

GUIDE TO SCHEDULE OF INJURIES



[Special Note :- application for compensation by family members of a deceased victim do not need to refer to the schedule of injuries. Injury does not have to be proved by such applicants.]

What is the Schedule of Injuries?

The Victims Support and Rehabilitation Act 1996 provides for the payment of statutory compensation for injury received as a direct result of an act of violence according to a schedule of injuries. [see section 17] The schedule of injuries is a table of those injuries for which payment for compensation may be made. Subject to certain conditions the Tribunal will not award compensation for injuries not appearing on the schedule. For instance compensation will not be awarded for bruising and lacerations.

How does the Schedule of Injuries apply to applicants?

An applicant for statutory victims compensation must enter the description of the injury on the application form using the description to be found in the schedule of injuries. See Part 9 of the application form and Part 2 of the Victims Rule 1997.

What if there is more than one injury?

Clause 3 to the schedule indicates the amounts that will be paid for multiple injuries. Briefly, the full amount of the schedule is paid for the most serious injury, 10% of the amount for the second and 5% for the third. Compensation is not paid for any further injuries. The application form is so designed to enable the applicant to specify the injury sought as described on the schedule of injuries.

What if the offence involved sexual assault or domestic violence?

In cases of sexual assault and domestic violence, the applicant cannot claim both Sexual Assault Category (1,2,3) or Domestic violence and Psychological or Psychiatric Disorder Category (1,2). Under the provision of Section 11 of the Act, the applicant has an option to claim either the compensable injury of Sexual Assault Category/Domestic Violence as a totality of injuries, including psychological injury, arising from the act of violence, or the compensable injury of Psychological or Psychiatric Disorder Category 2 as a specific injury sustained from the act of violence.

Does your claim reach the threshold?

The Victims Compensation Amendment (Compensable Injuries) Regulation 2000 increased the minimum amount of compensation for the compensable injuries of domestic violence, sexual assault category 1, and chronic psychological or psychiatric disorder that is moderately disabling to \$7,500.00.

NOTE: Section 20 of the Act has been amended by Proclamation with the threshold amount being increased to \$7,500.00.

Schedule 1 Compensable injuries

(Section 10)

1 Description of compensable injuries

The injuries specified in column 1 of the table to this Schedule are compensable injuries for the purposes of this Act.

2 Standard amount of compensation

The standard amount of compensation for any such compensable injury is the amount, or an amount within the range of amounts, specified in column 2 of the table to this Schedule opposite the injury.

3 Multiple injuries

If 2 or more compensable injuries are received by an eligible victim, the standard amount of compensation for all of those injuries is the total of the following amounts (subject to the other provisions of this Act):

- (a) The full standard amount for the most serious injury (that is, for the injury that has the largest standard amount payable).
- (b) 10% of the standard amount for the second most serious injury (that is, for the injury that has the same or the second largest standard amount payable).
- (c) 5% of the standard amount for the third most serious injury (that is, for the injury that has the same or the third largest standard amount payable).
- (d) No amount for any further injuries.

4 Reduction of standard amount because of existing condition

If the act of violence results in a compensable injury because of the aggravation, acceleration, exacerbation or deterioration of an existing condition of the eligible victim, the standard amount of compensation for the injury is to be reduced by the proportionate amount that the Tribunal or compensation assessor considers is attributable to the existing condition.

5 Psychological or psychiatric disorder

- (1) For the purpose of establishing whether there is a compensable injury of psychological or psychiatric disorder, an application relating to statutory compensation for such an injury must be accompanied by a written assessment of the applicant's condition prepared by a qualified person chosen from a list of qualified persons designated by the Director.
 - (1A) In determining such an application, the Tribunal or compensation assessor concerned is not required to have regard to any report or assessment other than the assessment referred to in subclause (1).
 - (2) The Director may suspend or revoke the designation of a person under subclause (1).
-

(3) The compensable injury of psychological or psychiatric disorder (category 1) applies only in relation to an act of violence that has apparently occurred in the course of the commission of any of the following offences:

- a) armed robbery,
- b) abduction,
- c) kidnapping.

