger of the right hand	10	\$10,000
	Loss of the first joint of forefinger of the left hand	9	\$9,000
	Loss of middle finger of either hand	12	\$12,000
	Loss of 2 joints of middle finger of either hand	10	\$10,000
	Loss of the first joint of middle finger of either hand	6	\$6,000
	Loss of little or ring finger of either hand	11	\$11,000
	Loss of 2 joints of little or ring finger of either hand	9	\$9,000
	Loss of the first joint of little or ring finger of either hand	6	\$6,000
Leg injuries	Loss of either leg at or above the knee	75	\$75,000
	Loss of either leg below the knee	70	\$70,000
Foot injuries	Loss of a foot	65	\$65,000
	Loss of great toe of either foot	22	\$22,000
	Loss of a joint of the great toe of either foot	10	\$10,000
	Loss of any other toe	6	\$6,000
	Loss of any joint of any other toe	2	\$2,000
Loss of sexual organs etc	Loss of sexual organs	47	\$47,000
	Loss of both breasts	47	\$47,000
	Loss of one breast	30	\$30,000

Location of Injury	Injury detail	Maximum % payable	Maximum amount for individual impairment or loss
			Date of injury 01/02/1992 to 31/12/2001 (Lodged on or after 12/01/1997)
	Loss of penis	47	\$47,000
	Loss of one testicle	10	\$10,000
	Loss of two testicles	47	\$47,000
Brain damage (Note 5)	Permanent brain damage	100	\$100,000
Permanent impairment of back	Permanent impairment of the back	60	\$60,000
Pelvis or neck	Permanent impairment of the neck	40	\$40,000
	Permanent impairment of the pelvis	15	\$15,000
Severe facial disfigurement (Note 5,6)	Injury prior to 1 September 1994	26	\$26,000
	Injury on or after 1 September 1994	80	\$80,000
Severe bodily disfigurement (Notes 5, 6)	Injury prior to 1 September 1994	22	\$22,000
	Injury on or after 1 September 1994	50	\$50,000
Bowel injuries (Note 7)	Permanent loss of bowel function	65	\$65,000
HIV/AIDS infection (Note 7)	HIV infection or AIDS	100	\$100,000

Note 3: The maximum amounts shown in this table apply where there is a total loss, or loss of function, of the relevant body part or function. Where partial loss or loss of function occurs, a proportionate amount of the maximum amount for that part applies.

Note 4: The total amount payable for multiple injuries suffered in any single claim is limited to the maximum amount shown for multiple injuries or impairments.

Note 5: 'Loss of mental powers' was replaced by 'Brain damage' under the Amendment Act 1989. Injuries and impairments including permanent brain damage, severe facial disfigurement, and severe bodily disfigurement are only compensable under section 66 if the injury concerned is not or is not wholly an injury otherwise compensable under this table.

Note 6: The level of benefits for facial and bodily disfigurement changes for injuries incurred on or after 1 September 1994.

Note 7: Compensation under section 66 for bowel injuries and HIV/AIDS applies only to injuries incurred on or after 1 January 1996.

Notes to the Table of Disabilities: *Workers Compensation Act 1987*

- The Table of Disabilities was formerly known as the Table of Maims.
- The **maximum amount payable** under section 66(1) of the 1987 Act (as amended December 1991) for a single loss or impairment under a claim for compensation for permanent injury is \$132,300 from **1 October 1995**. Under section 66(2) of the Act the maximum compensation benefit payable to a worker, who has suffered more than one of the losses (permanent injuries) mentioned in Part 1, Table of Disabilities, under a single claim (in respect of those losses) is \$160,950 from **1 October 1995**. These maximum amounts continue to apply from **1 April 1997** since indexation of benefits was suspended by legislative amendments in December 1995. The **maximum amounts payable** in earlier periods are also shown in Part 1, Table of Disabilities. A December 1996 amendment specifies that a claim for compensation under section 66(1) duly lodged **on or after 12 January 1997**, the **maximum amount payable** is \$121,000 for multiple losses or impairments and \$100,000 for individual losses or impairments.
- ‘Loss of mental powers’ was replaced by ‘Brain damage’ under the Amendment Act 1989. Injuries and impairments including permanent brain damage, severe facial disfigurement, and severe bodily disfigurement are only compensational under section 66 if the injury concerned is not or is not wholly an injury otherwise compensational (i.e. covered by some other Table of Disabilities item) under section 66.
- Compensation under section 66 for permanent loss of bowel function and for occupationally acquired HIV/AIDS was introduced for injuries on or after 1 January 1996.
- “Interpretations” relating to the Table of Disabilities are set out in Part 3, Division 4 of the *Workers Compensation Act 1987*.

Part 1: Table of Disabilities – Maximums (Note 3)

Section 66 of the *Workers Compensation Act 1987*

(Page 1 of 6 of this table)

			Maximum amounts applicable for losses and impairments, where the accident occurred within the period (usually six months) on or following the date shown below: (Note 3)						
			30-Jun-87	1-Oct-87	1-Apr-88	1-Oct-88	1-Apr-89	30-Jun-89	1-Oct-89
Maximum amount payable under 1987 Act for multiple losses or impairments (Note 1)			\$80,000.00	\$82,300.00	\$83,400.00	\$85,200.00	\$87,350.00	\$106,300.00	\$110,200.00
Maximum amount payable under 1987 Act for individual losses or impairments			\$80,000.00	\$82,300.00	\$83,400.00	\$85,200.00	\$87,350.00	\$87,350.00	\$90,550.00
Location of Injury	Injury detail	Maximum % payable	The maximum amount payable for an individual impairment or loss (Total loss or total loss of function)						
Speech loss:	Loss of power of speech	60	\$48,000.00	\$49,380.00	\$50,040.00	\$51,120.00	\$52,410.00	\$52,410.00	\$54,330.00
Sensory loss:	Loss of sense of smell	17	\$13,600.00	\$13,991.00	\$14,178.00	\$14,484.00	\$14,849.50	\$14,849.50	\$15,393.50
	Loss of sense of taste	17	\$13,600.00	\$13,991.00	\$14,178.00	\$14,484.00	\$14,849.50	\$14,849.50	\$15,393.50
	Loss of senses of smell and taste	34	\$27,200.00	\$27,982.00	\$28,356.00	\$28,968.00	\$29,699.00	\$29,699.00	\$30,787.00
Hearing loss:	Loss of hearing of both ears	65	\$52,000.00	\$53,495.00	\$54,210.00	\$55,380.00	\$56,777.50	\$56,777.50	\$58,857.50
	Loss of hearing of one ear	20	\$16,000.00	\$16,460.00	\$16,680.00	\$17,040.00	\$17,470.00	\$17,470.00	\$18,110.00
Loss of vision:	Loss of sight of both eyes	100	\$80,000.00	\$82,300.00	\$83,400.00	\$85,200.00	\$87,350.00	\$87,350.00	\$90,550.00
	Loss of sight of an only eye	100	\$80,000.00	\$82,300.00	\$83,400.00	\$85,200.00	\$87,350.00	\$87,350.00	\$90,550.00
	Loss of sight of one eye, together with diminution of the sight of the other eye	75	\$60,000.00	\$61,725.00	\$62,550.00	\$63,900.00	\$65,512.50	\$65,512.50	\$67,912.50
	Loss of sight of one eye	40	\$32,000.00	\$32,920.00	\$33,360.00	\$34,080.00	\$34,940.00	\$34,940.00	\$36,220.00
	Loss of binocular vision (where not otherwise compensable under this Table)	40	\$32,000.00	\$32,920.00	\$33,360.00	\$34,080.00	\$34,940.00	\$34,940.00	\$36,220.00
	Loss of eyeball (in addition to compensation for loss of sight of the eye)	22	\$17,600.00	\$18,106.00	\$18,348.00	\$18,744.00	\$19,217.00	\$19,217.00	\$19,921.00
Arm injuries:	Loss of right arm at or above elbow	80	\$64,000.00	\$65,840.00	\$66,720.00	\$68,160.00	\$69,880.00	\$69,880.00	\$72,440.00
	Loss of right arm below elbow	75	\$60,000.00	\$61,725.00	\$62,550.00	\$63,900.00	\$65,512.50	\$65,512.50	\$67,912.50
	Loss of left arm at or above elbow	75	\$60,000.00	\$61,725.00	\$62,550.00	\$63,900.00	\$65,512.50	\$65,512.50	\$67,912.50
	Loss of left arm below elbow	70	\$56,000.00	\$57,610.00	\$58,380.00	\$59,640.00	\$61,145.00	\$61,145.00	\$63,385.00
Hand injuries :	Loss of right hand	70	\$56,000.00	\$57,610.00	\$58,380.00	\$59,640.00	\$61,145.00	\$61,145.00	\$63,385.00
	Loss of left hand	65	\$52,000.00	\$53,495.00	\$54,210.00	\$55,380.00	\$56,777.50	\$56,777.50	\$58,857.50
	Loss of thumb of right hand	30	\$24,000.00	\$24,690.00	\$25,020.00	\$25,560.00	\$26,205.00	\$26,205.00	\$27,165.00
	Loss of thumb of left hand	26	\$20,800.00	\$21,398.00	\$21,684.00	\$22,152.00	\$22,711.00	\$22,711.00	\$23,543.00
	Loss of a joint of the thumb	16	\$12,800.00	\$13,168.00	\$13,344.00	\$13,632.00	\$13,976.00	\$13,976.00	\$14,488.00
	Loss of forefinger of the right hand	21	\$16,800.00	\$17,283.00	\$17,514.00	\$17,892.00	\$18,343.50	\$18,343.50	\$19,015.50
	Loss of the forefinger of the left hand	18	\$14,400.00	\$14,814.00	\$15,012.00	\$15,336.00	\$15,723.00	\$15,723.00	\$16,299.00
	Loss of 2 joints of forefinger of the right hand	16	\$12,800.00	\$13,168.00	\$13,344.00	\$13,632.00	\$13,976.00	\$13,976.00	\$14,488.00
	Loss of 2 joints of forefinger of the left hand	12	\$9,600.00	\$9,876.00	\$10,008.00	\$10,224.00	\$10,482.00	\$10,482.00	\$10,866.00
	Loss of the first joint of forefinger of the right hand	10	\$8,000.00	\$8,230.00	\$8,340.00	\$8,520.00	\$8,735.00	\$8,735.00	\$9,055.00
	Loss of the first joint of forefinger of the left hand	9	\$7,200.00	\$7,407.00	\$7,506.00	\$7,668.00	\$7,861.50	\$7,861.50	\$8,149.50
	Loss of middle finger of either hand	12	\$9,600.00	\$9,876.00	\$10,008.00	\$10,224.00	\$10,482.00	\$10,482.00	\$10,866.00
	Loss of 2 joints of middle finger of either hand	10	\$8,000.00	\$8,230.00	\$8,340.00	\$8,520.00	\$8,735.00	\$8,735.00	\$9,055.00
	Loss of the first joint of middle finger of either hand	6	\$4,800.00	\$4,938.00	\$5,004.00	\$5,112.00	\$5,241.00	\$5,241.00	\$5,433.00
	Loss of little or ring finger of either hand	11	\$8,800.00	\$9,053.00	\$9,174.00	\$9,372.00	\$9,608.50	\$9,608.50	\$9,960.50
	Loss of 2 joints of little or ring finger of either hand	9	\$7,200.00	\$7,407.00	\$7,506.00	\$7,668.00	\$7,861.50	\$7,861.50	\$8,149.50
	Loss of the first joint of little or ring finger of either hand	6	\$4,800.00	\$4,938.00	\$5,004.00	\$5,112.00	\$5,241.00	\$5,241.00	\$5,433.00

