

Key Workers' Compensation Information, Australia



safe work australia

2012

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Background

- Australian workers' compensation systems were originally based on nineteenth century British law. Before the implementation of modern workers' compensation arrangements, an injured worker's only means of receiving compensation was to sue their employer for negligence at common law.
- The basic principle behind workers' compensation is that as it is employers that profit from the labour of others, they should bear the full cost of that labour, including costs associated with work related injury. Injury in this sense includes the full range of physical injuries, ailments, illnesses, aggravation or acceleration of pre-existing injuries.
- All Australian jurisdictions have workers' compensation laws which are 'no fault'. That is, to be eligible, workers only have to prove that their injuries were work related - they do not need to prove negligence on the part of an employer.
- There are ten major workers' compensation systems in Australia, six Australian States and both Territories have developed their own workers' compensation laws and the Commonwealth has two schemes: the first is for Australian Government employees and the employees of licensed authorities, and the second for certain seafarers.
- The majority of tables in this booklet provide a snapshot of workers' compensation arrangements as at 30 September 2011. The Australian Capital Territory has arrangements as at June 30 2011.

What is workers' compensation?

- It is a compulsory levy imposed by government on employers to fund their potential liabilities associated with injured workers.
- It provides income replacement and coverage of medical costs to eligible workers.
- Currently covers 91% of the workforce (~ 10.32 million workers).
- The schemes do not cover the self employed, sole traders and independent contractors (about 1.03 million people) who need to take personal injury insurance through private sector insurance.

What is an injured worker entitled to?

- Income replacement while they are recovering from their injury. This is the most expensive part of compensation, accounting for more than half of scheme costs.
- Medical treatment is usually reimbursed. This includes medical, ambulance and other related medical costs, household help, aids and appliances, etc.
- Return to work plans, involving work-related rehabilitation, modification of workplaces and work duties usually involve a third party such as occupational therapists, physiotherapists, and sometimes vocational retraining programs.
- Death benefits including special provisions for children and funeral costs.
- Lump sum compensation for permanent impairment including loss of limb, loss of function (eyes and ears), loss of body function such as walking, loss of amenity of life, disfigurement, reduction in life expectancy and pain and suffering.

Who is eligible?

- Australia's schemes are no fault schemes - that is an injured worker does not need to prove negligence on the part of the employer.
- There are three preconditions to receiving compensation which are:
 - the worker is an employee as defined in the law of their jurisdiction
 - the worker has a medical condition that was diagnosed by a qualified practitioner who stated that the condition arose out of or in the course of employment, and
 - the worker has suffered a financial loss (such as loss of income or has incurred medical costs).
- Workers' compensation is *not* given for general 'harm', such as hurt feelings or emotional distress or as the result of discrimination.

What does it cost?

- In 2009–10, there were 127 620 serious workers' compensation claims involving one or more week of time lost from work, a permanent incapacity or fatality. This equates to 12.6 claims for serious injury for every 1000 employees.
- In 2009–10, the total amount paid by workers' compensation schemes was \$7.3 billion. This consisted of:
 - \$4.06 billion of direct payments (incapacity, permanent impairment and common law) (55.7%)
 - \$1.63 billion in medical and other services, including rehabilitation (22.4%)
 - \$1.27 billion of insurance operations costs (17.4%), and
 - \$332 million of other administrative costs (4.6%).
- Premiums are usually expressed as a percentage of the employer's payroll. The standardised average Australian premium in 2009–10 was 1.53% of payroll but for an individual employer, premiums can be as high as 12% for certain high risk trades (e.g. logging) or lower than 0.2% for low risk work (e.g. clerical work).
- Self-insurance allows employers to manage their own workers' compensation liabilities, provided that they can prove they are capable of doing so, by having effective management systems and are financially viable.
- Note: figures quoted are based on data from the 13th edition of the *Comparative Performance Monitoring report*.

For further information on the tables presented in this booklet, or workers' compensation in general, please refer to the *Comparison of Workers' Compensation Arrangements, April 2012*.

Agencies responsible for workers' compensation functions

Different agencies in each jurisdiction are responsible for different aspects of the workers' compensation process.