6 Sexual assault

The following applies to the compensable injury of sexual assault:

- (a) Category 1 sexual assault consists of:
 - indecent assault, or
 - an assault with violence in the course of attempted unlawful sexual intercourse.
- (b) Category 2 sexual assault consists of:
 - unlawful sexual intercourse, or
 - the infliction of serious bodily injury in the course of attempted unlawful sexual intercourse.
- (c) Category 3 sexual assault consists of:
 - a pattern of abuse involving category 1 or category 2 sexual assault, or
 - unlawful sexual intercourse in which serious bodily injury is inflicted, or
 - unlawful sexual intercourse in which 2 or more offenders are involved, or
 - unlawful sexual intercourse in which the offender uses an offensive weapon.

In this paragraph:

indecent assault means the commission of an act of indecency with or towards a child under the age of 16 years or the commission of an act of indecency on or in the presence of any person in connection with an assault on the person.

unlawful sexual intercourse means sexual intercourse (within the meaning of section 61H of the *Crimes Act 1900*) with a person without his or her consent or with consent obtained by means of a non-violent threat, sexual intercourse with a child under the age of 16 years or with a person having an intellectual disability or self-manipulation (within the meaning of section 80A of the *Crimes Act 1900*) which a person is compelled to engage in because of a threat within the meaning of that section.

7 Burns and scarring

The following applies to the compensable injuries of burns and scarring:

- (a) Compensation is not payable for scarring unless it is permanent.
- (b) Compensation is not payable for both burns to any part of the body and scarring of that part of the body caused by burns.
- (c) Payment for burns or scarring is subject to such reasonable inspection of the injury as the Tribunal or compensation assessor may require.

Note:- Burns appears under each heading of the schedule.

7A Domestic violence

- (1) The compensable injury of domestic violence consists of the following:
 - (a) injury resulting from an act of violence that occurred in the commission of a domestic violence offence (within the meaning of the Crimes Act 1900),
 - (b) without limiting paragraph (a), injury arising from the intimidation or stalking of a person (within the meaning of section 562A of the Crimes Act 1900) in apparent contravention of an apprehended violence order in force under Part 15A of that Act.
- (2) Subclause (1) (a) is subject to any guidelines issued by the Tribunal under section 65 relating to the determination of circumstances in which there is a compensable injury of domestic violence.

8 Injuries not specifically mentioned

An injury not specifically mentioned in Column 1 of the table to this Schedule is a compensable injury if, in the opinion of the Tribunal or compensation assessor dealing with the application for statutory compensation:

- (a) the injury is similar to an injury specifically mentioned in the table, and
- (b) the injury has caused symptoms or disability lasting for at least 6 weeks.

The standard amount of compensation for the injury is the standard amount for that similar injury.

9 Other interpretative provisions

- (a) For the purpose of determining the extent of an injury, the extent to which the injury, or the effect of the injury, may be reduced or limited by an external removable aid or appliance is to be disregarded.
- (b) If an eligible victim has only one leg, arm, eye or other body part, an injury to the remaining body part is to be regarded as an injury to both of those body parts.

Table

Column 1 Description of Injury	Column 2 Standard amount of compensation \$
-----------------------------------	--

Brain damage

moderate impairment of social/intellectual functions.....	36,000
serious impairment of social/intellectual functions	50,000
permanent-extremely serious (no effective control of functions).....	50,000

Burns

multiple first degree burns covering at least 25% of body	50,000
---	--------

[For other burns to a part of the body, see burn injuries listed in this table under that part of the body]

Disease or other recognised medical illness causing disability (not being a disease or illness of the mind)

disability lasting 6 to 13 weeks	2,400
disability lasting 14 to 28 weeks	9,600
disability lasting over 28 weeks (but not permanent)	18,000
permanent disability	48,000

Domestic violence 7,500-10,000

Epilepsy

fully controlled.....	18,000
partially controlled.....	30,000
uncontrolled	50,000

