

Workers Compensation (Indexation) Order 2019

[2019-144]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Workers Compensation (Indexation) Order 2019



New South Wales

1 Name of Order

This Order is the [Workers Compensation \(Indexation\) Order 2019](#).

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3 Notes

Notes included in this Order do not form part of this Order.

Note—

The [Workers Compensation Act 1987](#), the [Workplace Injury Management and Workers Compensation Act 1998](#) and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Order.

4 Meaning of “latest index number”

For the purposes of paragraph (b) of the definition of **latest index number** in section 79 of the 1987 Act, the number specified in the Table to this clause in respect of an adjustment date is declared to be the latest index number in respect of that date.

Table

Column 1	Column 2
Adjustment date	Latest index number
1 April 2019	284.8
1 October 2019	287.2
1 April 2020	290.9
1 October 2020	293.3
1 April 2021	294.9
1 October 2021	298.6
1 April 2022	303.2

1 October 2022

306.3

Note—

See clause 41 of Schedule 8 to the [Workers Compensation Regulation 2016](#) for the latest index number in respect of adjustment dates occurring from 1 April 1988 to 1 October 2018.

5 Adjustable amounts—Workers Compensation Acts

For the purposes of section 82 (1) of the 1987 Act, the adjusted amount specified in Column 3 of the Table to this clause in respect of an adjustable amount is declared to be the amount at which the adjustable amount is to be construed on and from the adjustment date specified opposite in Column 2 until immediately before the next following adjustment date.

Note—

See Parts 19H and 19I of Schedule 6 to the [Workers Compensation Act 1987](#) for provisions relating to the continued application of Divisions 1 and 2 of Part 3 of that Act as in force before the commencement of amendments made by the [Workers Compensation Legislation Amendment Act 2012](#) and the [Workers Compensation Amendment Act 2015](#).

Table

Column 1	Column 2	Column 3
Adjustable amount	Adjustment date	Adjusted amount
\$750,000 (section 25(1)(a) of the 1987 Act)	1 April 2019	\$810,050
	1 October 2019	\$816,850
	1 April 2020	\$827,400
	1 October 2020	\$834,200
	1 April 2021	\$838,750
	1 October 2021	\$849,300
	1 April 2022	\$862,350
	1 October 2022	\$871,200
	1 April 2019	\$145
\$66.60 (section 25(1)(b) of the 1987 Act)	1 October 2019	\$146.20
	1 April 2020	\$148.10
	1 October 2020	\$149.30
	1 April 2021	\$150.20

	1 October 2021	\$152
	1 April 2022	\$154.40
	1 October 2022	\$156
	1 April 2019	\$570,700
	1 October 2019	\$575,500
	1 April 2020	\$582,900
\$425,000 (section 25(1)(a) of the 1987 Act, as in force before its amendment by the Workers Compensation Amendment Act 2015)	1 October 2020	\$587,750
	1 April 2021	\$590,950
	1 October 2021	\$598,350
	1 April 2022	\$607,550
	1 October 2022	\$613,800
	1 April 2019	\$2,177.40
	1 October 2019	\$2,195.70
	1 April 2020	\$2,224
\$1,838.70 (section 34(1) of the 1987 Act)	1 October 2020	\$2,242.40
	1 April 2021	\$2,254.60
	1 October 2021	\$2,282.90
	1 April 2022	\$2,318.10
	1 October 2022	\$2,341.80
	1 April 2019	\$2,177.40
	1 October 2019	\$2,195.70
	1 April 2020	\$2,224
\$1,000 (section 35(1) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 October 2020	\$2,242.40
	1 April 2021	\$2,254.60
	1 October 2021	\$2,282.90
	1 April 2022	\$2,318
	1 October 2022	\$2,341.70

\$235.20 (section 37(1)(a)(i) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2019	\$512.10
	1 October 2019	\$516.40
	1 April 2020	\$523.10
	1 October 2020	\$527.40
	1 April 2021	\$530.30
	1 October 2021	\$536.90
	1 April 2022	\$545.20
	1 October 2022	\$550.80
	1 April 2019	\$407.40
	1 October 2019	\$410.80
\$187.10 (section 37(1)(a)(ii) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2020	\$416.10
	1 October 2020	\$419.50
	1 April 2021	\$421.80
	1 October 2021	\$427.10
	1 April 2022	\$433.70
	1 October 2022	\$438.10
\$170 (section 37(1)(a)(iii) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2019	\$370.20
	1 October 2019	\$373.30
	1 April 2020	\$378.10
	1 October 2020	\$381.20
	1 April 2021	\$383.30
	1 October 2021	\$388.10
\$153 (section 37(1)(a)(iii) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2022	\$394.10
	1 October 2022	\$398.10
	1 April 2019	\$333.10
	1 October 2019	\$335.90
	1 April 2020	\$340.30
	1 October 2020	\$343.10
	1 April 2021	\$345