Part 1: Table of Disabilities – Maximums (Note 3)

Section 66 of the *Workers Compensation Act 1987*

(Page 2 of 6 of this table)

			Maximum amounts applicable for losses and impairments, where the accident occurred within the period (usually six months) on or following the date shown below: (Note 3)						
			30-Jun-87	1-Oct-87	1-Apr-88	1-Oct-88	1-Apr-89	30-Jun-89	1-Oct-89
Maximum amount payable under 1987 Act for multiple losses or impairments (Note 1)			\$80,000.00	\$82,300.00	\$83,400.00	\$85,200.00	\$87,350.00	\$106,300.00	\$110,200.00
Maximum amount payable under 1987 Act for individual losses or impairments			\$80,000.00	\$82,300.00	\$83,400.00	\$85,200.00	\$87,350.00	\$87,350.00	\$90,550.00
Location of Injury	Injury detail	Maximum % payable	The maximum amount payable for an individual impairment or loss (Total loss or total loss of function)						
Leg injuries:	Loss of either leg at or above the knee	75	\$60,000.00	\$61,725.00	\$62,550.00	\$63,900.00	\$65,512.50	\$65,512.50	\$67,912.50
	Loss of either leg below the knee	70	\$56,000.00	\$57,610.00	\$58,380.00	\$59,640.00	\$61,145.00	\$61,145.00	\$63,385.00
Foot injuries:	Loss of a foot	65	\$52,000.00	\$53,495.00	\$54,210.00	\$55,380.00	\$56,777.50	\$56,777.50	\$58,857.50
	Loss of great toe of either foot	22	\$17,600.00	\$18,106.00	\$18,348.00	\$18,744.00	\$19,217.00	\$19,217.00	\$19,921.00
	Loss of a joint of the great toe of either foot	10	\$8,000.00	\$8,230.00	\$8,340.00	\$8,520.00	\$8,735.00	\$8,735.00	\$9,055.00
	Loss of any other toe	6	\$4,800.00	\$4,938.00	\$5,004.00	\$5,112.00	\$5,241.00	\$5,241.00	\$5,433.00
	Loss of any joint of any other toe	2	\$1,600.00	\$1,646.00	\$1,668.00	\$1,704.00	\$1,747.00	\$1,747.00	\$1,811.00
Loss of sexual Organs etc:	Loss of sexual organs	47	\$37,600.00	\$38,681.00	\$39,198.00	\$40,044.00	\$41,054.50	\$41,054.50	\$42,558.50
	Loss of both breasts	47	\$37,600.00	\$38,681.00	\$39,198.00	\$40,044.00	\$41,054.50	\$41,054.50	\$42,558.50
	Loss of one breast	30	\$24,000.00	\$24,690.00	\$25,020.00	\$25,560.00	\$26,205.00	\$26,205.00	\$27,165.00
	Loss of penis	47	\$37,600.00	\$38,681.00	\$39,198.00	\$40,044.00	\$41,054.50	\$41,054.50	\$42,558.50
	Loss of one testicle	10	\$8,000.00	\$8,230.00	\$8,340.00	\$8,520.00	\$8,735.00	\$8,735.00	\$9,055.00
	Loss of two testicles	47	\$37,600.00	\$38,681.00	\$39,198.00	\$40,044.00	\$41,054.50	\$41,054.50	\$42,558.50
Brain damage:	Permanent brain damage (Refer to Note 2)	100	\$80,000.00	\$82,300.00	\$83,400.00	\$85,200.00	\$87,350.00	\$87,350.00	\$90,550.00
Permanent impairment of back,	Permanent impairment of the back	60	\$48,000.00	\$49,380.00	\$50,040.00	\$51,120.00	\$52,410.00	\$52,410.00	\$54,330.00
Pelvis or neck:	Permanent impairment of the neck	40	\$32,000.00	\$32,920.00	\$33,360.00	\$34,080.00	\$34,940.00	\$34,940.00	\$36,220.00
	Permanent impairment of the pelvis	15	\$12,000.00	\$12,345.00	\$12,510.00	\$12,780.00	\$13,102.50	\$13,102.50	\$13,582.50
Severe Facial Disfigurement (Note 2):	Injury prior to 1 September 1994	26	\$20,800.00	\$21,398.00	\$21,684.00	\$22,152.00	\$22,711.00	\$22,711.00	\$23,543.00
	Injury on or after 1 September 1994	80	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Severe Bodily Disfigurement (Note 2):	Injury prior to 1 September 1994	22	\$17,600.00	\$18,106.00	\$18,348.00	\$18,744.00	\$19,217.00	\$19,217.00	\$19,921.00
	Injury on or after 1 September 1994	50	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Bowel Injuries :	Permanent loss of bowel function (Note 4)	65	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HIV/AIDS Infection :	Occupationally acquired HIV/AIDS (Note 4)	100	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Note 1: The total amount payable for multiple injuries suffered in any single claim is limited to the maximum amount shown for multiple injuries or impairments.

Note 2: This being an injury which is not or is not wholly an injury otherwise compensable under this table.

Note 3: This table does not apply to claims where the date of injuries is on or after 1 February 1992 if the claim is lodged on or after 12 January 1997 (for these claims see Part 2).

Note 4: Compensation under section 66 for permanent loss of bowel function and for occupationally acquired HIV/AIDS was introduced for injuries on or after 1 January 1996.

Part 1: Table of Disabilities – Maximums (Note 3)

