



Default Insurance Fund

GUIDELINES FOR PAYMENTS OF WEEKLY COMPENSATION

In accordance with Part 4.3 of the *Workers Compensation Act 1951* (the Act), the uninsured employer must make payments of weekly compensation to a worker who suffers personal injury arising out of, or in the course of, the worker's employment. Section 38 of the Act states:

38 When do weekly compensation payments begin etc?

- (1) *If the worker is or may be entitled to compensation for a compensable injury—*
 - (a) *the payment of weekly compensation must begin when the worker gives notice of the injury to the employer; and*
 - (b) *the worker is or may be entitled to weekly compensation from the date of the injury.*

- (2) *However, if, at the end of 7 days after the date of the injury, the worker has not made a claim for compensation—*
 - (a) *payment of weekly compensation ends; and*
 - (b) *the worker is not entitled to weekly compensation for the injury for the period—*
 - (i) *beginning on the day 8 days after the date of the injury; and*
 - (ii) *ending on the day before the day the worker makes a claim for the injury.*

- (3) *Subsection (2) does not apply in relation to the worker if—*
 - (a) *the worker cannot make a claim before the end of the 7-day period because of the injury; and*
 - (b) *the worker makes the claim not later than 7 days after the day the worker is first able to make the claim.*

Part 4.3 of the Act states that an injured worker is entitled to receive his or her Average Pre-Injury Weekly Earnings (APIWE) for a period of **26 weeks** from the date of incapacity.

From end of the 26-week period, the worker's rate of pay will reduce to a percentage of his or her APIWE, calculated as follows:

- (a) *If the worker is not working, or works 25% of his or her average pre-incapacity hours or less, entitlement is 65% of APIWE*
- (b) *If the worker is working more than 25% of the average pre-incapacity weekly hours but not more than 50%, entitlement is 75% of APIWE*
- (c) *If the worker is working more than 50% of the average pre-incapacity weekly hours, but not more than 75%, entitlement is 85% of APIWE*
- (d) *If the worker is working more than 75% of the average pre-incapacity weekly hours but not more than 85%, entitlement is 95% of APIWE*
- (e) *If the worker is working more than 85% of the average pre-incapacity hours, entitlement is 100% of APIWE.*

The minimum amount payable is the Statutory Floor (Federal Minimum Wage). Where the relevant percentage of the APIWE falls below the Statutory Floor, the worker will be entitled to receive the Statutory Floor rate.

Where the worker's APIWE rate is already below the Statutory Floor, the payments will remain unchanged after the 26 week period.

The Statutory Ceiling, which represents 150% of the Average Weekly Earnings for the Territory, is the maximum amount payable.

For further information on how to calculate payments of weekly compensation, please contact the DI Fund.

You should ensure that all payments of weekly compensation are made in accordance with an ACT Workers Compensation Medical Certificate.

For more information:

- Contact the DI Fund: GPO Box 158
Canberra ACT 2601
Phone: (02) 6207 0723
Fax: (02) 6207 0301
- View the DI Fund website at : www.treasury.act.gov.au/actia/difund