

**INDIVIDUAL STATE/TERRITORY WORKERS COMPENSATION SCHEMES AND CAPPED BENEFITS  
IN RESPECT OF JOCKEYS**

| STATE             | DEEMED EMPLOYEES       | INCOME REPLACEMENT ENTITLEMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | MEDICAL, HOSPITAL & LIKE EXPENSES<br>AMBULANCE REHAB | LUMP SUM PAYMENTS - Impairments or Total Permanent Disability (TPD) | COMMON LAW BENEFITS                                                                                                                                                                                                                                        | DEATH BENEFITS                                                                                                                                                                                                                                | OTHER ISSUES |
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| <b><u>VIC</u></b> | YES:<br>Industry Funds | <p>Weekly benefits capped at <b>\$3000.00</b>.</p> <ul style="list-style-type: none"> <li>Weeks 1-13 95% PIAWE</li> <li>Weeks 14-130 80% PIAWE</li> </ul> <p>After 130 weeks: 80% PIAWE if still can't work until retirement.</p> <p>All forms of declared income included in assessing PIAWE.</p> <p><b>Claimant post 5<sup>th</sup> April 2010</b></p> <p>As above, but weekly benefits capped at twice the State average weekly earnings.</p> <p>There is now an additional requirement to continue to receive weekly payments after the 130-week second entitlement period.</p> <p>To continue receiving weekly payments after 130 weeks, workers must:</p> <ul style="list-style-type: none"> <li>have a whole person impairment (WPI) of 21% or more and</li> <li>meet the existing capacity test</li> </ul> | Met by WorkCover<br>Uncapped                         | Maximum:<br><b>\$759,510.00</b><br>for TPD                          | Workers injured in the course of employment may have a right to sue for their injuries - not less than <b>\$77,490.00</b> and up to <b>\$1,798,500.00</b> for pecuniary loss damage and not less than and up to <b>\$783,000.00</b> for pain and suffering | Up to <b>\$783,000.00</b> for lump sum ( <b>\$1,297,310.00</b> payments under the Wrongs Act) to dependants + weekly pension, funeral costs ( <b>\$15,230</b> ) medical/counselling costs, reimbursement of expenses for non-dependant family |              |

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|                                                                                                        |                            | <p>requirement</p> <p><b>The WPI requirement will only apply to claims that reached 130 weeks on, or after 31 March 2024.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                   |                                                                                                                                                                                                                         |                                                                                                                                                                                                                                   |                                                                                                                                                |  |
| <p><b><u>NSW</u></b><br/> <b><u>(includes coverage for Australian Capital Territory - ACT)</u></b></p> | <p>YES: Industry Funds</p> | <p>Weekly benefits capped at <b>\$2,662.10</b></p> <ul style="list-style-type: none"> <li>Weeks 1-13 95% PIAWE.</li> <li>Weeks 14-130 80% of AWE or the statutory rate + additional for spouse and/or dependent children spouse; If the worker returns to work for at least 15 hours per week, weekly payments will be made up to 95% of pre-injury weekly earnings.</li> <li>Weeks 130 and onwards – for all workers except where workers meet specified requirements: - workers who are fit to do some work &amp; are not performing at least 15 hours of paid work per week &amp; earning at least \$202 per week by the 130<sup>th</sup> week of incapacity payment will not be entitled to payments after the 130<sup>th</sup> week, &amp; - workers who do not achieve an actual</li> </ul> | <p>Met by WorkCover: <b>\$50,000</b> separately for both Medical and Hospital treatment or a greater prescribed or directed by Workers Compensation Commission; <b>\$10,000</b> max. for ambulance treatment.</p> | <p>Maximum: <b>\$788,670</b> for 75% or more of TPD (Note pain and suffering payment up to <b>\$50,000</b> can be only applied for by Police, fire fighters, paramedics, emergency services, volunteers, and miners</p> | <p>Workers cannot sue for general damages but can sue for economic loss if negligence can be proven. Cap – Statutory cap on damages for economic loss (maximum net weekly loss - <b>\$2,662.10</b> indexed biannually s 151b)</p> | <p>Up to <b>\$990,350.00</b> (after 1<sup>st</sup> October 2025) + extra payments (weekly) for dependent + funeral costs (<b>\$15,000</b>)</p> |  |