Section 66 of the *Workers Compensation Act 1987*

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			Maximum amounts applicable for losses and impairments, where the accident occurred within the period (usually six months) on or following the date shown below						
			1-Feb-90	1-Apr-90	1-Oct-90	1-Apr-91	1-Oct-91	1-Feb-92	1-Apr-92
	Maximum amount payable under 1987 Act for multiple losses or impairments (Note 1)		\$110,200.00	\$112,500.00	\$117,700.00	\$119,250.00	\$120,100.00	\$150,150.00	\$154,650.00
	Maximum amount payable under 1987 Act for individual losses or impairments		\$90,550.00	\$92,450.00	\$96,750.00	\$98,000.00	\$98,700.00	\$123,400.00	\$127,100.00
Location of Injury	Injury detail	Maximum % payable	The maximum amount payable for an individual impairment or loss (Total loss or total loss of function)						
Speech loss:	Loss of power of speech	60	\$54,330.00	\$55,470.00	\$58,050.00	\$58,800.00	\$59,220.00	\$74,040.00	\$76,260.00
Sensory loss:	Loss of sense of smell	17	\$15,393.50	\$15,716.50	\$16,447.50	\$16,660.00	\$16,779.00	\$20,978.00	\$21,607.00
	Loss of sense of taste	17	\$15,393.50	\$15,716.50	\$16,447.50	\$16,660.00	\$16,779.00	\$20,978.00	\$21,607.00
	Loss of senses of smell and taste	34	\$30,787.00	\$31,433.00	\$32,895.00	\$33,320.00	\$33,558.00	\$41,956.00	\$43,214.00
Hearing loss:	Loss of hearing of both ears	65	\$58,857.50	\$60,092.50	\$62,887.50	\$63,700.00	\$64,155.00	\$80,210.00	\$82,615.00
	Loss of hearing of one ear	20	\$18,110.00	\$18,490.00	\$19,350.00	\$19,600.00	\$19,740.00	\$24,680.00	\$25,420.00
Loss of vision:	Loss of sight of both eyes	100	\$90,550.00	\$92,450.00	\$96,750.00	\$98,000.00	\$98,700.00	\$123,400.00	\$127,100.00
	Loss of sight of an only eye	100	\$90,550.00	\$92,450.00	\$96,750.00	\$98,000.00	\$98,700.00	\$123,400.00	\$127,100.00
	Loss of sight of one eye, together with diminution of the sight of the other eye	75	\$67,912.50	\$69,337.50	\$72,562.50	\$73,500.00	\$74,025.00	\$92,550.00	\$95,325.00
	Loss of sight of one eye	40	\$36,220.00	\$36,980.00	\$38,700.00	\$39,200.00	\$39,480.00	\$49,360.00	\$50,840.00
	Loss of binocular vision (where not otherwise compensable under this Table)	40	\$36,220.00	\$36,980.00	\$38,700.00	\$39,200.00	\$39,480.00	\$49,360.00	\$50,840.00
	Loss of eyeball (in addition to compensation for loss of sight of the eye)	22	\$19,921.00	\$20,339.00	\$21,285.00	\$21,560.00	\$21,714.00	\$27,148.00	\$27,962.00
Arm injuries:	Loss of right arm at or above elbow	80	\$72,440.00	\$73,960.00	\$77,400.00	\$78,400.00	\$78,960.00	\$98,720.00	\$101,680.00
	Loss of right arm below elbow	75	\$67,912.50	\$69,337.50	\$72,562.50	\$73,500.00	\$74,025.00	\$92,550.00	\$95,325.00
	Loss of left arm at or above elbow	75	\$67,912.50	\$69,337.50	\$72,562.50	\$73,500.00	\$74,025.00	\$92,550.00	\$95,325.00
	Loss of left arm below elbow	70	\$63,385.00	\$64,715.00	\$67,725.00	\$68,600.00	\$69,090.00	\$86,380.00	\$88,970.00
Hand injuries:	Loss of right hand	70	\$63,385.00	\$64,715.00	\$67,725.00	\$68,600.00	\$69,090.00	\$86,380.00	\$88,970.00
	Loss of left hand	65	\$58,857.50	\$60,092.50	\$62,887.50	\$63,700.00	\$64,155.00	\$80,210.00	\$82,615.00
	Loss of thumb of right hand	30	\$27,165.00	\$27,735.00	\$29,025.00	\$29,400.00	\$29,610.00	\$37,020.00	\$38,130.00
	Loss of thumb of left hand	26	\$23,543.00	\$24,037.00	\$25,155.00	\$25,480.00	\$25,662.00	\$32,084.00	\$33,046.00
	Loss of a joint of the thumb	16	\$14,488.00	\$14,792.00	\$15,480.00	\$15,680.00	\$15,792.00	\$19,744.00	\$20,336.00
	Loss of forefinger of the right hand	21	\$19,015.50	\$19,414.50	\$20,317.50	\$20,580.00	\$20,727.00	\$25,914.00	\$26,691.00
	Loss of the forefinger of the left hand	18	\$16,299.00	\$16,641.00	\$17,415.00	\$17,640.00	\$17,766.00	\$22,212.00	\$22,878.00
	Loss of 2 joints of forefinger of the right hand	16	\$14,488.00	\$14,792.00	\$15,480.00	\$15,680.00	\$15,792.00	\$19,744.00	\$20,336.00
	Loss of 2 joints of forefinger of the left hand	12	\$10,866.00	\$11,094.00	\$11,610.00	\$11,760.00	\$11,844.00	\$14,808.00	\$15,252.00
	Loss of the first joint of forefinger of the right hand	10	\$9,055.00	\$9,245.00	\$9,675.00	\$9,800.00	\$9,870.00	\$12,340.00	\$12,710.00
	Loss of the first joint of forefinger of the left hand	9	\$8,149.50	\$8,320.50	\$8,707.50	\$8,820.00	\$8,883.00	\$11,106.00	\$11,439.00
	Loss of middle finger of either hand	12	\$10,866.00	\$11,094.00	\$11,610.00	\$11,760.00	\$11,844.00	\$14,808.00	\$15,252.00
	Loss of 2 joints of middle finger of either hand	10	\$9,055.00	\$9,245.00	\$9,675.00	\$9,800.00	\$9,870.00	\$12,340.00	\$12,710.00
	Loss of the first joint of middle finger of either hand	6	\$5,433.00	\$5,547.00	\$5,805.00	\$5,880.00	\$5,922.00	\$7,404.00	\$7,626.00
	Loss of little or ring finger of either hand	11	\$9,960.50	\$10,169.50	\$10,642.50	\$10,780.00	\$10,857.00	\$13,574.00	\$13,981.00
	Loss of 2 joints of little or ring finger of either hand	9	\$8,149.50	\$8,320.50	\$8,707.50	\$8,820.00	\$8,883.00	\$11,106.00	\$11,439.00
	Loss of the first joint of little or ring finger of either hand	6	\$5,433.00	\$5,547.00	\$5,805.00	\$5,880.00	\$5,922.00	\$7,404.00	\$7,626.00

Part 1: Table of Disabilities – Maximums (Note 3)

Section 66 of the *Workers Compensation Act 1987*

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			Maximum amounts applicable for losses and impairments, where the accident occurred within the period (usually six months) on or following the date shown below						
			1-Feb-90	1-Apr-90	1-Oct-90	1-Apr-91	1-Oct-91	1-Feb-92	1-Apr-92
	Maximum amount payable under 1987 Act for multiple losses or impairments (Note 1)		\$110,200.00	\$112,500.00	\$117,700.00	\$119,250.00	\$120,100.00	\$150,150.00	\$154,650.00
	Maximum amount payable under 1987 Act for individual losses or impairments		\$90,550.00	\$92,450.00	\$96,750.00	\$98,000.00	\$98,700.00	\$123,400.00	\$127,100.00
Location of Injury	Injury detail	Maximum % payable	The maximum amount payable for an individual impairment or loss (Total loss or total loss of function)						
Leg injuries:	Loss of either leg at or above the knee	75	\$67,912.50	\$69,337.50	\$72,562.50	\$73,500.00	\$74,025.00	\$92,550.00	\$95,325.00
	Loss of either leg below the knee	70	\$63,385.00	\$64,715.00	\$67,725.00	\$68,600.00	\$69,090.00	\$86,380.00	\$88,970.00
Foot injuries:	Loss of a foot	65	\$58,857.50	\$60,092.50	\$62,887.50	\$63,700.00	\$64,155.00	\$80,210.00	\$82,615.00
	Loss of great toe of either foot	22	\$19,921.00	\$20,339.00	\$21,285.00	\$21,560.00	\$21,714.00	\$27,148.00	\$27,962.00
	Loss of a joint of the great toe of either foot	10	\$9,055.00	\$9,245.00	\$9,675.00	\$9,800.00	\$9,870.00	\$12,340.00	\$12,710.00
	Loss of any other toe	6	\$5,433.00	\$5,547.00	\$5,805.00	\$5,880.00	\$5,922.00	\$7,404.00	\$7,626.00
	Loss of any joint of any other toe	2	\$1,811.00	\$1,849.00	\$1,935.00	\$1,960.00	\$1,974.00	\$2,468.00	\$2,542.00
Loss of sexual Organs etc:	Loss of sexual organs	47	\$42,558.50	\$43,451.50	\$45,472.50	\$46,060.00	\$46,389.00	\$57,998.00	\$59,737.00
	Loss of both breasts	47	\$42,558.50	\$43,451.50	\$45,472.50	\$46,060.00	\$46,389.00	\$57,998.00	\$59,737.00
	Loss of one breast	30	\$27,165.00	\$27,735.00	\$29,025.00	\$29,400.00	\$29,610.00	\$37,020.00	\$38,130.00
	Loss of penis	47	\$42,558.50	\$43,451.50	\$45,472.50	\$46,060.00	\$46,389.00	\$57,998.00	\$59,737.00
	Loss of one testicle	10	\$9,055.00	\$9,245.00	\$9,675.00	\$9,800.00	\$9,870.00	\$12,340.00	\$12,710.00
	Loss of two testicles	47	\$42,558.50	\$43,451.50	\$45,472.50	\$46,060.00	\$46,389.00	\$57,998.00	\$59,737.00
Brain damage:	Permanent brain damage (Refer to Note 2)	100	\$90,550.00	\$92,450.00	\$96,750.00	\$98,000.00	\$98,700.00	\$123,400.00	\$127,100.00
Permanent impairment of back,	Permanent impairment of the back	60	\$54,330.00	\$55,470.00	\$58,050.00	\$58,800.00	\$59,220.00	\$74,040.00	\$76,260.00
Pelvis or neck:	Permanent impairment of the neck	40	\$36,220.00	\$36,980.00	\$38,700.00	\$39,200.00	\$39,480.00	\$49,360.00	\$50,840.00
	Permanent impairment of the pelvis	15	\$13,582.50	\$13,867.50	\$14,512.50	\$14,700.00	\$14,805.00	\$18,510.00	\$19,065.00
Severe Facial Disfigurement (Note 2) :	Injury prior to 1 September 1994	26	\$23,543.00	\$24,037.00	\$25,155.00	\$25,480.00	\$25,662.00	\$32,084.00	\$33,046.00
	Injury on or after 1 September 1994	80	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Severe Bodily Disfigurement (Note 2) :	Injury prior to 1 September 1994	22	\$19,921.00	\$20,339.00	\$21,285.00	\$21,560.00	\$21,714.00	\$27,148.00	\$27,962.00
	Injury on or after 1 September 1994	50	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Bowel Injuries:	Permanent loss of bowel function (Note 4)	65	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HIV/AIDS Infection:	Occupationally acquired HIV/AIDS (Note 4)	100	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Note 1: The total amount payable for multiple injuries suffered in any single claim is limited to the maximum amount shown for multiple injuries or impairments.