Head

burns (other than face): minor	3,600
burns (other than face): moderate.....	9,600
burns (other than face): severe	18,000
burns (face): minor	4,800
burns (face): moderate	12,000

burns (face): severe.....	50,000
ear: fractured mastoid.....	2,400
ear: loss of one ear	24,000
ear: loss of both ears	42,000
ear: partial deafness of one ear-remaining hearing socially useful with hearing aid if necessary	8,400
ear: partial deafness of both ears-remaining hearing socially useful with hearing aid if necessary	18,000
ear: total deafness of one ear	36,000
ear: total deafness of both ears	50,000
ear: partial loss of ear(s)	9,600
ear: perforated ear drum	4,200
ear: temporary partial deafness-lasting 6 to 13 weeks	2,400
ear: temporary partial deafness-lasting more than 13 weeks.....	3,600
ear: tinnitus (ringing noise in ear)-lasting 6 to 13 weeks.....	2,400
ear: tinnitus-lasting more than 13 weeks.....	7,200
ear: tinnitus-permanent (moderate).....	18,000
ear: tinnitus-permanent (very serious).....	36,000
eye: blow out fracture of orbit bone cavity containing eyeball.....	7,200
eye: blurred or double vision-lasting 6 to 13 weeks	2,400
eye: blurred or double vision-lasting more than 13 weeks	4,200
eye: blurred or double vision-permanent	18,000
eye: cataracts one eye (requiring operation).....	7,200
eye: cataracts both eyes (requiring operation).....	18,000
eye: cataracts one eye (permanent/inoperable)	18,000
eye: cataracts both eyes (permanent/inoperable)	42,000
eye: corneal abrasions.....	4,800
eye: damage to iris resulting in hyphaema (bleeding in ocular chamber) ...	6,000

eye: damage to irises resulting in hyphaema (bleeding in ocular chamber)	14,400
eye: degeneration of optic nerve.....	4,800
eye: degeneration of optic nerves	12,000
eye: detached retina	12,000
eye: detached retinas.....	30,000
eye: dislocation of lens	12,000
eye: dislocation of lenses.....	30,000
eye: glaucoma	6,000
eye: loss of one eye.....	50,000
eye: loss of both eyes.....	50,000
eye: loss of sight of one eye.....	48,000
eye: loss of sight of both eyes.....	50,000
eye: partial loss of vision-6/9	18,000
eye: partial loss of vision-6/12	24,000
eye: partial loss of vision-6/24	30,000
eye: partial loss of vision-6/36	36,000
eye: partial loss of vision-6/60	42,000
eye: residual floaters.....	12,000
eye: traumatic angle recession of eye.....	6,000
facial: dislocated jaw	4,800
facial: fractured malar and/or zygomatic-cheek bones	4,800
facial: fractured mandible and/or maxilla-jaw bones	7,200
facial: permanently clicking jaw	12,000
facial: temporary numbness/loss of feeling-lasting 6 to 13 weeks.....	2,400
facial: temporary numbness/loss of feeling-lasting more than 13 weeks (recovery expected)	3,600
facial: permanent numbness/loss of feeling.....	9,600
nose: deviated nasal septum	2,400

nose: deviated nasal septum requiring septoplastomy.....	4,800
nose: undisplaced fracture of nasal bones.....	2,400
nose: displaced fracture of nasal bones.....	3,600
nose: partial loss (at least 10%).....	9,600
nose: partial loss of smell and/or taste	12,000
nose: loss of smell or taste.....	24,000
nose: loss of smell and taste	36,000
scarring (face): minor disfigurement.....	3,600
scarring (face): significant disfigurement	8,400
scarring (face): serious disfigurement.....	18,000
scarring (other than face): visible, minor disfigurement.....	3,600
scarring (other than face): significant disfigurement	7,200
scarring (other than face): serious disfigurement.....	12,000
skull: balance impaired-permanent	18,000
skull: brain haemorrhage (full recovery).....	9,600
skull: brain haemorrhage (residual minor impairment of social/intellectual functions).....	18,000
skull: concussion (lasting at least one week)	3,600
skull: simple fracture (no operation).....	6,000
skull: depressed fracture (no operation).....	9,600
skull: depressed fracture (requiring operation)	14,400
skull: stroke (full recovery)	12,000
skull: subdural haematoma-treated conservatively.....	9,600
skull: subdural haematoma-requiring evacuation.....	18,000
teeth: chipped front teeth requiring crown.....	2,400
teeth: fractured tooth/teeth requiring crown.....	2,400
teeth: loss of crowns	3,000