	1 October 2021	\$349.30
	1 April 2022	\$354.70
	1 October 2022	\$358.30
	1 April 2019	\$135
	1 October 2019	\$136.10
	1 April 2020	\$137.90
\$62 (section 37(1)(b) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 October 2020	\$139
	1 April 2021	\$139.80
	1 October 2021	\$141.50
	1 April 2022	\$143.70
	1 October 2022	\$145.20
	1 April 2019	\$96.50
	1 October 2019	\$97.30
	1 April 2020	\$98.50
\$44.30 (section 37(1)(c)(i) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 October 2020	\$99.30
	1 April 2021	\$99.90
	1 October 2021	\$101.10
	1 April 2022	\$102.70
	1 October 2022	\$103.70
	1 April 2019	\$215.80
	1 October 2019	\$217.60
	1 April 2020	\$220.40
\$99.10 (section 37(1)(c)(i) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 October 2020	\$222.20
	1 April 2021	\$223.40
	1 October 2021	\$226.20
	1 April 2022	\$229.70
	1 October 2022	\$232.10

\$164.16 (section 37(1)(c)(i) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2019	\$357.40
	1 October 2019	\$360.40
	1 April 2020	\$365.10
	1 October 2020	\$368.10
	1 April 2021	\$370.10
	1 October 2021	\$374.80
	1 April 2022	\$380.50
	1 October 2022	\$384.40
\$230.90 (section 37(1)(c)(i) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2019	\$502.80
	1 October 2019	\$507.00
	1 April 2020	\$513.50
	1 October 2020	\$517.80
	1 April 2021	\$520.60
	1 October 2021	\$527.10
	1 April 2022	\$535.20
	1 October 2022	\$540.70
\$66.60 (section 37(1)(c)(i) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2019	\$145
	1 October 2019	\$146.20
	1 April 2020	\$148.10
	1 October 2020	\$149.30
	1 April 2021	\$150.20
	1 October 2021	\$152
	1 April 2022	\$154.40
	1 October 2022	\$156
\$1,000 (section 40(2A)(a) and (b) of the 1987 Act, as in force before its amendment by the Workers Compensation Legislation Amendment Act 2012)	1 April 2019	\$2,177.40
	1 October 2019	\$2,195.70
	1 April 2020	\$2,224
	1 October 2020	\$2,242.40
	1 April 2021	\$2,254.60

	1 October 2021	\$2,282.90
	1 April 2022	\$2,318
	1 October 2022	\$2,341.70
	1 April 2019	\$167,050
	1 October 2019	\$168,450
	1 April 2020	\$170,600
\$76,700 (clause 2(2) of Part 3 of Schedule 6 to the 1987 Act)	1 October 2020	\$172,000
	1 April 2021	\$172,950
	1 October 2021	\$175,100
	1 April 2022	\$177,800
	1 October 2022	\$179,650
	1 April 2019	\$83.40
	1 October 2019	\$84.10
	1 April 2020	\$85.20
\$38.30 (clause 2(3)(b) of Part 3 of Schedule 6 to the 1987 Act)	1 October 2020	\$85.90
	1 April 2021	\$86.40
	1 October 2021	\$87.40
	1 April 2022	\$88.80
	1 October 2022	\$89.70
	1 April 2019	\$97.50
	1 October 2019	\$98.40
	1 April 2020	\$99.60
\$44.80 (clause 4(1)(b)(i) of Part 4 of Schedule 6 to the 1987 Act)	1 October 2020	\$100.50
	1 April 2021	\$101
	1 October 2021	\$102.30
	1 April 2022	\$103.80
	1 October 2022	\$104.90
\$22.50 (clause 4(1)(b)(ii) of Part 4 of Schedule 6 to the 1987 Act)	1 April 2019	\$49
	1 October 2019	\$49.40

	1 April 2020	\$50
	1 October 2020	\$50.50
	1 April 2021	\$50.70
	1 October 2021	\$51.40
	1 April 2022	\$52.20
	1 October 2022	\$52.70
	1 April 2019	\$426.80
	1 October 2019	\$430.40
	1 April 2020	\$435.90
\$196 (clause 4A(2)(a) of Part 4 of Schedule 6 to the 1987 Act)	1 October 2020	\$439.50
	1 April 2021	\$441.90
	1 October 2021	\$447.40
	1 April 2022	\$454.30
	1 October 2022	\$459
	1 April 2019	\$339.50
	1 October 2019	\$342.30
	1 April 2020	\$346.70
\$155.90 (clause 4A(2)(b) of Part 4 of Schedule 6 to the 1987 Act)	1 October 2020	\$349.60
	1 April 2021	\$351.50
	1 October 2021	\$355.90
	1 April 2022	\$361.40
	1 October 2022	\$365.10
	1 April 2019	\$308.30
	1 October 2019	\$310.90
	1 April 2020	\$314.90
\$141.60 (clause 4A(2)(c) of Part 4 of Schedule 6 to the 1987 Act)	1 October 2020	\$317.50
	1 April 2021	\$319.20
	1 October 2021	\$323.30
	1 April 2022	\$328.20

