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A guide to weekly workers' compensation payments in the Northern Territory

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If you are injured at work in the Northern Territory, you will be entitled to make a claim for weekly compensation payments to replace lost income whilst you remain incapacitated for work (whether fully or partially). These payments are provided for under the *Return to Work Act 1986 (NT)* (the Act).

This article looks at the basic aspects of eligibility for weekly benefits, how they are calculated, and what to do if the employer/insurer stops your payments.

Eligibility for weekly compensation payments in the NT

To receive weekly payments, you need to be able to provide/demonstrate:

you were a worker as defined under the Act;

you suffered an injury or illness that arose out of or in the course of your employment (one of the essential aspects of the definition of 'injury' under the Act);

your injury materially contributed to your incapacity for work (that is, sometimes there are other contributing matters to why you can't work, but as long as the work injury was a 'material' contributing factor, then you are entitled to weekly benefits);

you have notified your employer and made a claim within the required timeframes;

a ‘medical certificate of capacity’ (yes, an odd title for it, given it’s in fact to address ‘incapacity’ for work) in the approved form, given to the employer/insurer, which confirms that you are unfit for work either partially or totally.

Levels of incapacity for work

The amount and duration of payments will depend on the level of your work incapacity:

Total incapacity - you are unable to perform any form of suitable work;

Partial incapacity - you can work, but not at full hours, leading to reduced earnings.

As noted above, your level of incapacity needs to be addressed in the ‘medical certificate of capacity’ to be completed by your treating doctor(s).

It is extremely important that you ensure that you give your treating doctor all the necessary details about your work injury to ensure the certificate is completed correctly. You should also ensure you read it before you leave the surgery, to ensure you agree with what is noted in it. Don’t assume the doctor has got it right. It’s your claim, not the doctors, so get involved in your claim from the very get-go and check all documents/forms to be submitted to the employer/insurer!

How normal weekly earnings are calculated

The concept of “normal weekly earnings”, often referred to as NWE, is all-important in workers’ compensation claims in the NT.

Your NWE figure represents your average earnings before your injury. It may include:

ordinary wages (however calculated);

regular overtime;

shift allowances (where worked in a ‘regular and established pattern’;

‘over-award’ payments;

climate allowance;

district allowance;

leading hand allowance;

qualification allowance;

service grants.

Some ‘non-monetary’ benefits and credit for meals, accommodation (sometimes utilities) may also form part of NWE calculation (but not for ‘fly-in-fly-out, or drive-in-drive-out workers, but caps for these do apply).

NWE is usually calculated over a relevant period before the injury, typically the previous 12 months, but another period can be applied if it more fairly represents the amount of the worker’s average weekly earnings.

Normal Weekly Earnings/NWE for remote workers

There are some ‘weird and wonderful’ ways in which remote NT workers get paid, so take the time to ensure the employer/insurer gets this calculation correct. Sometimes, the person who gives the documentation/information about your earnings to the insurer doesn’t have a proper understanding of how your wages are calculated, so check the insurer’s figures, and if they’re not right, pipe up and say so. You should give the insurer all the necessary information and documentation they need to perform the calculation correctly.

Normal Weekly Earnings/NWE when you have more than one job

If you had more than one job at the time of the injury, then you are entitled to receive weekly benefits for the other job(s). So, make sure you fill out your application form correctly in the first place and note any other jobs that you are not able to work in due to your injury.

Normal Weekly Earnings/NWE for apprentices and trainees

For apprentices or trainees, NWE can be adjusted to reflect what they would reasonably have earned had they continued their training.

This can be a particularly controversial issue with insurers, so ensure you stand up for yourself if you are an apprentice and you believe the figures are not correct. If you’re still not sure after dealing with the insurer, then contact an NT workers’ compensation lawyer for some advice.

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How much will weekly payments be?

Payments change over time depending on the duration of incapacity and the stage of the claim. Payments may also be reduced if you earn income from suitable duties or return to work in a different role.