teeth: loss of one tooth other than front tooth	2,400
teeth: loss of two or more teeth other than front tooth.....	3,600
teeth: loss of one front tooth.....	3,600
teeth: loss of two or three front teeth.....	4,800
teeth: loss of four or more front teeth.....	7,200
teeth: slackening of teeth requiring dental treatment	2,400
tongue: impaired speech-slight.....	4,800
tongue: impaired speech-moderate	12,000
tongue: impaired speech-serious	24,000
tongue: impaired speech-severe	42,000
tongue: loss of speech-permanent	50,000
tongue: loss of tongue.....	50,000
Lower limbs	
ankle: fracture of one ankle (full recovery).....	7,200
ankle: fracture of one ankle (with continuing disability).....	12,000
ankle: fracture of both ankles (full recovery).....	18,000
ankle: fracture of both ankles (with continuing disability).....	24,000
ankle: sprain of one ankle (disabling for at least 6 to 13 weeks).....	2,400
ankle: sprain of one ankle (disabling for more than 13 weeks).....	6,000
ankle: sprain of both ankles (disabling for at least 6 to 13 weeks).....	4,800
ankle: sprain of both ankles (disabling for more than 13 weeks).....	8,400
burns: minor.....	3,600
burns: moderate	9,600
burns: severe	24,000
femur: fracture of both legs (full recovery).....	18,000
femur: fracture of both legs (with continuing disability).....	24,000
femur: fracture of thigh bone (full recovery)	7,200
femur: fracture of one leg (with continuing disability).....	12,000

fibula: fracture of both legs (full recovery)	18,000
fibula: fracture of both legs (with continuing disability)	24,000
fibula: fracture of one leg (with continuing disability)	12,000
fibula: fracture of slender bone from knee to ankle (full recovery).....	7,200
heel bone: fracture of one foot (full recovery)	6,000
heel bone: fracture of one foot (with continuing disability)	12,000
heel bone: fracture of both feet (full recovery)	12,000
heel bone: fracture of both feet (with continuing disability)	24,000
knees: injury requiring arthroscopy (investigative surgery/repair)-no fracture	4,800
leg: loss of leg below knee	50,000
leg: loss of leg above knee.....	50,000
leg: loss of both legs	50,000
metatarsal bones: fracture of one foot (full recovery).....	6,000
metatarsal bones: fracture of one foot (with continuing disability).....	18,000
metatarsal bones: fracture of both feet (full recovery).....	12,000
metatarsal bones: fracture of both feet (with continuing disability).....	36,000
patella: dislocation of one leg (full recovery)	2,400
patella: dislocation of one leg (with continuing disability)	18,000
patella: dislocation of both legs (full recovery)	4,800
patella: dislocation of both legs (with continuing disability)	42,000
patella: fracture of knee cap (full recovery)	18,000
patella: fracture of one leg (with continuing disability).....	24,000
patella: fracture of both legs (full recovery).....	36,000
patella: fracture of both legs (with continuing disability).....	48,000
phalanges: fracture of toes.....	3,600
scarring: minor disfigurement	3,000