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|                  |                        | <p>return to work of more than 15 hours &amp; earn at least \$202pw, or have no capacity to work, or have an impairment of more than 20% of the whole person are not subject to this time limit;</p> <ul style="list-style-type: none"> <li>5-year limit –workers with WPI of 20% or less may only receive up to 260 weeks’ worth of weekly payments. Workers with permanent impairment of more than 20% are not subject to this time limit.</li> </ul> <p>All forms of declared income in assessing PIAWE</p> |                                                                                                                                                  |                                                       |                                                                                                                                                                                                                                        |                                                                                                    |  |
| <b><u>SA</u></b> | YES:<br>Industry Funds | <p>Weekly benefits capped at twice the State average of weekly earnings: <b>\$3982.40</b> (double the average weekly earnings);</p> <ul style="list-style-type: none"> <li>Weeks 0-52 100% PIAWE</li> <li>Weeks 53-104 80% PIAWE for non-seriously injured workers</li> <li>Weeks 53 onwards (retirement age) 80% PIAWE for seriously injured workers</li> </ul> <p>All forms of declared income in assessing PIAWE.<br/>(RTWSA Schedule of Sums)</p>                                                          | Met by WorkCover uncapped; ceases 12 months after income payments end (except for seriously injured workers who receive lifetime care & support) | Maximum: <b>\$659,339.00</b><br>WPI at 50% and higher | <p>If you are seriously injured at work, you may be able to bring a common law claim for damages for economic loss if your employer's negligence caused or contributed to your injury.</p> <p>If you choose to pursue a common law</p> | <b>\$659,339.00</b> + extra payments (weekly) for dependants, funeral costs ( <b>\$13,915.00</b> ) |  |

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|            |                                     |                                                                                                           |                             |                                                 | claim, we will provide you with information about common law processes and meet the cost of you obtaining advice about bringing a common law action, up to the limit prescribed by regulation. If you are successful and recover damages at common law, we will continue to provide you with lifetime treatment, care and support for your injury. However, you will no longer have access to weekly payments of income support from the Return-to-Work scheme. |                                             |                                  |
| <b>QLD</b> | NO: Qld Racing Fund;<br>Contract of | Weekly benefits: capped at <b>\$3500</b> per week. All forms of declared income in assessing NWE or QOTE: | Met under the COI: uncapped | Maximum: <b>\$431,100.00</b> for 100% DPI 30% & | No entitlement.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Benefits calculated in accordance with Act. | Jockeys are not deemed employees |

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|  | <p>Insurance (COI) Professional Sportsmen i.e., Jockeys are not covered by Workers Compensation in Qld (2003). As a result of this Racing Qld has a COI with Qld WorkCover for the Jockeys, so as to be covered.</p> | <ul style="list-style-type: none"> <li>1-26 Weeks of the capacity, the greater of the following: 85% NWE calculation mean, median, mode; or 80% of QOTE.</li> <li>27-104 weeks of the greater of the following: 75% NWE; or 70% QOTE; entitlement case when \$380,580.00 is exhausted.</li> <li>From the end of the first 2 years of the incapacity until the end of the first 5 years of the incapacity— <ul style="list-style-type: none"> <li>(i) if a worker demonstrates to the insurer that the injury could result in a DPI of more than 15%—the greater of the following— <ul style="list-style-type: none"> <li>(A) 75% of the worker's NWE.</li> <li>(B) 70% of QOTE; or</li> </ul> </li> <li>(ii) otherwise—an amount equal to the single pension rate.</li> </ul> </li> <li>Weeks 104+ - the</li> </ul> |  | <p>above <b>\$754,444.00</b> (1 July 2026 to 30 June 2027), the published QOTE is <b>\$1,994.50 per week</b>. Each 1% of DPI is worth <b>\$4,311</b> in base lump sum compensation, and the combined statutory maximum at 75-100% DPI is <b>\$754,444</b> (s. 180 base of \$323,333 plus the s.192 additional of \$431,111, both indexed to QOTE)</p> | (Common Law under the ACT) | <p>Compensation for a fatal injury may include lump-sum or quarterly payments for dependants, as well as reasonable expenses to cover cost of a funeral.</p> <p>If a worker has dependants in accordance with the COI, benefits may include:<br/>Lump sum payment for compensation upon death of worker. Where any dependant totally dependent max. Lump sum on or after 1/07/20 = <b>\$807,515.00</b>.<br/>Note: where dependants are partially dependent this amount is proportionate to the monetary loss of dependence.</p> | <p>under the Act. RQL take out a Contract of Insurance with WorkCover Qld. Since 1<sup>st</sup> April 2013 all Jockeys are covered for all forms of income (concurrent earnings)</p> |
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|           |                  | <p>person is assessed for an indicative permanent impairment. They have to exceed 15% to remain on their current rate. Those with a DPI of 15% or less will revert to the single pension rate from week 105 to 260.</p> <ul style="list-style-type: none"> <li>Weekly benefits may be payable while the person has an incapacity for work or reaches 260 weeks of weekly compensation payment or hits the statutory maximum figure for weekly compensation.</li> <li>Ceasing benefits - Benefits may cease for a number of sections under the Act. These include no longer having an incapacity for work, suspension, Lump Sum, Settlements outside of the claim that fall under s119 of the Act, reaching stat max, reaching 260 weeks.</li> <li>However, the amount must not be more than the worker's NEW</li> </ul> |                    |                              |                    |                          |                 |
| <b>WA</b> | YES:<br>Industry | Weekly benefits: capped at <b>\$3,293.00</b> per week; All                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Medical and Health | Maximum: <b>\$284,448.00</b> | Yes (limited), the | <b>\$711,120 +</b> child | Jockeys are now |