Note 2: This being an injury which is not or is not wholly an injury otherwise compensable under this table.

Note 3: This table does not apply to claims where the date of injuries is on or after 1 February 1992 if the claim is lodged on or after 12 January 1997 (for these claims see Part 2).

Note 4: Compensation under section 66 for permanent loss of bowel function and for occupationally acquired HIV/AIDS was introduced for injuries on or after 1 January 1996.

Part 1: Table of Disabilities – Maximums (Note 3)

Section 66 of the *Workers Compensation Act 1987*

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			Maximum amounts applicable for losses and impairments, where the accident occurred within the period (usually six months) on or following the date shown below						
			1-Oct-92	1-Apr-93	1-Oct-93	1-Apr-94	1-Oct-94	1-Apr-95	1-Oct-95+
Maximum amount payable under 1987 Act for multiple losses or impairments (Note 1)			\$156,600.00	\$157,200.00	\$158,000.00	\$158,650.00	\$159,700.00	\$160,150.00	\$160,950.00
Maximum amount payable under 1987 Act for individual losses or impairments.			\$128,700.00	\$129,200.00	\$129,850.00	\$130,400.00	\$131,250.00	\$131,650.00	\$132,300.00
Location of Injury	Injury detail	Maximum % payable	The maximum amount payable for an individual impairment or loss (Total loss or total loss of function)						
Speech loss:	Loss of power of speech	60	\$77,220.00	\$77,520.00	\$77,910.00	\$78,240.00	\$78,750.00	\$78,990.00	\$79,380.00
Sensory loss:	Loss of sense of smell	17	\$21,879.00	\$21,964.00	\$22,074.50	\$22,168.00	\$22,312.50	\$22,380.50	\$22,491.00
	Loss of sense of taste	17	\$21,879.00	\$21,964.00	\$22,074.50	\$22,168.00	\$22,312.50	\$22,380.50	\$22,491.00
	Loss of senses of smell and taste	34	\$43,758.00	\$43,928.00	\$44,149.00	\$44,336.00	\$44,625.00	\$44,761.00	\$44,982.00
Hearing loss:	Loss of hearing of both ears	65	\$83,655.00	\$83,980.00	\$84,402.50	\$84,760.00	\$85,312.50	\$85,572.50	\$85,995.00
	Loss of hearing of one ear	20	\$25,740.00	\$25,840.00	\$25,970.00	\$26,080.00	\$26,250.00	\$26,330.00	\$26,460.00
Loss of vision:	Loss of sight of both eyes	100	\$128,700.00	\$129,200.00	\$129,850.00	\$130,400.00	\$131,250.00	\$131,650.00	\$132,300.00
	Loss of sight of an only eye	100	\$128,700.00	\$129,200.00	\$129,850.00	\$130,400.00	\$131,250.00	\$131,650.00	\$132,300.00
	Loss of sight of one eye, together with diminution of the sight of the other eye	75	\$96,525.00	\$96,900.00	\$97,387.50	\$97,800.00	\$98,437.50	\$98,737.50	\$99,225.00
	Loss of sight of one eye	40	\$51,480.00	\$51,680.00	\$51,940.00	\$52,160.00	\$52,500.00	\$52,660.00	\$52,920.00
	Loss of binocular vision (where not otherwise compensable under this Table)	40	\$51,480.00	\$51,680.00	\$51,940.00	\$52,160.00	\$52,500.00	\$52,660.00	\$52,920.00
	Loss of eyeball (in addition to compensation for loss of sight of the eye)	22	\$28,314.00	\$28,424.00	\$28,567.00	\$28,688.00	\$28,875.00	\$28,963.00	\$29,106.00
Arm injuries:	Loss of right arm at or above elbow	80	\$102,960.00	\$103,360.00	\$103,880.00	\$104,320.00	\$105,000.00	\$105,320.00	\$105,840.00
	Loss of right arm below elbow	75	\$96,525.00	\$96,900.00	\$97,387.50	\$97,800.00	\$98,437.50	\$98,737.50	\$99,225.00
	Loss of left arm at or above elbow	75	\$96,525.00	\$96,900.00	\$97,387.50	\$97,800.00	\$98,437.50	\$98,737.50	\$99,225.00
	Loss of left arm below elbow	70	\$90,090.00	\$90,440.00	\$90,895.00	\$91,280.00	\$91,875.00	\$92,155.00	\$92,610.00
Hand injuries:	Loss of right hand	70	\$90,090.00	\$90,440.00	\$90,895.00	\$91,280.00	\$91,875.00	\$92,155.00	\$92,610.00
	Loss of left hand	65	\$83,655.00	\$83,980.00	\$84,402.50	\$84,760.00	\$85,312.50	\$85,572.50	\$85,995.00
	Loss of thumb of right hand	30	\$38,610.00	\$38,760.00	\$38,955.00	\$39,120.00	\$39,375.00	\$39,495.00	\$39,690.00
	Loss of thumb of left hand	26	\$33,462.00	\$33,592.00	\$33,761.00	\$33,904.00	\$34,125.00	\$34,229.00	\$34,398.00
	Loss of a joint of the thumb	16	\$20,592.00	\$20,672.00	\$20,776.00	\$20,864.00	\$21,000.00	\$21,064.00	\$21,168.00
	Loss of forefinger of the right hand	21	\$27,027.00	\$27,132.00	\$27,268.50	\$27,384.00	\$27,562.50	\$27,646.50	\$27,783.00
	Loss of the forefinger of the left hand	18	\$23,166.00	\$23,256.00	\$23,373.00	\$23,472.00	\$23,625.00	\$23,697.00	\$23,814.00
	Loss of 2 joints of forefinger of the right hand	16	\$20,592.00	\$20,672.00	\$20,776.00	\$20,864.00	\$21,000.00	\$21,064.00	\$21,168.00
	Loss of 2 joints of forefinger of the left hand	12	\$15,444.00	\$15,504.00	\$15,582.00	\$15,648.00	\$15,750.00	\$15,798.00	\$15,876.00
	Loss of the first joint of forefinger of the right hand	10	\$12,870.00	\$12,920.00	\$12,985.00	\$13,040.00	\$13,125.00	\$13,165.00	\$13,230.00
	Loss of the first joint of forefinger of the left hand	9	\$11,583.00	\$11,628.00	\$11,686.50	\$11,736.00	\$11,812.50	\$11,848.50	\$11,907.00
	Loss of middle finger of either hand	12	\$15,444.00	\$15,504.00	\$15,582.00	\$15,648.00	\$15,750.00	\$15,798.00	\$15,876.00
	Loss of 2 joints of middle finger of either hand	10	\$12,870.00	\$12,920.00	\$12,985.00	\$13,040.00	\$13,125.00	\$13,165.00	\$13,230.00
	Loss of the first joint of middle finger of either hand	6	\$7,722.00	\$7,752.00	\$7,791.00	\$7,824.00	\$7,875.00	\$7,899.00	\$7,938.00
	Loss of little or ring finger of either hand	11	\$14,157.00	\$14,212.00	\$14,283.50	\$14,344.00	\$14,437.50	\$14,481.50	\$14,553.00
	Loss of 2 joints of little or ring finger of either hand	9	\$11,583.00	\$11,628.00	\$11,686.50	\$11,736.00	\$11,812.50	\$11,848.50	\$11,907.00
	Loss of the first joint of little or ring finger of either hand	6	\$7,722.00	\$7,752.00	\$7,791.00	\$7,824.00	\$7,875.00	\$7,899.00	\$7,938.00

Part 1: Table of Disabilities – Maximums (Note 3)