scarring: significant disfigurement.....	4,200
scarring: serious disfigurement	12,000
tarsal bones: fracture of one foot (full recovery).....	6,000
tarsal bones: fracture of one foot (with continuing disability).....	18,000
tarsal bones: fracture of both feet (full recovery).....	12,000
tarsal bones: fracture of both feet (with continuing disability).....	3,000
tendon(s)/ligament(s): minor damage (full recovery).....	2,400
tendon(s)/ligament(s): minor damage (with continuing disability).....	7,200
tendon(s)/ligament(s): moderate damage (full recovery)	4,800
tendon(s)/ligament(s): moderate damage (with continuing disability)	12,000
tendon(s)/ligaments(s): severe damage (full recovery).....	7,200
tendon(s)/ligaments(s): severe damage (with continuing disability).....	18,000
tibia: fracture of shin bone (full recovery)	7,200
tibia: fracture of shin bone (with continuing disability)	12,000
tibia: fracture of both legs (full recovery)	18,000
tibia: fracture of both legs (with continuing disability)	24,000
toe: fracture of one big toe.....	6,000
toe: fracture of two big toes.....	12,000
Neck	
burns: minor.....	3,600
burns: moderate	9,600
burns: severe	24,000
neck: strained (disabling for 6 to 13 weeks)	2,400
neck: strained (disabling for more than 13 weeks)	4,200
neck: strained-seriously disabling (not permanent)	12,000
neck: strained-seriously disabling (permanent)	24,000
scarring: minor disfigurement	3,600
scarring: significant disfigurement.....	7,200

scarring: serious disfigurement 9,600

Paralysis

Paralysis of all 4 limbs (quadriplegia/tetraplegia), paralysis of one side of body (hemiplegia), paralysis of the lower limbs (paraplegia), paralysis of one lower limb, paralysis of one or both upper limbs 50,000

Psychological or psychiatric disorder

Category 1, chronic psychological or psychiatric disorder that is moderately disabling 7,500-15,000

Category 2, chronic psychological or psychiatric disorder that is severely disabling 30,000-50,000

Sexual assault

Category 1 7,500-10,000

Category 2 10,000-25,000

Category 3 25,000-50,000

Torso

back: fracture of vertebra (full recovery) 6,000

back: fracture of vertebra (continuing disability) 12,000

back: fracture of more than one vertebra (full recovery) 9,600

back: fracture of more than one vertebra (continuing disability) 18,000

back: prolapsed intervertebral disc(s)-seriously disabling (not permanent) 12,000

back: prolapsed intervertebral disc(s)-seriously disabling (permanent) 18,000

back: ruptured intervertebral disc(s) requiring surgical removal 24,000

back: strained back-disabling for 6 to 13 weeks 2,400

back: strained back-disabling for more than 13 weeks 6,000

back: strained back-seriously disabling (not permanent) 12,000

back: strained back-seriously disabling (permanent) 18,000

burns: minor 3,600

burns: moderate 9,600

burns: severe 24,000

clavicle: fracture of collar bone	4,800
clavicle: fracture of both clavicles.....	12,000
coccyx: fracture of tail bone	6,000
fertility: loss of fertility.....	50,000
genitalia: injury requiring medical treatment (no permanent damage)	4,200
genitalia: injury requiring medical treatment (permanent damage)	12,000
hernia	8,400
hip: dislocated (full recovery)	4,200
hip: dislocated (with continuing disability)	18,000
hip: fractured.....	18,000
injury requiring laparotomy.....	8,400
kidney: loss of kidney.....	48,000
lung: collapse of lung	8,400
lung: collapse of both lungs.....	18,000
lung: puncture of lung	7,200
lung: puncture of both lungs.....	14,400
lung: smoke inhalation in both lungs (permanent and disabling damage)..	12,000
pelvis: fracture of pelvis	18,000
rib: fracture of rib.....	2,400
rib: fracture of two or more ribs	3,600
scapula: fracture of shoulder blade.....	6,000
scapula: fracture of both scapula.....	14,400
scarring: minor disfigurement	3,000
scarring: significant disfigurement.....	6,000
scarring: serious disfigurement	12,000
shoulder: dislocated (full recovery).....	4,200
shoulder: dislocated (with continuing disability).....	12,000