	1 October 2022	\$331.60
	1 April 2019	\$277.60
	1 October 2019	\$280.00
	1 April 2020	\$283.60
\$127.50 (clause 4A(2)(c) of Part 4 of Schedule 6 to the 1987 Act)	1 October 2020	\$285.90
	1 April 2021	\$287.50
	1 October 2021	\$291.10
	1 April 2022	\$295.60
	1 October 2022	\$298.60
	1 April 2019	\$743.10
	1 October 2019	\$749.40
	1 April 2020	\$759.10
\$341.30 (clause 7(2)(a) of Part 4 of Schedule 6 to the 1987 Act)	1 October 2020	\$765.30
	1 April 2021	\$769.50
	1 October 2021	\$779.10
	1 April 2022	\$791.10
	1 October 2022	\$799.20
	1 April 2019	\$1,073.20
	1 October 2019	\$1,082.20
	1 April 2020	\$1,096.20
\$906.25 (clause 2 of Part 19H of Schedule 6 to the 1987 Act)	1 October 2020	\$1,105.20
	1 April 2021	\$1,111.20
	1 October 2021	\$1,125.20
	1 April 2022	\$1,142.50
	1 October 2022	\$1,154.20
	1 April 2019	\$9,389
	1 October 2019	\$9,468.10
\$7,500 (section 297(2) of the 1998 Act)	1 April 2020	\$9,590.10
	1 October 2020	\$9,669.20

1 April 2021	\$9,722
1 October 2021	\$9,844
1 April 2022	\$9,995.60
1 October 2022	\$10,097.80

6 Adjustable amounts—[Workers' Compensation \(Dust Diseases\) Act 1942](#)

For the purposes of section 82(1) of the 1987 Act (as applied by section 8(3)(d) of the [Workers' Compensation \(Dust Diseases\) Act 1942](#)), the adjusted amount specified in Column 3 of the Table to this clause in respect of an adjustable amount is declared to be the amount at which the adjustable amount is to be construed on and from the adjustment date specified opposite in Column 2 until immediately before the next following adjustment date.

Table

Column 1	Column 2	Column 3
Adjustable amount	Adjustment date	Adjusted amount
\$311,050 (section 8(2B)(b)(i)(C) of the Workers' Compensation (Dust Diseases) Act 1942)	1 April 2019	\$362,500
	1 October 2019	\$365,550
	1 April 2020	\$370,250
	1 October 2020	\$373,300
	1 April 2021	\$375,350
	1 October 2021	\$380,050
	1 April 2022	\$385,900
	1 October 2022	\$389,850
\$137.30 (section 8(2B)(b)(ii) of the Workers' Compensation (Dust Diseases) Act 1942)	1 April 2019	\$299
	1 October 2019	\$301.50
	1 April 2020	\$305.40
	1 October 2020	\$307.90
	1 April 2021	\$309.60
	1 October 2021	\$313.40
	1 April 2022	\$318.30

	1 October 2022	\$321.50
	1 April 2019	\$151.10
	1 October 2019	\$152.40
	1 April 2020	\$154.30
\$69.40 (section 8(2B)(b)(iii) of the <i>Workers' Compensation (Dust Diseases) Act 1942</i>)	1 October 2020	\$155.60
	1 April 2021	\$156.50
	1 October 2021	\$158.40
	1 April 2022	\$160.90
	1 October 2022	\$162.50

7 Variation of weekly payments

For the purposes of section 82A(4) of the 1987 Act, the number specified in the Table to this clause in respect of a review date is declared to be the number that equates to the factor

^B/_C

for the purposes of the variation of a weekly payment required for that review date.

Table

Column 1	Column 2
Review date	Number equating to factor
	^B / _C
1 April 2019	1.0105
1 October 2019	1.0061
1 April 2020	1.0104
1 October 2020	0.9795
1 April 2021	1.0288
1 October 2021	1.0119
1 April 2022	1.0184
1 October 2022	1.0337

Note 1—

The number equating to the factor

0.9795

has been rounded to 4 decimal places.

