



Who is eligible to make a workers compensation claim in Queensland?

Date: Sunday October 12, 2025

Understanding who can make a workers' compensation claim in Queensland can be confusing, especially with different schemes that apply to injured workers. In Queensland, eligibility depends on who your employer is and which compensation scheme covers them.

This blog explains the two main schemes, who is considered a 'worker', and what types of injuries and benefits are covered under both Queensland's state-based workers' compensation scheme and the federal Comcare scheme.

Before we begin, if you are in the Australian Defence Forces and looking for information about compensation due to injuries or illnesses sustained due to service, you should read our earlier article, ["A guide to the military compensation scheme for injured defence force personnel"](#).

Are all Queensland workers covered by workers' compensation insurance?

In Queensland, as in every state and territory across Australia, workers' compensation is not just an optional benefit - it is a legal requirement. This insurance cover is mandated by specific Acts of Parliament (in each state and territory and federally), which provide rules and regulations to ensure that a base level of compensation is available to any worker injured on the job.

Of course, the injured person must be considered a 'worker' (as defined under the specific scheme they are seeking compensation from). More specifically, if they are deemed an independent contractor, they will not be entitled to claim workers' compensation.

WorkCover Queensland definition of worker

In the Queensland-based scheme, a worker is an individual who:

performs work for the employer pursuant to a contract; and

is an employee for the purposes of PAYG taxing (i.e their employer takes their tax out of their pay prior to payment to the employee).

Comcare definition of worker

In the federal-based scheme, the word 'employee' is used instead of 'worker', and this is taken to include individuals who are:

employed by the Commonwealth or a Commonwealth Authority; or

employed by a corporation with a relevant self-insurance license.

The two workers' compensation schemes which apply to Queensland employees

The two workers' compensation schemes that potentially apply in Queensland are:

The Queensland-based scheme pursuant to the [*Workers' Compensation and Rehabilitation Act 2003 \(Qld\)*](#);

The federal-based scheme pursuant to the [*Safety, Rehabilitation and Compensation Act 1988 \(Cth\)*](#) (also known as the 'Comcare scheme').

Within each of the schemes, employers can either pay a premium to a state-controlled insurer, which in Queensland is 'Workcover Queensland', or the Federal government funded insurer called 'Comcare Australia'. But some (usually larger) employers might hold a license to 'self-insure'. Self-insured employers are still bound by the legislation of the relevant scheme.

WorkCover Queensland

For the vast majority of workers in Queensland, their employer will have paid a premium to WorkCover Queensland.

Comcare Australia

The main group of employees who are entitled to seek compensation through Comcare Australia are federal government employees (except for members of the Australian Defence Force who may be entitled to benefits through the Department of Veteran Affairs).

An example of someone who would seek their applicable workers' compensation benefits through Comcare Australia includes Australia Federal Police officers.

Self-insured employers in Queensland

Some larger employers may choose to self-insure to meet their workers' compensation insurance requirements rather than pay an insurance premium to Workcover Queensland. Some self-insurers may engage claims management firms to assist with this process, or may keep it entirely in-house.

A list of employers who self-insure through Comcare pursuant to the [Safety, Rehabilitation and Compensation Act 1988](#) (Cth) [can be found here](#).

Types of injuries which may be covered by workers' compensation insurance

Both the federal Comcare scheme and the Queensland workers' compensation scheme cover a wide range of types of injuries, provided that certain legislative criteria are met, including:

physical injuries such as broken bones or muscle strains;

psychological injuries such as post-traumatic stress disorder (PTSD), depression and anxiety; and

illnesses such as most respiratory diseases, overuse injuries or hearing loss.

What benefits are available through workers' compensation schemes?

Although the Queensland and federal schemes may be administered in different ways, with different rules and limits, they both provide for eligible injured workers to seek the following types of compensation:

Loss of income (e.g. wages or salary payments);

Medical expenses; and

Lump sum payment for eligible injuries which result in a permanent impairment.

You can find more information about the [federal Comcare scheme here](#). Further details regarding [WorkCover Queensland compensation can be found here](#).

Get help from a workers' compensation lawyer

If you are making a workers' compensation claim, you need to know what scheme you are applying through so that you can make the right decisions about how to apply, what timeframes apply and what to expect once you lodge your application for compensation.

If you've been injured at work and you're unsure which workers' compensation scheme covers you or you're experiencing difficulties with your claim, including rejected claims, give us a call for some free advice.

Further reading

- [Worker's compensation lump sum payments for permanent impairment Queensland](#)
- [Comcare permanent impairment claims](#)
- [I was injured on a journey to/from work – can I make a WorkCover Queensland claim?](#)
- [Comcare worker's compensation win after appealing rejected claim](#)

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.