Section 66 of the *Workers Compensation Act 1987*

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			Maximum amounts applicable for losses and impairments, where the accident occurred within the period (usually six months) on or following the date shown below						
			1-Oct-92	1-Apr-93	1-Oct-93	1-Apr-94	1-Oct-94	1-Apr-95	1-Oct-95+
	Maximum amount payable under 1987 Act for multiple losses or impairments (Note 1)		\$156,600.00	\$157,200.00	\$158,000.00	\$158,650.00	\$159,700.00	\$160,150.00	\$160,950.00
	Maximum amount payable under 1987 Act for individual losses or impairments		\$128,700.00	\$129,200.00	\$129,850.00	\$130,400.00	\$131,250.00	\$131,650.00	\$132,300.00
Location of Injury	Injury detail	Maximum % payable	The maximum amount payable for an individual impairment or loss (Total loss or total loss of function)						
Leg injuries:	Loss of either leg at or above the knee	75	\$96,525.00	\$96,900.00	\$97,387.50	\$97,800.00	\$98,437.50	\$98,737.50	\$99,225.00
	Loss of either leg below the knee	70	\$90,090.00	\$90,440.00	\$90,895.00	\$91,280.00	\$91,875.00	\$92,155.00	\$92,610.00
Foot injuries:	Loss of a foot	65	\$83,655.00	\$83,980.00	\$84,402.50	\$84,760.00	\$85,312.50	\$85,572.50	\$85,995.00
	Loss of great toe of either foot	22	\$28,314.00	\$28,424.00	\$28,567.00	\$28,688.00	\$28,875.00	\$28,963.00	\$29,106.00
	Loss of a joint of the great toe of either foot	10	\$12,870.00	\$12,920.00	\$12,985.00	\$13,040.00	\$13,125.00	\$13,165.00	\$13,230.00
	Loss of any other toe	6	\$7,722.00	\$7,752.00	\$7,791.00	\$7,824.00	\$7,875.00	\$7,899.00	\$7,938.00
	Loss of any joint of any other toe	2	\$2,574.00	\$2,584.00	\$2,597.00	\$2,608.00	\$2,625.00	\$2,633.00	\$2,646.00
Loss of sexual Organs etc:	Loss of sexual organs	47	\$60,489.00	\$60,724.00	\$61,029.50	\$61,288.00	\$61,687.50	\$61,875.50	\$62,181.00
	Loss of both breasts	47	\$60,489.00	\$60,724.00	\$61,029.50	\$61,288.00	\$61,687.50	\$61,875.50	\$62,181.00
	Loss of one breast	30	\$38,610.00	\$38,760.00	\$38,955.00	\$39,120.00	\$39,375.00	\$39,495.00	\$39,690.00
	Loss of penis	47	\$60,489.00	\$60,724.00	\$61,029.50	\$61,288.00	\$61,687.50	\$61,875.50	\$62,181.00
	Loss of one testicle	10	\$12,870.00	\$12,920.00	\$12,985.00	\$13,040.00	\$13,125.00	\$13,165.00	\$13,230.00
	Loss of two testicles	47	\$60,489.00	\$60,724.00	\$61,029.50	\$61,288.00	\$61,687.50	\$61,875.50	\$62,181.00
Brain damage:	Permanent brain damage (Refer to Note 2)	100	\$128,700.00	\$129,200.00	\$129,850.00	\$130,400.00	\$131,250.00	\$131,650.00	\$132,300.00
Permanent impairment of back, Pelvis or neck:	Permanent impairment of the back	60	\$77,220.00	\$77,520.00	\$77,910.00	\$78,240.00	\$78,750.00	\$78,990.00	\$79,380.00
	Permanent impairment of the neck	40	\$51,480.00	\$51,680.00	\$51,940.00	\$52,160.00	\$52,500.00	\$52,660.00	\$52,920.00
	Permanent impairment of the pelvis	15	\$19,305.00	\$19,380.00	\$19,477.50	\$19,560.00	\$19,687.50	\$19,747.50	\$19,845.00
Severe Facial Disfigurement (Note 2):	Injury prior to 1 September 1994	26	\$33,462.00	\$33,592.00	\$33,761.00	\$33,904.00	n/a	n/a	n/a
	Injury on or after 1 September 1994	80	n/a	n/a	n/a	\$104,320.00	\$105,000.00	\$105,320.00	\$105,840.00
Severe Bodily Disfigurement (Note 2):	Injury prior to 1 September 1994	22	\$28,314.00	\$28,424.00	\$28,567.00	\$28,688.00	n/a	n/a	n/a
	Injury on or after 1 September 1994	50	n/a	n/a	n/a	\$65,200.00	\$65,625.00	\$65,825.00	\$66,150.00
Bowel Injuries:	Permanent loss of bowel function (Note 4)	65	n/a	n/a	n/a	n/a	n/a	n/a (Note 4)	\$85,995.00
HIV/AIDS Infection:	Occupationally acquired HIV/AIDS (Note 4)	100	n/a	n/a	n/a	n/a	n/a	n/a (Note 4)	\$132,300.00

Note 1: The total amount payable for multiple injuries suffered in any single claim is limited to the maximum Amount shown for multiple injuries or impairments.

Note 2: This being an injury which is not or is not wholly an injury otherwise compensational under this table.

Note 3: This table does not apply to claims where the date of injuries is on or after 1 February 1992 if the claim is lodged on or after 12 January 1997 (for these claims see Part 2).

Note 4: Compensation under section 66 for permanent loss of bowel function and for occupationally acquired HIV/AIDS was introduced for injuries on or after 1 January 1996.

Table of Disabilities

Workers Compensation Act 1926, Section 16 (Note 1)

Commencement of amending Acts	01 May 1975	09 Dec 1977	29 Apr 1980	28 May 1981
Injury or impairment:				
Loss of either arm, or the greater part thereof	\$10,500	\$18,400	\$18,400	\$24,100
Loss of lower part of either arm, either hand or five fingers of either hand	\$9,000	\$15,750	\$15,750	\$20,650
Loss of leg or the greater part thereof	\$9,600	\$16,800	\$16,800	\$22,000
Loss of the lower part of a leg	\$8,250	\$14,450	\$14,450	\$18,950
Loss of a foot	\$8,000	\$14,000	\$14,000	\$18,350
Loss of sight of one eye with serious diminution of the sight of the other	\$9,600	\$16,800	\$16,800	\$22,000
Loss of the sight of both eyes	\$13,500	\$23,650	\$23,650	\$31,000
Loss of sight of one eye	\$5,600	\$9,800	\$9,800	\$12,850
Loss of hearing of both ears	\$8,250	\$14,450	\$14,450	\$18,950
Loss of hearing of one ear	\$3,900	\$6,850	\$6,850	\$8,950
Loss of power of speech	\$8,250	\$14,450	\$14,450	\$18,950
Loss of a thumb	\$3,900	\$6,850	\$6,850	\$8,950
Loss of a forefinger	\$2,600	\$4,550	\$4,550	\$5,950
Loss of a joint of a thumb	\$2,400	\$4,200	\$4,200	\$5,500
Loss of little finger, middle finger or ring finger	\$1,350	\$2,400	\$2,400	\$3,150
Loss of a toe or the joint of a finger	\$1,200	\$2,100	\$2,100	\$2,750
Loss of a joint of a toe	\$750	\$1,350	\$1,350	\$1,750
Loss of a great toe	\$2,600	\$4,550	\$4,550	\$5,950
Loss of joint of forefinger or of joint of great toe	\$1,350	\$2,400	\$2,400	\$3,150
Loss of taste	\$2,250	\$3,950	\$3,950	\$5,150
Loss of smell	\$2,250	\$3,950	\$3,950	\$5,150
Loss of eyeball (in addition to any payment for loss of sight)	\$3,000	\$5,250	\$5,250	\$6,900
Severe facial disfigurement	\$1,050	\$1,850	\$6,850	\$7,900
Loss of sexual organs	NIL	NIL	\$12,750	\$14,650
Loss of both breasts	NIL	NIL	\$12,750	\$14,650

Note 1: See amending Acts for application of amounts to injuries received before or after amendments.

Medical, hospital and rehabilitation expenses

Under provisions in Divisions 3 and 5, of Part 3 of the *Workers Compensation Act 1987*, and depending on the individual claim, and the type, nature and severity of the injury, a worker may be eligible for all or some of the following benefits:

- medical and related treatment
- hospital treatment
- ambulance treatment
- workplace rehabilitation service
- damage to artificial aids
- damage to clothing
- car travel expenses to attend appointments for medical and other treatment.

Treatment costs for medical &/or related treatment

Applicable from	Maximum amount payable
30 June 1987 to 31 January 1992	\$10,000
From 1 February 1992	\$50,000

Section 61 (3) *Workers Compensation Act 1987*

This amount can be increased on a case-by-case basis by application to the State Insurance Regulatory Authority or a direction from the Workers Compensation Commission.

Hospital treatment

Applicable from	Maximum amount payable
30 June 1987 to 31 January 1992	\$10,000
From 1 February 1992	\$50,000

Section 62 (5) *Workers Compensation Act 1987*

This amount can be increased on a case-by-case basis by application to the State Insurance Regulatory Authority or a direction from the Workers Compensation Commission.

Ambulance treatment

Applicable from	Maximum amount payable
30 June 1987 to 31 January 1992	\$5,000
From 1 February 1992	\$10,000

Section 63 (1) *Workers Compensation Act 1987*

This amount can be increased on a case-by-case basis by application to the State Insurance Regulatory Authority or a direction from the Workers Compensation Commission.

Occupational rehabilitation service cost

Applicable from			Maximum amount payable
30 June 1987	to	24 May 1992	n/a
25 May 1992	to	14 July 1994	\$1,200.00
15 July 1994	to	30 September 1994	\$1,500.00
1 October 1994	to	31 March 1995	\$1,595.20
1 April 1995	to	30 September 1995	\$1,599.80
1 October 1995	to	31 March 1996	\$1,607.80
1 April 1996	to	30 September 1996	\$1,618.10
1 October 1996	to	31 March 1997	\$1,629.60
1 April 1997	to	30 September 1997	\$1,635.30
1 October 1997	to	31 March 1998	\$1,666.30
1 April 1998	to	30 September 1998	\$1,678.90
1 October 1998	to	31 March 1999	\$1,708.70
1 April 1999	to	30 September 1999	\$1,738.50
1 October 1999	to	31 March 2000	\$1,767.20
1 April 2000	to	30 September 2000	\$1,795.90
1 October 2000	to	31 March 2001	\$1,815.40
1 April 2001	to	30 September 2001	\$1,856.70
1 October 2001	to	31 December 2001	\$1,888.80
1 January 2002	to	31 March 2002	\$1,888.80
1 April 2002	to	30 September 2002	\$1,922.00
1 October 2002	to	31 March 2003	\$1,949.50
1 April 2003	to	30 September 2003	\$1,982.80
1 October 2003	to	31 March 2004	\$2,022.90
1 April 2004	to	30 September 2004	\$2,059.60
1 October 2004	to	31 March 2005	\$2,097.50
1 April 2005	to	30 September 2005	\$2,130.70
1 October 2005	to	31 March 2006	\$2,174.30
1 April 2006	to	30 September 2006	\$2,219.00
1 October 2006	to	31 March 2007	\$2,260.30
1 April 2007	to	30 September 2007	\$2,303.90
1 October 2007	to	31 March 2008	\$2,345.20
1 April 2008	to	30 September 2008	\$2,391.10
1 October 2008	to	31 March 2009	\$2,432.30
1 April 2009	to	30 September 2009	\$2,481.70
1 October 2009	to	31 March 2010	\$2,526.40
1 April 2010	to	30 September 2010	\$2,574.50
1 October 2010	to	31 January 2011*	\$2,608.90

Section 63A (3) *Workers Compensation Act 1987*

*Section 63A(3) of the *Workers Compensation Act 1987* was repealed on 1 February 2011 (see page 6 for further details).