shoulder: frozen	8,400
spleen: loss of spleen	9,600
sternum: fracture of breast bone	6,000
Upper limbs	
arm: loss of arm	50,000
arm: loss of both arms	50,000
arm: permanently and seriously impaired grip.....	18,000
arm: permanently and seriously impaired grip in both arms	36,000
burns: minor.....	3,600
burns: moderate	9,600
burns: severe	24,000
elbow: dislocation/fracture of one elbow (full recovery)	7,200
elbow: dislocation/fracture of one elbow (with continuing disability)	18,000
elbow: dislocation/fracture of both elbows (full recovery)	18,000
elbow: dislocation/fracture of both elbows (with continuing disability)....	24,000
finger: loss of one other than index.....	12,000
finger: loss of index	18,000
finger: loss of two or more	24,000
finger: partial loss of finger (one joint) other than thumb or index	6,000
finger(s) or thumb: dislocated one hand (full recovery)	3,000
finger(s) or thumb: dislocated one hand (with continuing disability)	6,000
finger(s) or thumb(s): dislocated both hands (full recovery)	7,200
finger(s) or thumb(s): dislocated both hands (with continuing disability) ..	18,000
finger(s) or thumb: fractured one hand (full recovery)	3,600
finger(s) or thumb: fractured one hand (with continuing disability)	8,400
finger(s) or thumb(s): fractured both hands (full recovery)	9,600
finger(s) or thumb(s): fractured both hands (with continuing disability)	18,000
hand: fracture of hand (full recovery)	4,800

hand: fracture of hand (with continuing disability)	12,000
hand: fracture of both hands (full recovery).....	8,400
hand: fracture of both hands (with continuing disability)	18,000
hand: loss of hand.....	50,000
hand: loss of both hands	50,000
humerus: fracture of upper arm bone (full recovery).....	7,200
humerus: fracture (with continuing disability).....	12,000
humerus: fracture of both arms (full recovery)	18,000
humerus: fracture of both arms (with continuing disability)	24,000
radius: fracture of smaller forearm bone (full recovery).....	7,200
radius: fracture (with continuing disability).....	12,000
radius: fracture of both arms (full recovery)	18,000
radius: fracture of both arms (with continuing disability)	24,000
scarring: minor disfigurement	3,000
scarring: significant disfigurement.....	6,000
scarring: serious disfigurement	9,600
tendon(s)/ligament(s): minor damage (full recovery)	2,400
tendon(s)/ligament(s): minor damage (with continuing disability)	7,200
tendon(s)/ligament(s): moderate damage (full recovery)	4,800
tendon(s)/ligament(s): moderate damage (with continuing disability)	12,000
tendon(s)/ligament(s): severely damaged (full recovery)	7,200
tendon(s)/ligament(s): severely damaged (with continuing disability)	18,000
thumb or index finger: partial loss (one joint)	9,600
thumb: loss of thumb.....	36,000
ulna: fracture of inner forearm bone (full recovery)	7,200
ulna: fractured ulna (with continuing disability).....	12,000
ulna: fracture of both arms (full recovery)	18,000

ulna: fracture of both arms (with continuing disability)	24,000
wrist: fracture-colles type (full recovery)	9,600
wrist: fracture-colles type (with continuing disability)	18,000
wrist: fracture-including scaphoid (full recovery)	7,200
wrist: fracture-including scaphoid (with continuing disability)	14,400
wrist: fracture of both-colles type (full recovery)	18,000
wrist: fracture of both-colles type (with continuing disability)	24,000
wrist: fracture of both-including scaphoid fracture (full recovery)	14,400
wrist: fracture of both-including scaphoid fracture (with continuing disability)	24,000
wrist: sprain-disabling for 6 to 13 weeks	2,400
wrist: sprain-disabling for more than 13 weeks	3,600
wrist: sprain of both-disabling for 6 to 13 weeks	4,800
wrist: sprain of both-disabling for more than 13 weeks	7,200