Table 1 - Responsible Agencies

Jurisdiction	Policy Regulator	Premium	Claims	Disputes
New South Wales	WorkCover NSW for both	WorkCover NSW	7 private sector agents, 60 self-insurers and 7 specialised insurers	Workers Compensation Commission
Victoria	WorkSafe Victoria (Victorian WorkCover Authority) for both	WorkSafe Victoria	5 private sector agents and 37 self-insurers	WorkSafe Victoria, Accident Compensation Conciliation Service (ACCS), Medical Panels, Magistrates' or County Court
Queensland	Dept. of Justice and Attorney-General Q-COMP	WorkCover Queensland	WorkCover Queensland and self-insurers	Q-COMP, Queensland Industrial Relations Commission or Industrial Magistrate, Industrial Court
Western Australia	WorkCover WA for both	Insurers subject to WorkCover WA oversight	8 private sector insurers, 27 self-insurers (exempt employers) and the Insurance Commission of WA	Conciliation and Arbitration Services (from 1 December 2011)

South Australia	WorkCover SA for both	WorkCover SA	1 private sector agent, 67 self-insurers and Crown self-insurers	Workers Compensation Tribunal
Tasmania	Dept. of Justice WorkCover Tasmania	Licensed private sector insurers, subject to WorkCover Tas oversight	7 private sector insurers and 11 self-insurers	Workers Rehabilitation and Compensation Tribunal, Supreme Court
Northern Territory	Dept. of Justice NT WorkSafe	Private sector insurers	5 private sector insurers	Mediation coordinated by NT WorkSafe, Work Health Court
ACT Private	Chief Minister's Dept. - Continuous Improvement and Workers' Compensation Branch ACT WorkCover	Private sector insurers	7 approved insurers and 8 self-insurers	Conciliation, Arbitration, Magistrates Court, Supreme Court
C'wealth	Dept. of Education, Employment & Workplace Relations Comcare, Seacare	Comcare Private sector insurers (Seacare)	Comcare/ self-insurers and their agents Employers/ insurers (Seacare)	AAT, Federal Court

Legislation

Each jurisdiction has its own legislation covering workers' compensation.

Table 2 - Workers' Compensation Legislation

Jurisdiction	Legislation
New South Wales	<i>Workplace Injury Management and Workers Compensation Act 1998</i> <i>Workers Compensation Act 1987</i>
Victoria	<i>Accident Compensation Act 1985</i> <i>Accident Compensation (WorkCover Insurance) Act 1993</i>
Queensland	<i>Workers' Compensation and Rehabilitation Act 2003</i>
Western Australia	<i>Workers' Compensation and Injury Management Act 1981</i>
South Australia	<i>Workers Rehabilitation and Compensation Act 1986</i> <i>WorkCover Corporation Act 1994</i>
Tasmania	<i>Workers Rehabilitation and Compensation Act 1988</i>
Northern Territory	<i>Workers Rehabilitation and Compensation Act</i>
ACT Private	<i>Workers Compensation Act 1951</i>
C'wealth	<i>Safety, Rehabilitation and Compensation Act 1988</i> <i>Seafarers Rehabilitation and Compensation Act 1992</i>

Statistics

The table below lists important statistical data for the jurisdictions.

Table 3 - Australian Workers' Compensation Statistics, 2009-10

Jurisdiction	Employees Covered	Fatalities	Serious Claims ¹	Incidence Rate ²	Frequency rate ³	Durable RTW Rate ⁴	Dispute Rate ⁵	Standardised Average Premium Rate
New South Wales	3 089 100	44	43 950	14.2	8.5	74%	3.9%	1.82%
Victoria	2 535 200	39	23 990	9.5	5.8	75%	9.7%	1.39%
Queensland	1 892 100	44	29 380	15.5	9.4	78%	3.0%	1.12%
Western Australia	1 070 500	18	12 330	11.5	6.8	n/a	2.5%	1.22%
South Australia	710 400	7	8 850	12.5	7.8	72%	6.9%	2.76%
Tasmania	205 300	4	3 160	15.4	9.9	82%	5.9%	1.40%
Northern Territory	112 900	4	1 340	11.9	6.8	77%	4.8%	1.82%
ACT	130 600	3	1 710	13.1	8.3	n/a	n/a	2.03%
Comcare	364 400	31	2 720	7.5	4.2	81%	4.3%	0.93%
Seacare	4 500	0	190	42.8	9.5	62%	11.7%	3.59%
Australia	10 115 100	194	127 620	12.6	7.6	75%	4.7%	1.53%

1. Serious claims include all claims for which one or more weeks of compensation has been recorded (excluding journey claims).