Damage to artificial aids

Applicable from	Maximum amount payable
30 June 1987 to 31 January 1992	\$500
From 1 February 1992	\$2,000

Section 76 (1) *Workers Compensation Act 1987*

This amount can be increased on a case-by-case basis by application to the State Insurance Regulatory Authority or a direction from the Workers Compensation Commission.

Damage to clothing

Applicable from	Maximum amount payable
30 June 1987 to 31 January 1992	\$300
From 1 February 1992	\$600

Section 77 (1) *Workers Compensation Act 1987*

This amount can be increased on a case-by-case basis by application to the State Insurance Regulatory Authority or a direction from the Workers Compensation Commission.

Car travel expenses

Applicable from	Maximum amount payable per km
30 June 1987 to 17 May 1990	\$0.28
18 May 1990 to 30 June 2000	\$0.38
1 July 2000 to 30 September 2005	\$0.42
From 1 October 2005	\$0.55

Section 64 *Workers Compensation Act 1987*

Interim payment direction for payment of medical expenses

Applicable from	Maximum amount payable
1 April 2011 to 30 September 2011	\$7,651.60
1 October 2011 to 31 March 2012	\$7,783.50
1 April 2012 to 30 September 2012	\$7,928.60
1 October 2012 to 31 March 2013	\$8,057.10
1 April 2013 to 30 September 2013	\$8,208.80
1 October 2013 to 31 March 2014	\$8,297.80
1 April 2014 to 30 September 2014	\$8,403.30
1 October 2014 to 31 March 2015	\$8,512.10
1 April 2015 to 30 September 2015	\$8,620.90
1 October 2015 to 31 March 2016	\$8,693.40
1 April 2016 to 30 September 2016	\$8,808.80
1 October 2016 to 31 March 2017	\$8,874.70

Section 297(2) *Workplace Injury Management and Workers Compensation Act 1998*

Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers.

However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website legislation.nsw.gov.au

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State Insurance Regulatory Authority

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General phone enquiries 13 10 50

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IN THE FAIR WORK COMMISSION

Matter No.: AM2014/190

Title of Matter: Four yearly review of modern awards - Black Coal Mining Industry Award 2010 - Clause 18 - Accident Pay

SECOND STATEMENT OF DAVID GUNZBURG

On 18 August 2017, I, David Gunzburg, of 370 Highett Street, Richmond, Victoria, Consultant, say:

Background

1. I have previously prepared a statement filed in this matter, dated 24 February 2017 (**First Statement**). The contents of that statement remain true and correct to the best of my knowledge and belief.
2. For convenience, in this Second Statement I have continued the numbering of annexures following from my First Statement, commencing at Annexure "DG-12".

Coal Mines Insurance Pty Ltd (CMI) data relating to length of periods of accident pay

3. I refer to paragraphs 22 to 31 and annexure to DG-9 of my First Statement. Annexure DG-90 is a note provided by CMI to the Fair Work Commission in respect of an Order to Produce Documents issued on 8 December 2016. I specifically refer to the data produced by CMI entitled "Claim count by Financial Year and Paid direction weeks of Accident payments as at 30 November 2016", appearing within Annexure DG-9 at pages 195-198 of my First Statement. I have represented this data graphically at Figures 1 and 2 set out below.
4. Figure 1 represents the percentage of the length of the periods of accident pay in total over the period 1995 to 2016, in a pie-chart form.
5. Figure 2 also represents the percentage of the length of the periods of accident pay for each year from 1995 to 2016, in bar chart form.

Lodged on behalf of the Coal Mining Industry
Employer Group (CMIEG)
Address for service:
Ashurst Australia
Level 11, 5 Martin Place
Sydney NSW 2000

Telephone: (02) 9258 6313
Facsimile: (02) 9258 6999
Email: trent.sebbens@ashurst.com /
adrian.morris@ashurst.com

CSPL Data - length of accident pay, total 1995 to 2016

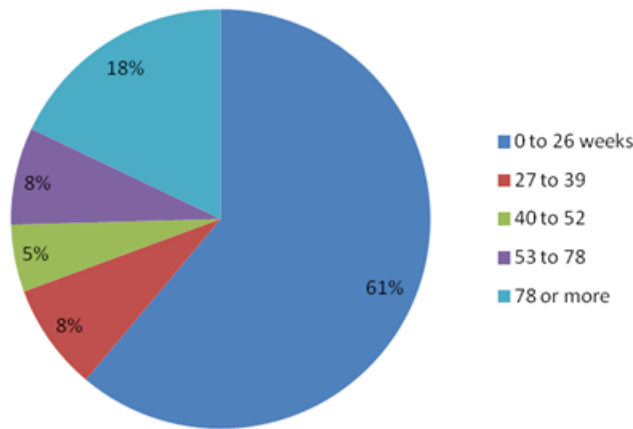


Figure 1: Source, DG-9 of my statement dated 24 February 2017.

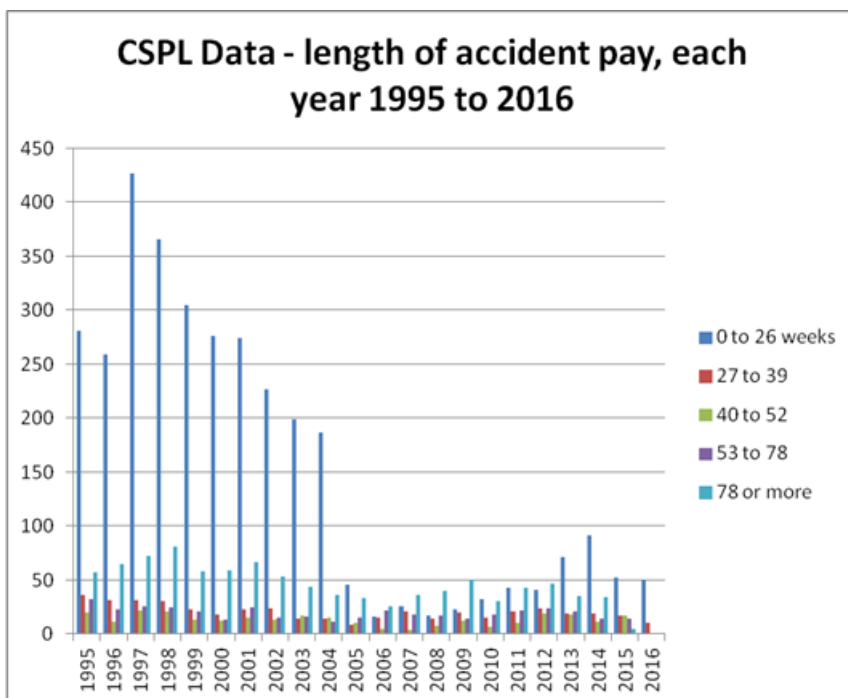


Figure 2: Source, DG-9 of my statement dated 24 February 2017.

Complexity of determination of premium

6. As stated at paragraph 4 of my First Statement, I previously held the position of Director on the Board of Coal Services Pty Ltd (**Coal Services**), from September 2012 to November 2014.
7. As a result of my work on the Board of Coal Services, I have gained an understanding of the insurance functions of Coal Services, conducted through its subsidiary Coal Mines Insurance Pty Ltd (**CMI**). I have explained the role of CMI in my First Statement at paragraphs 7 to 9.

8. Based upon my experience as a Director of CMI, I am aware that CMI calculates the overall premium rate (for workers compensation insurance) for each year mainly based on the expected future costs of insured accidents predicted to occur in that year against the expected earnings on premiums charged in that year but not utilised until sometime in the future. That is, premiums charged to insured employers each year and the earnings made by investing them are intended to cover the costs of all accidents which occur in that year. Earnings on invested premiums are also required to fund the general administrative and other activities of CMI, or Coal Services, to the extent that they are not funded by other charges and this will also impact to some minor extent on premium calculations.
9. If future earnings on investments are smaller than expected or costs are greater than expected and CMI does not have sufficient accumulated funds to cover insurance expenses, then a call can be made on insured employers to provide additional funding. If the reverse should occur (i.e. earnings are greater than expected or costs lower) it is possible for premiums to be suspended for some time or for accumulated funds held by CMI to be increased.
10. Expected future costs of insured accidents will be impacted both by the level of accident pay payments made to employees for each week they are in receipt of such payments, and also by the overall length of time that an employee is in receipt of workers compensation and accident pay payments.
11. To the extent that either of these cost factors are reduced, then (all other things being equal) the level of premium that needs to be charged to cover the costs of insured accidents will reduce as well.
12. CMI have published on their website a document entitled "Policy and Premium", which sets out, at pages 3-4, the approach that CMI takes to determining premium to be charged.¹ Annexed to this statement and marked as "**DG-12**" is a true copy of that document.
13. As a result of the matters set out above, it is very difficult to determine the exact impact on premium as a result of the changes to the award clause.

Employees in the coal industry

14. I have downloaded a copy of the report entitled "Australian Bureau of Statistics, 6291.0.55.003 Labour Force, Australia, Detailed, Quarterly, May 2017, Table 06: 'Employed persons by Industry sub-division of main job (ANZSIC) and Sex'" from the Australian Bureau of Statistics website.² Data from that table is not in a format that is easily capable of being annexed to this statement but is able to be accessed at the link set out below. That data shows that, as at August 2011 up to 51,000 employed were employed in the broader coal mining industry and in May 2017 that these levels had reduced to around 48,000.
15. A representative example of a wage for a mineworker in New South Wales the black coal mining industry can be seen in the *Mt Arthur Coal Enterprise Agreement 2016*. Annexed to this statement and marked as "**DG-13**" is an extract of the rates in that enterprise agreement.

