

# Workers' Compensation Dust Diseases Board

## COMPENSATION BENEFITS FOR DEPENDANT SPOUSE/PARTNER

***The Workers' Compensation Dust Diseases Board compensates the dependants of workers who were receiving or entitled to receive compensation from the Board. The benefit is paid to compensate for loss of the worker's income (or benefit) following the worker's death.***

### **How your benefit is calculated**

The amount of the benefit paid by the Workers' Compensation Dust Diseases Board is determined by law under the *Workers' Compensation Act 1987* and the *Workers' Compensation (Dust Diseases) Act 1942*.

Your compensation entitlement includes both a lump sum amount and a fortnightly benefit. The amount varies according to when the worker died.

The full benefit is payable if:

- You were wholly dependant on your late spouse/partner at the time their death; and
- Your spouse/partner died as a result of the dust disease and their exposure to the dust that caused the disease occurred while wholly employed as a worker in New South Wales
- your spouse/partner was aged 65 years or younger at the time of death
- you have the full time care of children under the age of 16 (or 21 if in full time education) and those children were financially dependant on your spouse/partner.

The lump sum and fortnightly benefit are reduced where:

- your late spouse/partner was aged over 66 years
- you were partially dependant on your late spouse/partner. The Board will take your income (including any pension or benefit payments and investment income) into account when determining your entitlement
- your late spouse/partner did not die from the dust disease and/or was certified by the Board's Medical Authority as being less than 100% disabled as a result of the disease at the time of death
- your late spouse/partner was not wholly exposed as a worker in NSW to the dust that caused the disease

The current benefit rates are set out in the *Benefits Guide* issued by WorkCover NSW and available at [www.ddb.nsw.gov.au](http://www.ddb.nsw.gov.au).

### **Lump sum payment**

Part of your compensation award includes a lump sum amount. The lump payment is separate to and in addition to your fortnightly benefit.

The lump sum amount is currently held in the Board's Trust Fund Account awaiting your instructions for payment. You can have the money paid into your bank account so that you can manage or invest it yourself or you can ask the Board to hold the money in a trust account for your future use.

If you elect to leave your monies in the Trust Fund Account, the Board will place the amount in cash or similar investments with highly reputable banks and financial institutions. These are low risk investments which are not as vulnerable as other types of investments to fluctuations in the stock market. However, the amount of interest paid on this money varies and is generally below that paid for fixed term deposits.

The interest received on your money held in the Trust Fund Account is paid to your trust account twice yearly; in December and in June. The Board will send you a letter advising you of the current balance of your account including the amount of interest added.

To withdraw money from the Trust Fund Account, please send a letter to the Board stating how much you wish to withdraw. The money will be paid into the bank account the Board deposits your fortnightly benefit payment or by cheque if the Board does not have your bank account details. Please allow 21 days for processing of your withdrawal request.

## Fortnightly Benefit Payments

Your fortnightly compensation benefit continues for the remainder of your life or until you remarry or enter into a de facto relationship with another person.

An allowance paid for a dependant child ends when that child reaches the age of 16 or 21 if still in full time education at a school, college or university.

## Adjustments to your benefits

Compensation payments are automatically adjusted twice yearly: on 1 April and 1 October to reflect movements in ordinary wage rates in NSW. We will inform you whenever an adjustment is made to your payment.

## Your compensation benefit will be taxed

Your compensation benefit is defined as income by the Australian Taxation Office. You must declare any payments you receive from the DDB in your income tax return.

The DDB will issue you with a Payment Summary at the end of each financial year showing the amount of compensation payments made to you; interest paid on any lump sum amount held on your behalf by the Board and any taxation deducted.

Your tax liability depends on your individual circumstances. We recommend you obtain professional financial advice about your situation.

## Impact on Centrelink, Veteran Affairs and other pensions

Your compensation benefit may have an impact on any pension you receive from another source including Centrelink or the Department of Veteran Affairs. You must advise the agency that you are in receipt of benefits from the DDB. You must also inform them each time the amount of your compensation payment changes.

The Centrelink Compensation Recovery Team can provide you with information about the impact of your DDB benefit on your Centrelink payment. The NSW/ACT Team can be contacted on (02) 9208 2001.

## Information you need to give to the DDB

You must advise the DDB in writing when any of the following events occur:

- you change your residential and/or postal address
- you change the bank account into which the DDB makes your payments
- you remarry or enter into a defacto relationship
- a child for whom you are receiving an allowance completes their schooling.

## Your privacy

Your personal information is protected by law. We cannot use or disclose personal information we have about you unless you have agreed to its use or disclosure, or it is otherwise allowed under the *Privacy and Personal Information Act 1998*.

If you give another person authority to deal with DDB on your behalf, you must advise the DDB of this in writing before the DDB will give that person any information about you.

## Contacting the DDB

The DDB's staff are available to answer any questions you may have about your compensation benefit. Please quote your DDB reference (file) number when contacting the DDB.

## Contact Us

### Workers' Compensation Dust Diseases Board

GPO Box 5323 Sydney, NSW, 2001

Telephone: (02) 8223 6600

Toll free: 1800 550 027

Fax: (02) 9232 6467

Email: [enquiries@ddb.nsw.gov.au](mailto:enquiries@ddb.nsw.gov.au)

Office Hours: Mon to Fri – 9am to 5pm



Workers' Compensation Dust Diseases Board

Making A Difference™

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