2. Incidence rate of serious injuries (claims per 1000 employees, projected 2009-10).

3. Frequency rate of serious injuries (claims per million hours worked, projected 2009-10).

4. The durable RTW rate is the proportion of injured workers who have returned to work and were still working at the time of interview in a survey conducted by Campbell Research and Consulting, seven to nine months after their claim.

5. A new definition designed to improve comparability among jurisdictions was implemented in CPM 13. The number of active claims in the reference financial year rather than new claims lodged in the reference financial year are used to calculate dispute rates.

Work-related injury

Each jurisdiction has slightly different definitions of an injury and degree to which employment contributes to the injury for a claim to be accepted.

Table 4 - Injury and contribution of employment

Jurisdiction	Definition of 'injury' for purposes of coverage	Employment contribution
New South Wales	'... personal injury arising out of or in the course of employment ...'	No compensation is payable in respect of an injury unless the employment concerned was a substantial contributing factor to the injury
Victoria	'... an injury arising out of, or in the course of, any employment..'	Compensation is not payable in respect of the following injuries unless worker's employment was a significant contributing factor to the injury: a) a heart attack or stroke injury; b) a disease contracted by a worker in the course of employment (whether at, or away from, the place of employment); c) a recurrence, aggravation, acceleration, exacerbation or deterioration of any pre-existing injury or disease
Queensland	'... a personal injury arising out of, or in the course of, employment ...'	A significant contributing factor
Western Australia	'... a personal injury by accident arising out of or in the course of the employment ...'	Injury includes: a disease contracted by a worker in the course of his employment at or away from his place of employment and to which the employment was a contributing factor and contributed to a significant degree

South Australia	‘... disability arises out of, or in the course of employment.’	A substantial cause (for psychiatric disabilities only)
Tasmania	‘An injury, not being a disease, arising out of, or in the course of employment’ ‘an injury, which is a disease, to which his employment contributed to a substantial degree’.	To a substantial degree, that is, employment is the ‘major or most significant factor’ (for diseases only) Employment being the major or most significant contributing factor is also a requirement in relation to injuries that are a recurrence, aggravation, acceleration, exacerbation or deterioration of any pre-existing injury or disease
Northern Territory	‘... a physical or mental injury ... out of or in the course of employment ...’	To a material degree (for diseases and gradual process)
ACT Private	‘a physical or mental injury (including stress)...includes aggravation, acceleration or recurrence of a pre-existing injury...arising out of, or in the course of, the worker’s employment’	A substantial contributing factor
C’wealth	‘... a physical or mental injury arising out of, or in the course of, the employee’s employment ...’ or ‘... an aggravation of a physical or mental injury (other than a disease) ...’	Comcare: To a significant degree (for diseases) Seacare: To a material degree (for diseases)

Journey claims

Entitlements for journey claims vary across the various workers' compensation schemes.

Table 5 - Coverage of journey claims

Jurisdiction	Journey to & from work	Journey undertaken for work purposes
New South Wales	Yes, some restrictions	Yes
Victoria	No	Yes, some restrictions
Queensland	Yes, some restrictions	Yes
Western Australia	No	Yes
South Australia	No	Yes
Tasmania	No, some exceptions	Yes
Northern Territory	Yes, some restrictions	Yes
ACT Private	Yes	Yes
C'wealth	Comcare: No, some exceptions Seacare: Yes	Comcare: Yes Seacare: Yes

Main benefits

Important notes:

- The level and degree of entitlements in the accompanying tables are stated for illustrative purposes. These will not automatically apply to every injured employee and similarly not every injured employee will have his or her entitlement limited to one component.
- Amounts of compensation, other than for lump-sum payment to dependants in the case of work related death or permanent impairment will be based on the degree of financial loss a worker suffers as a result of a work-related injury.
- The amount of financial loss, including lost income, is determined differently in each jurisdiction.