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|            | Fund Premium        | <p>forms of declared income in assessing PIAWE:</p> <ul style="list-style-type: none"> <li>1-26 weeks: 100% PIAWE.</li> <li>27 weeks and onwards: 85% PIAWE;</li> </ul> <p>General Maximum Amount/Income Compensation General Limit 100% (% of General max. amount)<br/><b>\$284,448.00</b></p>                                                                                                                                                                                                                                     | <p>Expenses General Limit 60% (% of general max, amount)<br/><b>\$170,669.00</b></p> <p>Workplace Rehabilitation Expenses Compensation Limit 7% (% of general max. amount)<br/><b>\$19,911.00</b></p> | for TPD                                                                | <p>maximum damages amount for less than 25% impairment for the purposes of section 424 of the Act is:<br/><b>\$597,345.00</b></p>                                                   | <p>allowances for each dependent under 16 + reasonable funeral expenses (capped at <b>(\$13,094.00)</b>)</p>            | <p>covered for the non-Industrial award under the Act. Implemented 14<sup>th</sup> December 2012.</p> |
| <b>TAS</b> | YES: Industry Funds | <p>Weekly benefits. All forms of declared income in assessing PIAWE.</p> <ul style="list-style-type: none"> <li>1-26 weeks: 100% PIAWE but not to exceed 2 x times the basic salary (\$1149.72, Tas Gazette Basic Salary) = <b>\$2299.44</b></li> <li>27-79 weeks: 90% PIAWE (Where a worker is incapacitated for more than 26 wks, their weekly payments are paid at either 90% or 95% of their NWE. If the worker is able to return to some form of work but their employer fails to provide suitable duties, then the</li> </ul> | Met by WorkCover: Uncapped                                                                                                                                                                            | <p>Maximum: <b>\$477,133.80</b> (415 units x basic salary) for TPD</p> | <p>Yes (limited), damages available for both economic and non-economic loss; worker must suffer at least 20% WPI before he/she can commence proceedings for an award of damages</p> | <p><b>\$477,133.80</b> + weekly payments for dependents, counselling services. Funeral expenses = <b>\$9,500.00</b></p> |                                                                                                       |