¹ See http://www.coalminesinsurance.com.au/MessageForceWebsite/Sites/319/Files/Policy_and_Premium.pdf and http://www.coalminesinsurance.com.au/policy_and_premium.aspx.

² See <http://www.abs.gov.au/AUSSTATS/ABS@Archive.nsf/log?openagent&6291006.xls&6291.0.55.003&Time%20Series%20Spreadsheet&215F884FDFFA7678CA258146001A632B&0&May%202017&22.06.2017&Latest>

16. A representative example of a wage for a mineworker in Queensland in the black coal mining industry can be seen in the *BHP Billiton Mitsui Coal Pty Ltd Poitrel Mine Enterprise Agreement 2015*. Annexed to this statement and marked as "**DG-14**" is an extract of the rates in that enterprise agreement.
17. The contents of this statement are true and correct to the best of my knowledge and belief.



David Gunzburg

Date: 18 August 2017

IN THE FAIR WORK COMMISSION

Matter No.: AM2014/190

Title of Matter: Four yearly review of modern awards — Black Coal Mining
Industry Award 2010 — Clause 18 — Accident Pay

**ANNEXURE DG-12
TO THE STATEMENT OF DAVID GUNZBURG DATED 18 AUGUST 2017**

POLICY AND PREMIUM

Who must insure with CMI?

Pursuant to Section 31 of the Coal Industry Act 2001, CMI may require any employer in the NSW coal industry to effect workers' compensation insurance through CMI in respect of an employer's employees in the NSW coal mining industry.

Businesses requiring workers' compensation insurance with CMI would include underground and open cut mines, mining engineers and surveyors, labour hire companies with employees in the coal mining industries, coal preparation plants, specialised mining contractors, coal loaders and industries substantially concerned with the removal of coal from the pit and its transport.

CMI does not provide cover for employers involved with the subsequent treatment of coal, whether turning it into some other commodity or product, or otherwise.

Procedure for applying for insurance with CMI

If you employ staff in the NSW Coal Mining Industry, the first step is to contact CMI on (02) 8270 3200 and request for a Cover Note to be issued.

CMI will send you a proposal form and your business will be allocated a premium category rate based on the information provided on your proposal form.

The premium rates are set by CMI and are not subject to the NSW WorkCover Insurance Premiums Order.

Period of Insurance

CMI's policy year runs from 4 pm on 30 June to 4 pm on 30 June each year. If you take out a new policy it will be termed to 30 June and renewed each year on that date. Policy premiums can be paid monthly, quarterly or annually depending on premium size.

Policy Categories

Each policy is allocated to a category and your new policy premium will depend on which category your business falls into. Your premium rate will be the CMI category rate for the first three years unless your company has three years previous insurance history.

After a policy has been in force with CMI for three years it is rated based on a combination of total incurred claims experience and assessable wages.

The Category description & definition is as follows:

Category	Description	Definitions
1	Operator - Open Cut Mine	Mine Owner, Leaseholder or contactor, who undertake the whole operation of an Open Mine in NSW
2	Operator – Underground Mine	Mine owner, leaseholder or contractor who undertakes the whole operation of an Underground Coal Mine in NSW
3	Contractor	Employer who contract their services to various employers in the NSW Coal Industry. This includes on and off site transport.
4	Consultant	Employer who provides technical advice on a consultancy basis to employers to the NSW Coal Industry.
5	Labour Hire	Company whose activity is to provide labour to employers in the NSW Coal Industry.
6	Coal Preparation Plants/Loader	Owner or Operator who undertake the whole operation of a coal preparation plant (washery) or coal loader in NSW.
7	Administration	Mine administration staff and clerical personnel based in an office either on or off the mines lease. Includes unions and mines rescue stations.

The categories and category rates are revised by CMI each year on 30 June and are subject to change.

Premiums

The premium amount payable for a new policy is obtained by multiplying the category rate by the amount of assessable wages paid to your employees during the policy period (please refer to the *Definition of Wages Manual. Available on the Coal Services Website*). GST is also payable on the premium.

If the premium is paid monthly, CMI require a wages statement to be submitted on the 15 of each month declaring the actual amount of wages paid in the previous month. The premium may vary from month to month if the wages paid to staff vary.

The premium rate itself will not be changed by CMI mid-term unless there is a change in risk which may change the category to which your policy is allocated.

If premiums are paid yearly or quarterly, an estimated wages declaration is submitted at the start of each policy period and the deposit premium is based on estimated wages.

An actual wages declaration is completed by policyholders at the end of each policy year and an adjustment is made by credit or extra premium chargeable if actual wages are lower or higher than estimated wages. Interest can be charged by CMI in instances where estimated wages have been substantially under declared.

Definition of a worker

The *Workplace Injury Management and Workers Compensation Act 1998* defines a worker to be:

“any person who works under a contract or services or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, or is oral or in writing...”

Contractors

For the purposes of workers' compensation insurance, certain categories of contractors may be deemed workers and are also entitled to workers compensation benefits if injured.

As far as the principal of a contract is concerned they should ensure that all subcontractors, unless corporations, have a policy of insurance. Where a person is employed under a contract or sub-contract and the contractor or sub-contractor does not have a policy, the principal is liable to pay workers' compensation benefits.

When is a contractor deemed to be a worker?

A contractor may be deemed to be a worker employed by the person or company who made the contract with the contractor when:

- The contractor does not employ workers
- The contractor does not sub-let part or all of the contracted work
- The work is not part of a business or trade regularly carried out by the contractor in his/her own name or under a business name

In this situation the owner of the business or principal of the business who engages the contractor *has a similar level of control over the contractor as that over a direct employee*. The owner or business principal should take out workers compensation cover in these circumstances.

Important points to note:

- A person may be a contractor but still be a worker for the purpose of workers compensation

- The status of a person for tax purposes bears no direct relationship to that person's status as a worker for workers compensation purposes

Certificate of currency

At times third parties may request you to provide evidence of your workers' compensation policy. If this is required please contact our office during business hours on (02) 8270 3200 to arrange for CMI to issue you a certificate of currency.

IN THE FAIR WORK COMMISSION

Matter No.: **AM2014/190**

Title of Matter: **Four yearly review of modern awards — Black Coal Mining
Industry Award 2010 — Clause 18 — Accident Pay**

**ANNEXURE DG-13
TO THE STATEMENT OF DAVID GUNZBURG DATED 18 AUGUST 2017**



DECISION

Fair Work Act 2009

s.185 - Application for approval of a single-enterprise agreement

Mt Arthur Coal Pty Ltd T/A Mt Arthur Coal
(AG2016/3691)

MT ARTHUR COAL ENTERPRISE AGREEMENT 2016

Coal industry

DEPUTY PRESIDENT ASBURY

BRISBANE, 21 JULY 2016

Application for approval of the Mt Arthur Coal Enterprise Agreement 2016.

[1] Mt Arthur Coal Pty Ltd T/A Mt Arthur Coal applies for approval of an enterprise agreement known as the *Mt Arthur Coal Enterprise Agreement 2016* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). The agreement is a single-enterprise agreement.

[2] The Construction, Forestry, Mining and Energy Union being a bargaining representative for the Agreement, has given notice under s.183 of the Act that this organisation wants the Agreement to cover it. In accordance with s.201(2) of the Act I note that the Agreement covers this organisation.

[3] On 20 July 2016 undertakings were provided by the Employer. Pursuant to s.190 of the Act, I accept the Employer's undertakings. In accordance with s.201(3) of the Act I note that a copy of the undertakings is attached to the Agreement and forms part of the Agreement.

[4] The Agreement incorporates the model flexibility and consultation terms contained in the *Fair Work Regulations 2009*. The model flexibility and consultation terms are attached to the Agreement and are taken to be terms of the Agreement.

[5] I am satisfied that each of the requirements of ss.186, 187 and 188 as are relevant to this application for approval have been met.

[6] The Agreement is approved, in accordance with s.54 of the Act, will operate from 28 July 2016. The nominal expiry date of the Agreement is 15 June 2019.



DEPUTY PRESIDENT

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Note - the model flexibility term is taken to be a term of this agreement and can be found at the end of the agreement.

Note - the model consultation term is taken to be a term of this agreement and can be found at the end of the agreement.



Note - this agreement is to be read together with an undertaking given by the employer. The undertaking is taken to be a term of the agreement. A copy of it can be found at the end of this agreement.