What are the incapacity benefits?

- Each scheme provides (within limits) a period of near-full income replacement of pre-injury earnings for workers who cannot return to work following their work-related injury.
- Incapacity benefits, also known as weekly payments, are 'stepped down' after a period of time, by a percentage or to a set amount, for workers who cannot earn an income because of their work-related injury.
- The range of incapacity benefits and step downs across the jurisdictions are shown in Table 6. In almost all arrangements, detailed provisions are made to further reduce the benefit based on an injured person's capacity to earn.

Table 6 - Incapacity payments as at 30 September 2011

Jurisdiction	100% wage replacement (wks)	Final step-down (after week ...)	Minimum amount after final step-down	Variation	Employer Excess	Financial Limit	Time limit	Age limit
New South Wales	26	26	The lesser of 90% AWE or \$417.40	More for dependants, less capacity to earn	One week's weekly compensation	\$1774.50 per week	-	Retirement age + 12 months
Victoria	13 (95% PIAWE ¹ replacement) or maximum, whichever lesser	13	80% PIAWE	If work capacity less current weekly earnings	First 10 days, first \$610 medical costs	\$1930 per week	130 weeks unless no current work capacity	65 unless lower industry retirement age. If injured within 130 weeks of retirement, max. 130 weeks
Queensland	26 (award: > of 85% NWE, amount payable under industrial instrument no award: > of 80% QOTE, 85% NWE)	104	Greater of 75% NWE or 70% QOTE ²	Subject to working under industrial award	Up to first \$1263.20 weekly compensation	Until weekly compensation equals \$273 055	5 years	-
Western Australia	13	13	85%	Subject to award rates	No	\$2156.60 per week	-	As at October 2011, workers aged 65 + are able to access payments on the same terms as other workers

South Australia	13	26	80%	Less capacity or deemed capacity to earn	First two weeks of the period of incapacity	\$2523.00 per week (\$2589.40 as at 17/11/2011)	130 weeks unless no current & continuing work capacity	Retirement age. If injured within 2 years of retirement then max 2 years
Tasmania	26	78	80% (or 85% if employer fails to provide suitable duties)		First weekly payment, first \$200 of other benefits	-	9 years (more for WPI>15%)	65 unless worker is over 64 at time of injury, then max 1 year
Northern Territory	26	26	75% (up to 90% for low income earners)	More for dependants, less capacity to earn	First day	\$2011.80 (> 26 weeks)	-	65 unless normal retiring age in industry higher. If injury occurs after 65, then max 26 weeks
ACT Private*	26	26	65% of pre-injury earnings or statutory floor	More for dependants, less capacity to earn	Employers liable until insurer notified	-	-	65 unless worker is over 63 years at time of injury, then max 2 years
C'wealth	45	45	Lesser of 75% of NWE or statutory amount (\$412.92)	More for dependants, less capacity to earn	No	150% of AWOTEFA ³ (\$1958.10)	-	65 unless worker has reached 63 years at time of injury, in which case max 104 weeks

* as at 30 June 2011

1. Pre-injury average weekly earnings
2. If the work related impairment is over 15%.
3. Average Weekly Ordinary Time Earnings of Full-time Adults

Medical treatment benefits

The table below shows the maximum amounts that a person can be compensated for the *reasonable* costs of medical treatment following a work-related injury.

