Guidance Note

# ACT Indexation benefit guide

The *Workers Compensation Act 1951* (WC Act) allows for indexation of benefits such as adjustment of wages to weekly compensation, permanent impairment, death, medical treatment, damages and other costs, according to changes in the cost of living or another economic indicator, especially to compensate for inflation.

Weekly compensation, for a worker means the worker’s average pre-incapacity weekly earnings less the average weekly amount that a worker is being paid for working or could earn in reasonably available employment. Entitlements to weekly compensation are likely to change after 26 weeks whether the worker is totally incapacitated or partially incapacitated. [See sections 41 and 42 of the WC Act.](http://www.legislation.act.gov.au/a/1951-2/)

## 4.3 weekly compensation

Here is the link [Weekly Compensation - July 2020](https://www.worksafe.act.gov.au/__data/assets/pdf_file/0008/1648601/Weekly-Compensation-July-2020.pdf) to the ACT indexed benefits in relation to the *Statutory Floor* and *Statutory Ceiling.*

## Schedule 1 Compensation for permanent injuries

If a worker who has suffered a loss mentioned in an item of [schedule 1](http://www.legislation.act.gov.au/a/1951-2/) (Compensation for permanent injuries) of the WC Act as the result of a compensable injury, the worker is entitled to receive from the worker’s employer, as compensation for the loss, the percentage of the single loss amount mentioned in that item. If a worker who has suffered 2 or more losses mentioned in [schedule 1](http://www.legislation.act.gov.au/a/1951-2/) because of an injury is not entitled to receive as compensation under this part more than the maximum loss amount for the losses. (see s48 and s51)

|  |  |  |
| --- | --- | --- |
| column 1item | column 2nature of injury | column 3% of single lossamount payable |
|  | **Speech loss** |  |
| 1 | loss of power of speech | 60 |
|  | **Sensory loss** |  |
| 2  | loss of sense of taste or smell | 17 |
| 3 | loss of senses of taste and smell | 34 |
|  | **Hearing loss** |  |
| 4 | loss of hearing of both ears | 65 |
| 5 | loss of hearing of 1 ear | 20 |
|  | **Loss of vision** |  |
| 6 | loss of sight of both eyes | 100 |
| 7 | loss of sight of an only eye | 100 |
| column 1item | column 2nature of injury | column 3% of single lossamount payable |
| 8 | loss of sight of 1 eye, together with serious diminution of the sight of the other eye | 75 |
| 9 | loss of sight of 1 eye | 40 |
| 10 | loss of binocular vision (if not otherwise compensable under this schedule) | 40 |
| 11 | loss of eyeball (in addition to compensation for loss of sight of the eye) | 22 |
|  | **Arm injuries** |  |
| 12 | loss of right arm at or above elbow | 80 |
| 13 | loss of right arm below elbow | 75 |
| 14 | loss of left arm at or above elbow | 75 |
| 15 | loss of left arm below elbow | 70 |
|  | **Hand injuries** |  |
|  16 | loss of right hand | 70 |
|  17 | loss of left hand | 65 |
|  18 | loss of thumb of right hand | 30 |
| 19 | loss of thumb of left hand | 26 |
| 20 | loss of a joint of thumb | 16 |
| 21 | loss of forefinger of right hand | 21 |
| 22 | loss of forefinger of left hand | 18 |
| 23 | loss of 2 joints of forefinger of right hand | 16 |
| 24 | loss of 2 joints of forefinger of left hand | 12 |
| 25 | loss of first joint of forefinger of right hand | 10 |
| 26 | loss of first joint of forefinger of left hand | 9 |
| 27 | loss of middle finger of either hand | 12 |
| 28 | loss of 2 joints of middle finger of either hand | 10 |
| 29 | loss of first joint of middle finger of either hand | 6 |
| 30 | loss of little or ring finger of either hand | 11 |
| 31 | loss of 2 joints of little or ring finger of either hand | 9 |
| 32 | loss of first joint of little or ring finger of either hand | 6 |
|  | **Leg injuries** |  |
| 33 | loss of either leg at or above knee | 75 |
| 34 | loss of either leg below knee | 70 |
|  | **Foot injuries** |  |
| 35 | loss of a foot | 65 |
| 36 | loss of great toe of either foot | 22 |
| 37 | loss of a joint of great toe of either foot | 10 |
| 38 | loss of any other toe | 6 |
| 39 | loss of any joint of any other toe | 2 |
|  | **Bowel injury** |  |
| 40 | permanent loss of bowel function | 65 |
|  | **Loss of sexual organs etc** |  |
| 41 | loss of sexual organs | 47 |
| 42 | loss of both breasts | 47 |
| 43 | loss of 1 breast | 30 |
| 44 | permanent and total loss of capacity to engage in sexual intercourse | 75 |
|  | **Brain damage** |  |
| 45 | permanent brain damage if not, or not completely an injury otherwise compensable under this schedule | 100 |
|  | **Permanent impairment of back, neck, pelvis** |  |
| 46 | permanent impairment of back | 60 |
| 47 | permanent impairment of neck | 40 |
| 48 | permanent impairment of pelvis | 15 |
|  | **Disfigurement** |  |
| 49 | severe facial disfigurement if not, or not completely, an injury otherwise compensable under this schedule | 80 |
| 50 | severe bodily disfigurement if not, or not completely, an injury otherwise compensable under this schedule | 50 |
|  |  |  |
|  |  **Disease** |  |
| 51 | HIV infection (Human Immunodeficiency Virus infection) | 100 |
| 52 | AIDS (Acquired Immune Deficiency Syndrome) | 100 |

## 4.4 Permanent Impairment

The index benefits for permanent impairment are linked to the table [Compensation for permanent impairment - July 2020](https://www.worksafe.act.gov.au/__data/assets/pdf_file/0007/1648582/Compensation-for-Permanent-Impairment-July-2020.pdf) .

## 4.5 Accommodation, Transport and Other Costs

The Workers Compensation Act may require an employer to pay compensation for medical treatment, including rehabilitation services, some alterations, accommodation (including the cost of meals) and transport costs in relation to a workers’ compensation claim. The indexed benefits for these amounts are listed in the following tables.

[Medical Treatment - July 2020](https://www.worksafe.act.gov.au/__data/assets/pdf_file/0008/1648484/Compensation-for-Medical-treatment%2C-damage-and-other-costs-July-2020.pdf)

[Cost of accommodation and meals - July 2020](https://www.worksafe.act.gov.au/__data/assets/pdf_file/0008/1648601/Weekly-Compensation-July-2020.pdf)

[Cost of transport by private car - July 2020](https://www.worksafe.act.gov.au/__data/assets/pdf_file/0009/1648593/Cost-of-transport-by-private-car-July-2020.pdf)

## 4.6 Compensation for Death

If there is a work-related death, dependants are entitled to the benefits [Compensation for death - July 2020](https://www.worksafe.act.gov.au/__data/assets/pdf_file/0012/1648479/Compensation-for-Death-July-2020.pdf)

***dependant***, of a dead worker, means an individual—

* 1. who was totally or partly dependent on the worker’s earnings on the day of the worker’s death or who would, apart from the worker’s incapacity because of the injury, have been so dependent; and

(b) who was—

* + 1. a member of the worker’s family; or
		2. a person to whom the worker acted in place of a parent or who acted in place of a parent for the worker.

## Further Information

Further information about ACT laws regulating work health and safety and dangerous substances is available from WorkSafe ACT website at www.worksafe.act.gov.au or by contacting WorkSafe ACT on (02) 6207 3000 or by email to WorkersCompensation@act.gov.au