Note 2—

See clause 4 of the [Workers Compensation \(Indexation of Amounts\) Order 2013](#) for notification under section 82A(4) of the 1987 Act in respect of review dates occurring from 1 April 2013 to 1 October 2018.

Note 3—

The number that equates to the factor

0.9795

in respect of 1 October 2020 is 0.9795. Applying this number to vary the amount of a weekly payment to a worker, in accordance with section 82A of the [Workers Compensation Act 1987](#), has the effect of reducing the amount. Accordingly, under section 82C(a) of the Act, the variation is deemed not to have taken effect and the amount varied by applying the number specified in respect of 1 April 2020 continues to apply. Section 82C(b) provides for the variation of the amount in respect of the next or a subsequent financial year.

7A Indexation of certain amounts—according to average weekly earnings: section 82B

For the purposes of section 82B(2) of the 1987 Act, the amount specified in the Table to this clause in respect of a financial year is declared to be the amount that is to apply for that financial year as the amount specified in sections 38, 40 and 41 of the 1987 Act.

Table

Column 1	Column 2
Financial year	Amount
2019–2020	\$196
2020–2021	\$200
2021–2022	\$202
2022–2023	\$211

8 Indexation—compensation amount for workers with highest needs: section 82BA

For the purposes of section 82BA of the 1987 Act, the amount specified in the Table to this clause in respect of a review date is declared to be the amount that is to apply as the amount specified in section 38A of the 1987 Act as varied on that review date.

Table

Column 1	Column 2
Review date	Amount
1 April 2019	\$840
1 October 2019	\$845

1 April 2020	\$854
1 October 2020	\$854
1 April 2021	\$861
1 October 2021	\$871
1 April 2022	\$887
1 October 2022	\$917

Note 1—

See clause 6 of the [Workers Compensation \(Indexation of Amounts\) Order 2013](#) for varied amounts in respect of review dates occurring from 1 April 2016 to 1 October 2018.

Note 2—

The amount specified in section 38A of the [Workers Compensation Act 1987](#), as varied in accordance with section 82BA of the Act on 1 October 2020, is \$836. This variation has the effect of reducing the amount. Accordingly, under section 82C(a) of the Act, the variation is deemed not to have taken effect and the amount \$854, as specified in respect of 1 April 2020, continues to apply. Section 82C(b) provides for the variation of the amount in respect of the next or a subsequent financial year.

9 Indexation—compensation for permanent impairment: section 82F

- (1) This clause applies for the purposes of section 82F(3) of the 1987 Act.
- (2) The adjusted amount (or amounts, respectively) specified in Column 3 of the Table to this clause in respect of a financial year is declared to be the amount (or amounts, respectively) that applies for that financial year in respect of the provision of the 1987 Act specified opposite in Column 1.

Table		
Column 1	Column 2	Column 3
Provision of 1987 Act	Financial year	Adjusted amount
	2019–2020	\$20,950 and \$3,150, respectively
Section 66(2)(a) (impairment greater than 10% but not greater than 30%)	2020–2021	\$21,370 and \$3,210, respectively
	2021–2022	\$21,570 and \$3,240, respectively

Section 66(2)(b) (impairment greater than 30% but not greater than 50%)	2022-2023	\$22,520 and \$3,380, respectively
	2019-2020	\$83,880 and \$5,190, respectively
	2020-2021	\$85,560 and \$5,290, respectively
	2021-2022	\$86,360 and \$5,340, respectively
Section 66(2)(c) (impairment greater than 50% but not greater than 55%)	2022-2023	\$90,150 and \$5,570, respectively
	2019-2020	\$259,600
	2020-2021	\$264,790
	2021-2022	\$267,270
Section 66(2)(d) (impairment greater than 55% but not greater than 60%)	2022-2023	\$279,000
	2019-2020	\$331,480
	2020-2021	\$338,100
	2021-2022	\$341,270
Section 66(2)(e) (impairment greater than 60% but not greater than 65%)	2022-2023	\$356,250
	2019-2020	\$403,370
	2020-2021	\$411,430
	2021-2022	\$415,280
Section 66(2)(f) (impairment greater than 65% but not greater than 70%)	2022-2023	\$433,500
	2019-2020	\$475,240
	2020-2021	\$484,740
	2021-2022	\$489,280
Section 66(2)(g) (impairment greater than 70% but not greater than 74%)	2022-2023	\$510,750
	2019-2020	\$547,110
	2020-2021	\$558,040

	2021-2022	\$563,270
	2022-2023	\$587,990
	2019-2020	\$619,000
Section 66(2)(h) (impairment greater than 74%)	2020-2021	\$631,370
	2021-2022	\$637,290
	2022-2023	\$665,260