Table 7 - Maximum amounts for medical treatment as at 30 September 2011

Jurisdiction	\$ limit	Other
New South Wales	No limit	\$50 000 or greater amount prescribed or directed by WC Commission
Victoria	No limit	Ceases 52 weeks after weekly payment entitlement ceases, or if compensation is payable only for medical and like services 52 weeks after the entitlement commenced
Queensland	No limit	Payment of expenses stops when compensation ceases
Western Australia	\$57 210	Additional \$50 000 where the worker's social and financial circumstances justify it. In exceptional medical circumstances (along with > 15% WPI) a further \$250 000 (capped) may be granted for additional medical expenses
South Australia	No limit	-
Tasmania	No limit	Ceases 52 weeks after weekly payments cease, or after 52 weeks if compensation is payable only for medical and like services
Northern Territory	No limit	-
ACT Private*	No limit	Costs are as agreed with the insurer or \$658 indexed
C'wealth	No limit	-

* as at 30 June 2011

Permanent impairment entitlements

Some work related injuries result in medical conditions that will never resolve, such as loss of a limb or chronic conditions. Jurisdictions provide lump sum payments for permanent impairment where the degree of impairment is above a threshold percentage. There may be additional amounts payable for other loss, such as pain and suffering, or caps on the amounts that could be obtained through the courts.

Table 8 - Permanent impairment thresholds and entitlements as at 30 September 2011

Jurisdiction	% of impairment	Lump Sum	Additional
New South Wales	>0% WPI, except for:	\$220 000 plus additional 5% for	Thresholds for claims for:
	Binaural hearing loss 6%	PI of spine	Common law damages 15%
	Primary psychological injury 15%	\$50 000 for pain and suffering	Commutation 15%
	<i>Pain and suffering</i>		
	Physical injury 10%		
Victoria	Primary psychological injury 15%		
	10% WPI except for psychiatric impairments and additional 10% for further hearing loss	\$527 610	-
	5% for some musculoskeletal injuries with a date of injury on or after 2 December 2003		
Queensland	30% for psychiatric impairment not secondary to physical injury		
	>0% WPI	\$273 055 (standard)	If 30% + up to \$273 055
	5% hearing loss	\$573 425 (latent onset) (as at 1 Jan 2012)	If 15% + up to \$309 315 (gratuitous care)

Table 8 – Permanent impairment thresholds and entitlements as at 30 September 2011 continued

Jurisdiction	% of impairment	Lump Sum	Additional
Western Australia	>0% WPI, except for: 10% for initial noise induced hearing loss and 5% for subsequent noise induced hearing loss	\$190 701 + \$143 025 in special circumstances ¹	Additional expenses up to \$250 000 if no less than 15% WPI Common law 15% (limited) 25% (unlimited)
South Australia	5% WPI	\$437 401	-
Tasmania	5% WPI for physical injuries >0% loss of all or part of fingers and toes 10% psychiatric impairment 5% binaural hearing loss caused by industrial deafness	\$289 193	20% WPI for access to common law damages
Northern Territory	5% WPI Between 5% - 14% WPI, compensation calculated on sliding scale. Impairments of 15%-84% benefit equal to percentage given. >85% WPI receives maximum	\$278 969	-
ACT Private*	0% (no threshold) 6% hearing loss (boilermaker's deafness)	\$131 785 single \$197 677 multiple	-
C'wealth	10% WPI 5% binaural hearing; >0% finger/ toe, taste/ smell	\$163 535 (economic) \$61 326 (non economic)	-

* as at 30 June 2011

¹ Lump sum shared under statutory formulae between spouse and children. Pension payable to partner for 3 years and to children until age of 16 (or 21 in full-time study).

Death entitlements

Each jurisdiction has a benefit structure in place that provides for lump sum payments, funeral costs and weekly payments for dependants. Some jurisdictions provide additional payments for spouses and counselling.

Table 9 - Death entitlements as at 30 September 2011

Jurisdiction	Lump sum	Weekly payments / child	Funeral	Other
New South Wales	\$465 100	\$118.20	\$9000	\$243.60 (dependent spouse; Dust Diseases)
	\$268 375 (Dust Diseases)	\$123.10 (Dust Diseases)		
Victoria	\$527 610	First 13 weeks 95% of pre-injury earnings for dependent partner to max \$1930 per week.	\$9300	Counselling for family \$5580 max
		14 weeks to 3 years 50% of earnings to max \$1930 Range of payments for dependent children		
Queensland	\$511 460	8% of QOTE (\$101.10) for the spouse if there is a dependent family member under 6 and payment of 10% QOTE (\$126.35) for each dependent under 16 or a student	Reasonable	-
	\$13 665 for dependent spouse \$27 320 for each other dependent family member, under 16 or a student			
Western Australia	\$261 429 (subject to labour price index)	A child's allowance of \$50 per week for each dependent child up to 16 or 21 if a student	Reasonable, not exceeding \$8832	-