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|                  |                     | <p>worker will receive 95% of normal weekly earnings rather than 90%;</p> <ul style="list-style-type: none"> <li>80 weeks and onwards: 80% PIAWE (similar to the above i.e. 80% &amp; 85%).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                 |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                            |
| <b><u>NT</u></b> | YES: Industry Funds | <p>Weekly benefits: All forms of declared full-time income <b>Not Capped PIAWE.</b></p> <ul style="list-style-type: none"> <li>1-26 weeks: 100% PIAWE; All forms of declared income</li> <li>27 weeks to age 65-67: 75% of NWE (90% of NWE for low-income earners); capped at \$2890.50</li> <li>As per 104+ weeks save there is a duration limit of 260 weeks (in the aggregate) unless the claimant is 15% whole person impaired or more, in which case, subject to certain conditions, incapacity benefits continue to the claimant's future pension age</li> </ul> | Medical + Hospital: No Limit | <p><b>NT Legislation Changes - Catastrophic Claims</b></p> <p>No lump sum impairment benefit payable for WPI less than 5%. Sliding scale of compensation between 5 - 14% WPI</p> <hr/> <p>15% WPI or more, that percentage of 208 x AWE (ABS statistical average weekly earnings. As at 1 Jan 2025, AWE = <b>\$1,927.00</b>) = <b>\$400,816.00</b></p> <hr/> <p>Changes to the workers compensation legislation in the Northern Territory was</p> | No action for damages by the claimant against the employer Claims against third parties available (subject to recovery by the employer) | <p>Changes from 1<sup>st</sup> July 2015 - 364 x AWE (\$1927.00) = <b>\$701,428.00;</b> payment only if employee survived by a dependant/s;</p> <p><b>Cost of the Funeral:</b> the maximum Northern Territory workers' compensation funeral payment is <b>\$20,040.80</b> (calculated as 20% of the annual equivalent of Average Weekly Earnings under NT WorkSafe). Weekly payments (of 10% of AWE) to each prescribed child for a defined</p> | No provision for pain and suffering claims |

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|  |  |  |  | <p>introduced into Parliament in February 2020. These amendments were eventually passed in 2021 and have had a significant impact on employers and insurers in the Northern Territory. The Bill introduced into Legislative Assembly by Attorney General Natasha Fyles proposed several amendments to the Return-to-Work Act 1986 (NT) and the Return-to-Work Regulations 1986. Below is the item most relevant to claim costs increasing dramatically for 'catastrophic' workers compensation claims:</p> <p>Section 78A<br/>settlement by</p> |  | <p>duration. Counselling services and financial advice for dependants.</p> |  |
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|  |  |  |  | <p>agreement void in certain circumstances. A new s 78A(1A) voids any lump sum agreement for settlement of medical expenses, educational and vocational training, and home, transport, and workplace modification in relation to a person who has suffered a catastrophic injury. Catastrophic injuries are described in Schedule 2A of the Bill and include:</p> <ul style="list-style-type: none"><li>• permanent spinal cord injury resulting in a permanent neurological deficit.</li><li>• traumatic brain</li></ul> |  |  |  |
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|  |  |  |  | injury<br>resulting<br>in a<br>permanen<br>t<br>impairme<br>nt, and<br>the injury<br>has<br>resulted<br>in a post-<br>traumatic<br>amnesia<br>of seven<br>days or<br>more, a<br>non-<br>induced<br>coma for<br>one hour<br>or more,<br>or brain<br>imaging<br>shows a<br>significan<br>t brain<br>abnormali<br>ty and the<br>person's<br>functional<br>ability as<br>a result of<br>the injury<br>is<br>assessed<br>as five or<br>less for a<br>moto or |  |  |  |
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|  |  |  |  | <p>cognitive item using the FIM(TM) instrument.</p> <ul style="list-style-type: none"><li>• amputation of a leg through or above the femur</li><li>• amputation of more than one limb or parts of different limbs</li><li>• full thickness burns to all or part of the body</li><li>• inhalation burn resulting in permanent respiratory impairment, and</li><li>• permanent blindness caused by</li></ul> |  |  |  |
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|  |  |  |  | <p>trauma.</p> <p>The explanatory memorandum provides the intention of this section is to ensure that settlements that fall short of the National Injury Insurance Scheme (NIIS) benchmarks cannot be entered into. If provisions for these entitlements in the legislation falls short of the NIIS benchmarks, the National Insurance Disability Scheme (NDIS) may be expected to provide top-up care and support to individuals with catastrophic injuries. However, the state or territory with the shortfall will become liable for 100% of the cost of people</p> |  |  |  |
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|  |  |  |  | <p>who enter the NDIS. As such, the Government will avoid liability for the costs of these catastrophic injuries. Essentially, this introduction takes away the ability to settle the specified claims, and which means QBE will have to estimate and have these claims open for the lifetime of the claim - which for these claims is likely to be the injured workers lifetime.</p> <hr/> <p>Five year cap on benefits for less serious injuries. Under this change, workers who suffer a less serious injury will be limited to five years of compensation, with a maximum of one <u>additional year</u></p> |  |  |  |
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|  |  |  |  | for medical and other costs. This change does not affect workers who have suffered a more serious injury and have been evaluated as having a permanent impairment of 15% or higher. These more seriously injured workers depending on work capacity may be entitled to compensation payments until <u>pension age.</u> |  |  |  |
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