

READY RECKONER
Workers Compensation Act 1987
Part 3: Compensation – benefits

PERIOD	SECTION OF ACT	NO CURRENT WORK CAPACITY (inability to return to work in suitable or pre-injury employment)	HAS CURRENT WORK CAPACITY (able to return to suitable employment but not pre-injury employment)	
0-13 wks	36	The lesser of: (AWE x 95%) - D OR MAX - D	The lesser of: (AWE x 95%) - (E+D) OR MAX - (E+D)	
14-130wks	37	The lesser of: (AWE x 80%) - D OR MAX - D	working less than 15hrs per week	working 15hrs or more:
			The lesser of: (AWE x 80%) - (E+D) OR MAX - (E+D)	The lesser of: (AWE x 95%) - (E+D) OR MAX - (E+D)
53wks	44C	exclude OT/shift allowance from AWE		
131wks - 5 years	38	cessation of weekly benefits after 130 weeks unless:		
		worker is assessed as having no current work capacity which is likely to continue indefinitely: The lesser of: (AWE x 80%) - D OR MAX - D	a) worker has applied to the insurer after 78wks for continuation of weekly payments beyond 130wks, and b) working 15hrs or more and earning at least \$155/wk, and c) incapable of undertaking additional employment to increase earnings, likely to continue indefinitely The lesser of: (AWE x 80%) - (E+D) OR MAX - (E+D)	
	40		worker continues to have an entitlement under S38 even if the worker has for up to 4 weeks in the first 12 consecutive week period or any subsequent consecutive period of 12 week of S38 payments has: worked more or less hours (even if <15hrs) than the hours worked at time of making the S38 application, or has received higher or lower current weekly earnings (even if <\$155/wk) than the CWE received at the time of making the S38 application	
from 144wks	41	special compensation for incapacity resulting from injury related surgery payable at S37 rate unless >13wks following the surgery, or worker is otherwise entitled to S38 after 130wks The lesser of: (AWE x 80%) - D OR MAX - D		
after 5 yrs	39	cessation of weekly benefits unless permanent impairment >20% workers with >20% permanent impairment may continue after 260wks but are still subject to S38 requirements Seriously injured workers continue to be entitled to weekly benefits without the requirement for a work capacity assessment		

This information is general and does not replace the Act or Regulation.

MAX (S34)	\$1868.50 (from 1/10/12 - 31/3/13), adjusted by operation of Division 6 and is the maximum weekly compensation amount applicable
D (S35)	Deductable amount, sum of the value of each non-pecuniary benefit provided by the employer to a worker (for the benefit of the worker or their family) in respect of that week
E (S35)	Workers earnings after the injury and is the greater of the amount the worker is able to earn in suitable employment or the workers CWE
AWE (S44C)	Average of worker's ordinary earnings + OT and shift allowance <i>OT and shift allowance only to be included in weekly payment calculations in the first 52 weeks</i>
Ordinary earnings in relation to AWE (S44E)	Where base rate is based on ordinary hours worked = (workers earnings at ordinary hours) + (piece rate and/or commission) + (monetary value of non-pecuniary benefits) Where there are no ordinary hours worked = (actual earnings) + (piece rates and/or commission) + (monetary value of non-pecuniary benefits)
Base rate applying AWE and CWE (S44G)	Rate of pay for ordinary hours worked NOT including incentives, bonuses, loadings, monetary allowances, piece rates or commission, OT or shift allowances or any separately identifiable amount Where the worker's base rate is determined by a fairwork instrument and the worker's actual rate of pay for their ordinary hours is higher, then the worker's base rate is the higher amount i.e. the worker's actual rate of pay less the exclusions
CWE (S44I)	Where base rate is calculated on ordinary hours worked = (workers earnings for the ordinary hours worked) + (amounts for OT/shift work) + (commission/piece rates) Where pay not based on ordinary hours worked = (actual earnings) + (amounts for OT/shift work) + (piece rates and/or commission) but NOT including incentives, bonuses, loadings, monetary allowances, or any separately identifiable amount

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