Table 9 - Death entitlements as at 30 September 2011 continued

Jurisdiction	Lump sum	Weekly payments / child	Funeral	Other
South Australia	\$437 401 (prescribed sum will be \$454 739 from 1 January 2012)	Orphaned child - 25% of deceased's notional weekly earnings Not orphaned – 12.5% of deceased's notional weekly earnings	\$9602 (maximum as at 1 January 2012)	Dependent spouse - 50% of deceased's notional weekly earnings (less if partially dependent)
Tasmania	\$289 193	A dependent child is entitled to 15% of the basic salary, commencing on the expiration of 13 weeks after the date of death (\$104.53 pw)	-	Dependent spouse is entitled to weekly payments calculated at the same rate as the deceased would have received if he/she became totally incapacitated: • first 26 weeks: 100% of weekly payments • 26-78 weeks: 90% of weekly payments • 78 weeks-2 years: 80% of weekly payments.
Northern Territory	\$384 712 (260 x AWE) in prescribed proportions	10% of AWE (\$134.12) for each child under 16 or 21 if student (max 10 children)	10% of annual equivalent of AWE (\$6974)	-
ACT Private*	\$197 677	\$65.89 per child	\$6974	-
C*wealth	\$458 981	\$126.22 to each child under 16 (or 25 if full-time student)	\$10 412	-

* as at 30 June 2011

Common law

With the introduction of statutory 'no-fault' workers' compensation schemes, access to common law has been significantly restricted and the worker has to prove the employer's negligence before any common law action can succeed.

Some jurisdictions have abolished the right to access common law; introduced *threshold tests*; placed restrictions on *types* of damages that an injured worker can receive; and/or placed caps on the amount of damages that can be awarded. If injured workers elect to pursue common law, they may have to reimburse their employer or WorkCover Authority for any statutory benefits paid out.

Table 10 - Access to Common Law as at 30 September 2011

Jurisdiction	Access	Type of damages	Threshold	Damages
New South Wales	Yes - limited	Past and future economic loss of earnings	15% WPI ¹	No cap
Victoria	Yes - limited (post 20 Oct 1999)	Pain & suffering, and/or economic loss	30% WPI ¹ or narrative test: Additional requirement to prove a permanent loss of 40% earning capacity	Pain & suffering: min \$51 990, max \$527 610 Economic loss: min \$53 820, max \$1 211 860
Queensland	Yes	General damages (pain & suffering) and economic loss	WRI ² of less than 20% or none, worker must decide to accept lump sum payment or seek damages	Pain & suffering: \$302 850. Economic loss: 3 X QOTE (\$3789.60) pw for each week of lost earnings
Western Australia	Yes - limited	Economic and non-economic loss	Min. 15% WPI ¹	\$400 475 (<25% WPI ¹), no cap (min. >25% WPI ¹)

Table 10 - Access to Common Law as at 30 September 2011 continued

Jurisdiction	Access	Type of damages	Threshold	Damages
South Australia	No	N/A	N/A	N/A
Tasmania	Yes - limited	Economic and non-economic loss	Min 20% WPI ¹	Unlimited
Northern Territory	No	N/A	N/A	N/A
ACT Private*	Yes	Unlimited	Nil	Unlimited - outside of workers' compensation scheme
C'wealth	Yes - limited	Employee: non-economic loss Dependent: economic and non-economic loss	Successful PI ³ claim	\$110 000

* as at 30 June 2011

1. WPI – Whole Person Impairment.

2. WRI – Work Related Impairment.

3. PI – Permanent Impairment.

Return to work

Return to work (RTW) refers to assisting injured workers in getting back to work. The aim of the RTW / rehabilitation provisions in legislation is to provide for the safe and durable RTW of the injured worker as early as possible.