Mt Arthur Coal

ENTERPRISE AGREEMENT 2016

MINeworker

Roster	From Commencement		From First Anniversary		From Second Anniversary	
	Annual Salary Rate	Personal/ Carers' Leave Deduction (per shift)	Annual Salary Rate	Personal/ Carers' Leave Deduction (per shift)	Annual Salary Rate	Personal/ Carers' Leave Deduction (per shift)
5D M-F 8hr Day Only	\$65,580.64	\$27.93	\$66,895.54	\$28.49	\$68,233.92	\$29.06
5D M-F 9hr Day Only	\$80,154.11	\$55.86	\$81,761.21	\$56.98	\$83,397.01	\$58.12
5D M-F 9hr 20min Day Only	\$84,963.36	\$65.08	\$86,666.89	\$66.38	\$88,400.83	\$67.71
5D M-Th/Tu-F 12hr Day Only	\$94,037.32	\$115.40	\$95,922.78	\$117.71	\$97,841.91	\$120.06
5D 4D-3N 12hr (PCR)	\$83,218.93	\$120.52	\$84,887.48	\$122.94	\$86,585.83	\$125.40
7D 12hr Day-Night	\$98,941.28	\$206.61	\$100,925.06	\$210.76	\$102,944.27	\$214.97
7D 12hr Day Only	\$91,290.20	\$164.72	\$93,120.58	\$168.02	\$94,983.65	\$171.38
7D 12hr 10min Day-Night	\$100,831.39	\$212.21	\$102,853.07	\$216.47	\$104,910.86	\$220.80
7D 12hr 20min Day-Night	\$102,610.32	\$217.49	\$104,667.67	\$221.85	\$106,761.76	\$226.29
7D 12hr 40min Day-Night	\$106,390.55	\$228.69	\$108,523.70	\$233.28	\$110,694.93	\$237.94

IN THE FAIR WORK COMMISSION

Matter No.: AM2014/190

Title of Matter: Four yearly review of modern awards — Black Coal Mining
Industry Award 2010 — Clause 18 — Accident Pay

**ANNEXURE DG-14
TO THE STATEMENT OF DAVID GUNZBURG DATED 18 AUGUST 2017**



DECISION

Fair Work Act 2009

s.185 - Application for approval of a single-enterprise agreement

BHP Billiton Mitsui Coal Pty Ltd
(AG2015/5805)

BHP BILLITON MITSUI COAL PTY LTD POITREL MINE ENTERPRISE AGREEMENT 2015

Coal industry

DEPUTY PRESIDENT ASBURY

BRISBANE, 15 OCTOBER 2015

Application for approval of the BHP Billiton Mitsui Coal Pty Ltd Poitrel Mine Enterprise Agreement 2015.

[1] BHP Billiton Mitsui Coal Pty Ltd applies for approval of an enterprise agreement known as the *BHP Billiton Mitsui Coal Pty Ltd Poitrel Mine Enterprise Agreement 2015* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). The agreement is a single-enterprise agreement.

[2] The Construction, Forestry, Mining and Energy Union and the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU), being bargaining representatives for the Agreement, have each given notice under s.183 of the Act that these organisations want the Agreement to cover them. In accordance with s.201(2) of the Act I note that the Agreement covers these organisations.

[3] The Agreement defines “FWC” to mean Fair Work Commission. Clause 21 – Issue Resolution Procedure refers to “FWA” rather than “FWC”. I instructed my Associate to write to the parties identifying what appears to be typographical errors. The parties were advised that I intended to rectify the errors pursuant to s.586 of the Act. No party has responded with an alternate view. I am satisfied that the Agreement contains a typographical error and that it should be corrected pursuant to s.586 of the Act.

[4] Pursuant to s.586 of the Act, the Agreement is corrected by deleting “FWA” as it appears in clauses 21(f), (h), (i), (j), (k) and (l), and replacing it with “FWC” in each clause.

[5] I am satisfied that each of the requirements of ss.186, 187 and 188 as are relevant to this application for approval have been met.

[6] The Agreement is approved, in accordance with s.54 of the Act, will operate from 22 October 2015. The nominal expiry date of the Agreement is 15 October 2018.



DEPUTY PRESIDENT

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**BHP Billiton Mitsui Coal Pty Ltd
Poitrel Mine
Enterprise Agreement 2015**

APPENDIX 1

Basis for Calculation		Sept 15			Sept 16			Sept 17		
Roster	Base Hly Rate	Weekly	Annual Salary	Package	Weekly	Annual Salary	Package	Weekly	Annual Salary	Package
Level 3										
	\$40.91	\$2,176.79	\$113,193.27	\$139,946.63	\$2,198.56	\$114,325.20	\$141,186.10	\$2,220.55	\$115,468.45	\$142,437.96
Level 2										
	\$38.86	\$2,067.86	\$107,528.94	\$133,744.19	\$2,088.54	\$108,604.23	\$134,921.63	\$2,109.43	\$109,690.27	\$136,110.85
Level 1										
	\$31.09	\$1,654.29	\$86,023.15	\$110,195.35	\$1,670.83	\$86,883.38	\$111,137.30	\$1,687.54	\$87,752.22	\$112,088.68
Level 3										
	\$40.91	\$2,502.77	\$130,144.02	\$158,507.70	\$2,527.80	\$131,445.46	\$159,932.78	\$2,553.08	\$132,759.91	\$161,372.11
Level 2										
	\$38.86	\$2,377.53	\$123,631.45	\$151,376.44	\$2,401.30	\$124,867.76	\$152,730.20	\$2,425.32	\$126,116.44	\$154,097.50
Level 1										
	\$31.09	\$1,902.02	\$98,905.16	\$124,301.15	\$1,921.04	\$99,894.21	\$125,384.16	\$1,940.25	\$100,893.15	\$126,478.00
Level 3										
	\$40.91	\$2,331.89	\$121,258.43	\$148,777.98	\$2,355.21	\$122,471.01	\$150,105.76	\$2,378.76	\$123,695.72	\$151,446.82
Level 2										
	\$38.86	\$2,215.70	\$115,216.16	\$142,161.70	\$2,237.85	\$116,368.32	\$143,423.31	\$2,260.23	\$117,532.00	\$144,697.55
Level 1										
	\$31.09	\$1,772.56	\$92,172.93	\$116,929.36	\$1,790.28	\$93,094.66	\$117,938.65	\$1,808.18	\$94,025.61	\$118,958.04
Level 3										
	\$40.91	\$2,811.19	\$146,181.85	\$176,069.13	\$2,839.30	\$147,643.67	\$177,669.82	\$2,867.69	\$149,120.11	\$179,286.52
Level 2										
	\$38.86	\$2,670.51	\$138,866.73	\$168,059.07	\$2,697.22	\$140,255.40	\$169,579.66	\$2,724.19	\$141,657.95	\$171,115.46
Level 1										
	\$31.09	\$2,136.41	\$111,093.38	\$137,647.25	\$2,157.78	\$112,204.31	\$138,863.72	\$2,179.35	\$113,326.36	\$140,092.36
Level 3										
	\$40.91	\$2,685.91	\$139,667.40	\$168,935.80	\$2,712.77	\$141,064.07	\$170,465.16	\$2,739.90	\$142,474.71	\$172,009.81
Level 2										
	\$38.86	\$2,551.51	\$132,678.27	\$161,282.71	\$2,577.02	\$134,005.05	\$162,735.53	\$2,602.79	\$135,345.10	\$164,202.89
Level 1										
	\$31.09	\$2,041.20	\$106,142.61	\$132,226.16	\$2,061.62	\$107,204.04	\$133,388.42	\$2,082.23	\$108,276.08	\$134,562.30

Basis for Calculation		Sept 15			Sept 16			Sept 17		
Roster	Base Hly Rate	Weekly	Annual Salary	Package	Weekly	Annual Salary	Package	Weekly	Annual Salary	Package
Panel 1										
Level 3	\$40.91	\$2,666.03	\$138,633.72	\$167,803.92	\$2,692.69	\$140,020.06	\$169,321.96	\$2,719.62	\$141,420.26	\$170,855.18
Level 2	\$38.86	\$2,532.62	\$131,696.31	\$160,207.46	\$2,557.95	\$133,013.27	\$161,649.53	\$2,583.53	\$134,343.41	\$163,106.03
Level 1	\$31.09	\$2,026.10	\$105,357.05	\$131,365.97	\$2,046.36	\$106,410.62	\$132,519.63	\$2,066.82	\$107,474.73	\$133,684.83
Panel 2										
Level 3	\$40.91	\$2,060.96	\$107,169.93	\$133,351.07	\$2,081.57	\$108,241.63	\$134,524.58	\$2,102.39	\$109,324.05	\$135,709.83
Level 2	\$38.86	\$1,957.69	\$101,799.64	\$127,470.61	\$1,977.26	\$102,817.64	\$128,585.31	\$1,997.03	\$103,845.81	\$129,711.16
Level 1	\$31.09	\$1,566.25	\$81,444.95	\$105,182.22	\$1,581.91	\$82,259.40	\$106,074.04	\$1,597.73	\$83,081.99	\$106,974.78
Panel 3										
Level 3	\$40.91	\$2,980.87	\$155,005.18	\$185,730.67	\$3,010.68	\$156,555.23	\$187,427.98	\$3,040.78	\$158,120.78	\$189,142.26
Level 2	\$38.86	\$2,831.70	\$147,248.53	\$177,237.14	\$2,860.02	\$148,721.02	\$178,849.51	\$2,888.62	\$150,208.23	\$180,478.01
Level 1	\$31.09	\$2,265.36	\$117,798.82	\$144,989.71	\$2,288.02	\$118,976.81	\$146,279.60	\$2,310.90	\$120,166.58	\$147,582.40
Panel 4										
Level 3	\$40.91	\$2,045.53	\$106,367.48	\$132,472.39	\$2,065.98	\$107,431.15	\$133,637.11	\$2,086.64	\$108,505.47	\$134,813.49
Level 2	\$38.86	\$1,943.03	\$101,037.41	\$126,635.96	\$1,962.46	\$102,047.78	\$127,742.32	\$1,982.08	\$103,068.26	\$128,859.75
Level 1	\$31.09	\$1,554.52	\$80,835.13	\$104,514.47	\$1,570.07	\$81,643.48	\$105,399.61	\$1,585.77	\$82,459.92	\$106,293.61
<p>* The minesite incentive scheme target amount for each employee is \$16,000. Employee may earn greater or less than this, depending on performance against KPIs.</p> <p>* Package includes Incentive scheme target amount of \$16,000 and 9.5% Superannuation calculated on Annual Salary</p> <p>* Additional superannuation contributions will be calculated on bonus paid as per the Superannuation Guarantee.</p>										