In a nutshell, following the first 26 weeks, payments are reduced to 75% of loss of earning capacity (this is **not** necessarily the same as NWE) or 150% of the Average Weekly Earnings, whichever is the lesser amount. So, after the first 26 weeks (6 months) of payment of weekly benefits, you can expect changes to the amount you receive from your employer if you continue to be incapacitated due to your injury.

What if my employer offers “suitable duties” to return to work?

If you can perform some form of work, your employer may offer suitable duties. These should be consistent with medical advice and may include reduced hours, alternate duties or modified tasks.

Suitable duties must be meaningful and safe and should support your rehabilitation, not hinder recovery. If suitable duties are refused unreasonably, it may impact your ongoing entitlements.

Options if you want to dispute an adverse decision

Sometimes a claim is rejected, or payments are reduced or stopped. This may occur due to:

- disputes about whether the injury is work-related;
- disagreements about the level of incapacity;
- inconsistent medical evidence;
- alleged failure to comply with return-to-work requirements.

If you receive an adverse decision, you can/should:

- request written reasons from the insurer;
- seek an internal review;

obtain further medical evidence;

apply for ‘mediation’ (you need to contact NT WorkSafe as soon as you get the decision from the employer/insurer - very strict time limits apply to mediation requests, so do not delay).

Often, this is the right time to contact a lawyer experienced in NT workers’ compensation claims to get some proper advice!

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You can read more about your options in our earlier blogs

- Disputing a worker’s compensation claim decision in the Northern Territory
- NT workers’ compensation: what injured workers need to know when payments are stopped

Medical assessments and capacity reviews

Insurers may arrange independent medical examinations (IME). These assessments can influence decisions about entitlement and capacity. You must attend an IME when requested unless there is a reasonable excuse.

If you believe an assessment is unfair or inaccurate, you probably need to challenge the findings, which usually means having to obtain a further medical opinion.

You can read more about IMEs in our earlier blog, “Workers’ compensation NT – medical examination rights and obligations”

Other benefits available for injured workers in the NT

In addition to weekly payments, injured workers may also receive:

reasonable medical and rehabilitation expenses;

travel expenses for treatment;

- permanent impairment compensation (lump sum) if the injury causes lasting impairment;

vocational rehabilitation support.

Common mistakes to avoid when on workers’ compensation in the NT

Not reporting the injury early;

Returning to unsuitable duties that worsen the injury;

Failing to provide updated medical certificates;

Ignoring letters or decisions from the insurer, particularly those that have an adverse impact on your entitlements;

Not challenging decisions within required timeframes.

Frequently asked questions

Do I have to return to work if offered suitable duties?

Yes, if duties are medically appropriate and reasonable. If duties are unsafe or inconsistent with medical advice, you should seek clarification from your treating doctor and/or the insurer (or seek legal advice) before refusing to participate.

Flatly refusing without discussing the reasons why you believe you can’t/should not perform the suitable duties assigned to you can result in the suspension of your claim. Always pipe up and deal with any issues/problems that you perceive about your claim.

Can I work for another employer while receiving weekly payments?

Generally, yes. However, you must disclose any work you do while on workers’ compensation to the employer/ insurer, to avoid any allegations of fraud. It can’t be stressed enough - if you get other work, tell the insurer!

Do weekly payments include overtime?

Yes, as long as it is regular rather than occasional. Regular and consistent overtime will be considered when calculating your normal weekly earnings (NWE).

What if I move interstate while receiving payments?

You may still receive benefits, but relocation can affect suitable duties, treatment access and insurer oversight. You must notify the insurer and seek approval prior to relocating.

Get help from a workers’ compensation lawyer

Weekly compensation payments are designed to support injured workers financially while they recover and return to meaningful employment. Understanding how payments are calculated, what evidence is required and how to challenge decisions can make a significant difference to your ongoing entitlements.

If your claim is disputed or payments stop unexpectedly, seek legal advice early to protect your rights. We offer a free initial consultation and run claims on a ‘no win, no fee’ basis. So, it costs you nothing to find out where you stand.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.