Table 11 - Sections of the Act or Regulations referring to RTW as at September 2011

Jurisdiction	Sections of the Act or Regulations
New South Wales	Ch 3 Workplace Injury Management Act 1998 Part 6 2010 Regulations
Victoria	Accident Compensation Act 1985 - Part VIIB (RTW)
Queensland	Act s220; s221; s228 Reg s101-110
Western Australia	Workers' Compensation Code of Practice (Injury Management (2005): cl1-9 Act: s3; s5(1); s64; s65 s72B; s84AA(1); s84AB; Part IX; Part IXA
South Australia	s26 to s28D
Tasmania	Part XI of the Workers Rehabilitation and Compensation Act 1988
Northern Territory	s75A and s75B Accredited Vocational Rehabilitation Providers S50
ACT Private*	Chapter 5 of the Workers Compensation Act 1951
C'wealth	Safety, Rehabilitation and Compensation Act 1988: s36-s41A

* as at 30 June 2011

Return to work: programs and policies

The RTW of an injured worker involves the employer and the worker and depending on the legislation in each jurisdiction and the severity of the injury may also involve workplace rehabilitation coordinators, rehabilitation providers, medical, other health professionals and the insurer.

Table 12 - Requirement to have RTW / workplace rehabilitation program or policy as at September 2011

Jurisdiction	Employers required to have RTW program / policies?	Do requirements differ for different categories of employers?	Exemptions from RTW programs	Requirements for development of programs / policies (e.g. in consultation with workers)
New South Wales	Yes	Yes	Yes	Yes
Victoria	Yes	No	No	Yes
Queensland	Yes	Yes - high risk industries have a lower threshold to meet criteria for needing policies and procedures and a Rehabilitation and RTW Coordinator	Yes - No workplace rehabilitation policies or procedures needed in high risk industries with wages less than \$1.98 million. All other employers with wages less than \$6.51million	No

Western Australia	Yes	No	No	No
South Australia	Yes - employers with 30 + employees	No	Yes - employers with <30 employees	Procedure must be signed off by person with authority to commit employer to procedure
Tasmania	Yes	No	No	Yes
Northern Territory	Not legislated	Not legislated	Not legislated	Not legislated
ACT Private*	Yes	No	No	Yes
C'wealth	Yes	No	No	Yes

* as at 30 June 2011

Return to work: Injured worker placement incentives

Some workers' compensation authorities operate injured worker placement incentive schemes to encourage employers to employ workers who have had an injury and are not able to RTW with their pre-injury employer.

Table 13 - Injured worker placement incentives as at September 2011

Jurisdiction	Name of scheme	Funding for equipment used for workplace modifications	Training costs	Work trials
New South Wales	JobCover Placement Program	Yes - no limit	Yes - no limit	Yes - work experience with host employer for up to 12 weeks
Victoria	WISE	Not part of WISE - may be provided based on claim circumstances	Not part of WISE - may be provided based on claim circumstances	No
Queensland	Host Placement run by WorkCover QLD	Case by case basis	Yes	Work trial will run for 6-8 weeks
Western Australia	N/A	N/A	N/A	N/A
South Australia	RISE (re-employment incentive scheme for employers)	Cost associated with minor site modifications/equipment	Considered under RTW plan	Considered under RTW plan
Tasmania	N/A	N/A	N/A	N/A
Northern Territory	Alternative Employer Incentive Scheme	Yes	Yes	12 week work trial
ACT Private*	Second Injury Scheme (private arrangement b/t insurers and employers)	Not expressly provided but can be negotiated	Not expressly provided but can be negotiated	Not expressly provided but can be negotiated
C'wealth	The Comcare Scheme	Yes	Yes	Yes

* as at 30 June 2011

Sources

All information on workers' compensation arrangements is derived from the annual publications *Comparison of Workers' Compensation Arrangements in Australia and New Zealand 2012* and the *Comparative Performance Monitoring Report 13th Edition* published by Safe Work Australia.

More detailed information on workers' compensation generally and links to web pages related to each jurisdiction is available on the [Safe Work Australia website](#).

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