

Workers' Compensation and Rehabilitation (QOTE) Notice 2018

Explanatory notes for SL 2018 No. 64

made under the

Workers' Compensation and Rehabilitation Act 2003

General Outline

Short title

Workers' Compensation and Rehabilitation (QOTE) Notice 2018

Authorising law

Sections 107 and 205 of the *Workers' Compensation and Rehabilitation Act 2003*.

Policy objectives and the reasons for them

Monetary entitlements of injured workers and dependants of deceased workers under the *Workers' Compensation and Rehabilitation Act 2003* (the Act) are subject to indexation in accordance with variations in Queensland Ordinary Time Earnings (QOTE).

QOTE, for a financial year, is the amount of Queensland full-time adult persons ordinary time average weekly earnings declared by the Australian Statistician in the original series of the publication *6302.0 – Average Weekly Earnings, Australia* most recently published before the start of the financial year.

According to the latest Australian Statistician's report released on 22 February 2018, average Queensland full-time adult persons ordinary time earnings increased 3.08 per cent from \$1,482.10 to \$1,527.80. As a consequence, QOTE effective 1 July 2018 will be \$1,527.80, an increase of 3.08 per cent on the previous year.

Achievement of policy objectives

Under section 107 of the Act, the Workers' Compensation Regulator (the Regulator) must, before the start of a financial year, notify QOTE for the financial year and the percentage difference in QOTE for the financial year compared to QOTE for the previous financial year.

Under section 205 of the Act, if QOTE varies, each payment or amount under part 3, division 4 or 5 or part 6, 10 or 11 of the Act that is not expressed as a percentage of QOTE must be varied proportionately, rounded up to the nearest five dollars.

The Regulator must notify a variation. The Regulator's notifications are subordinate legislation.

The *Workers' Compensation and Rehabilitation (QOTE) Notice 2018* (the Notice) notifies the relevant variation of amounts for each Act entitlement derived from the base amounts contained in the Act in force at the time an injury was sustained. For example, a worker injured on or after 1 July 2018 may be eligible for the following amounts:

Act section	Description	Entitlement
128B(2)(a)	Lump sum entitlement of worker with latent onset injury that is a terminal condition	\$330,240
128B(2)(c)	Maximum additional lump sum entitlement of worker with latent onset injury that is a terminal condition, calculated according to their age at the time they lodged their claim	\$330,240
128G(1)	For an injury that is pneumoconiosis, maximum lump sum compensation based on a worker's pneumoconiosis score and age	\$123,700
140(1)(a)	Maximum amount of compensation payable for one injury or multiple injuries sustained in an event (other than for a latent onset injury that is a terminal condition) payable as weekly payments	\$330,240
140(1)(b)	Maximum amount of compensation payable for one injury or multiple injuries sustained in an event (other than for a latent onset injury that is a terminal condition) payable as a total lump sum	\$330,240
192(2)	Maximum additional lump sum compensation for workers with degree of permanent impairment of 30% or more according to a graduated scale prescribed under a regulation	\$330,240
193(6)	Maximum additional lump sum compensation for gratuitous care according to a graduated scale prescribed under a regulation	\$374,100
200(2)(a)	Maximum amount of compensation payable for a deceased worker's dependent family members, if at least one of the worker's dependants was, at the time of the worker's death, totally dependent on the worker's earnings	\$618,565
200(2)(aa)	The amount of compensation payable for a deceased worker's totally dependent spouse	\$16,540
200(2)(b)	The amount of compensation payable to each of a deceased worker's dependent family members who are under 16 or are students	\$33,060
202(2)	The amount of compensation payable to the parent of a deceased worker aged under 21	\$37,180
202(3)(a)	The amount of compensation payable to the parents of a deceased worker aged under 21 if more than one parent is entitled to compensation	\$37,180

For injuries sustained before the Notice's commencement, different amounts may be listed depending on the base amounts contained in the Act in force at the time an injury was sustained.

Consistency with policy objectives of authorising law

The notification is consistent with the main objects of the Act to maintain a balance between providing fair and appropriate benefits for injured workers or dependants and ensuring reasonable cost levels for employers.

Inconsistency with policy objectives of other legislation

The notification is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The notification will have a beneficial result for injured workers and their dependants as the effect of the indexation of weekly compensation and lump sum entitlements is to maintain the relative value of those amounts over time in line with wages growth.

Consistency with fundamental legislative principles

The notification is consistent with fundamental legislative principles.

Consultation

WorkCover Queensland and licensed self-insurers have been advised of the notification.