

AUSTRALIAN CAPITAL TERRITORY.

No. 4 of 1952.

AN ORDINANCE

To amend the Workmen's Compensation Ordinance 1951.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1.—(1.) This Ordinance may be cited as the *Workmen's Compensation Ordinance 1952*.*

Short title and citation.

(2.) The *Workmen's Compensation Ordinance 1951* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Workmen's Compensation Ordinance 1951-1952*.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.

3.—(1.) A policy of insurance against liability under the Principal Ordinance, in force immediately before the commencement of this Ordinance, shall have effect during the unexpired balance of the currency of the policy as if it applied to liability under the Principal Ordinance as amended by this Ordinance.

Existing policies of insurance.

(2.) An employer to whom any such policy of insurance has been issued is liable to pay to the insurer, in respect of the additional liability which he may incur under this Ordinance, additional premium for the period of the unexpired balance of the currency of the policy equal to the difference between the premium for that period at the rate of premium payable under the policy and the premium for that period at the rate which would have been payable if the policy had been issued upon the date of commencement of this Ordinance.

4.—(1.) Where, at the date of commencement of this Ordinance, a person is receiving or entitled to receive weekly payments in accordance with the First Schedule to the Principal Ordinance, he shall, on and from that date, be entitled to receive weekly payments in accordance with the Principal Ordinance as amended by this Ordinance.

Adjustment of weekly payments under Principal Ordinance, &c.

(2.) Where, before the date of commencement of this Ordinance, an employee sustained an injury or contracted a disease in respect of which weekly payments in accordance with the First Schedule to the Principal Ordinance would have been payable at that date if he had been incapacitated for work at that date, and he is not, at that date, so incapacitated, but after that date he becomes

* Notified in the *Commonwealth Gazette* on 1st May, 1952.

incapacitated for work as a result of the injury or disease, weekly payments in respect of that incapacity shall be in accordance with the Principal Ordinance as amended by this Ordinance.

(3.) Where, after the date of commencement of this Ordinance, death results from an injury or disease which was sustained or contracted before that date and in respect of which compensation was payable under the Principal Ordinance, compensation shall be paid in respect of that death in accordance with the Principal Ordinance as amended by this Ordinance.

(4.) Where an insurer under a policy of insurance effected before the commencement of this Ordinance would have been liable, if this Ordinance had not been made, to indemnify a person against his liability under the Principal Ordinance arising out of an injury incurred or a disease contracted before the commencement of this Ordinance, that insurer is liable to indemnify that person against liability under the Principal Ordinance, as amended by this Ordinance, arising out of that injury or the contraction of that disease.

Definitions.

5. Section six of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the definition “ambulance service”;
- (b) by omitting from that sub-section the definition “hospital treatment”; and
- (c) by omitting from that sub-section the definition of “medical and surgical treatment” and inserting in its stead the following definition:—
 - “‘medical treatment’ means—
 - (a) medical or surgical treatment by a duly qualified medical practitioner;
 - (b) treatment by a registered dentist, a physiotherapist or a masseur;
 - (c) the provision of skiagrams, crutches, artificial members and artificial replacements;
 - (d) treatment and maintenance as a patient at a hospital;
 - (e) conveyance of an injured workman to or from a medical practitioner or hospital; and
 - (f) nursing attendance, medicines, medical and surgical supplies and curative apparatus supplied or provided in a hospital or otherwise;”.

6. Section eight of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “place of”; and
- (b) by omitting from paragraph (b) of that sub-section the words “medical, surgical or hospital treatment” and inserting in their stead the words “medical treatment”.

Injury while travelling to or from employment, &c.

- 7. Section eleven of the Principal Ordinance is amended—** Medical treatment.
- (a) by omitting from sub-section (1.) the words “medical, surgical or hospital treatment or ambulance service” and inserting in their stead the words “medical treatment”;
 - (b) by omitting from sub-section (2.) the words “medical, surgical or hospital treatment or ambulance service” and inserting in their stead the words “medical treatment”;
 - (c) by omitting from sub-section (2.) the words “One hundred pounds” and inserting in their stead the words “One hundred and fifty pounds”;
 - (d) by omitting from sub-section (4.) the words “medical, surgical or hospital treatment” and inserting in their stead the words “medical treatment”;
 - (e) by omitting from sub-section (6.) the words “medical, surgical or hospital treatment” and inserting in their stead the words “medical treatment”; and
 - (f) by omitting from sub-section (7.) the words “hospital treatment” and inserting in their stead the words “medical treatment”.

8. Section twelve of the Principal Ordinance is amended by Maximum compensation.
omitting from sub-section (1.) the words “One thousand two hundred and fifty pounds” and inserting in their stead the words “One thousand seven hundred and fifty pounds”.

- 9. Section twenty-two of the Principal Ordinance is amended—** Remedies both against the employer and a stranger.
- (a) by omitting from paragraph (a) the words “, but shall not be entitled to retain in full both damages and amounts received under this Ordinance”; and
 - (b) by inserting after sub-section (1.) the following sub-section:—
 “(1A.) For the purposes of this section “compensation” includes a payment under section eleven of this Ordinance.”.

10. Section twenty-eight of the Principal Ordinance is amended Regulations.
by omitting paragraph (c) and inserting in its stead the following paragraph:—

“(c) fees and expenses to be paid for medical examinations or medical treatment;”.

- 11. The First Schedule to the Principal Ordinance is amended—** First Schedule.
- (a) by omitting from clause (i) of sub-paragraph (a) of paragraph 1 the words “One thousand pounds” and inserting in their stead the words “One thousand five hundred pounds”;
 - (b) by omitting from that clause the words “Fifty pounds” and inserting in their stead the words “Seventy-five pounds”;

(c) by omitting clause (iii) of that sub-paragraph and inserting in its stead the following clause:—

“ (iii) such sum, not exceeding Fifty pounds, on account of the expenses of the workman’s funeral, as is reasonable;”;

(d) by omitting sub-paragraphs (b) and (c) of paragraph 1 and inserting in their stead the following sub-paragraphs:—

“ (b) where the workman is totally incapacitated for work by the injury—a weekly payment during his incapacity of the sum of Six pounds and, in addition, the sum of—

(i) One pound fifteen shillings in respect of—

(1) the wife of the workman, if she was married to the workman at the date of the injury and is wholly or mainly dependent upon his earnings; or

(2) if he has no wife, or if compensation is not payable in respect of his wife—one female, over the age of sixteen years, who is wholly or mainly dependent upon the earnings of the workman and was, at the date of the injury, a member of the family of the workman or caring for a child who was at that date, and is, under the age of sixteen years and wholly or mainly dependent upon the earnings of the workman; and

(ii) Fifteen shillings in respect of each child, whether born before or after the date of the injury, who, not being a child of a marriage contracted, or an ex-nuptial relationship formed, after the date of the injury, is under the age of sixteen years and wholly or mainly dependent upon the earnings of the workman; and

“ (c) where the workman is partially incapacitated for work by the injury—a weekly payment during his incapacity—

(i) of the amount (if any) by which the weekly amount that he is earning, or is able to earn in some suitable employment or business, after the injury is less than his weekly pay

at the date of the injury, or of the amount of Six pounds, whichever is the less; or

- (ii) of the amount (if any) by which the weekly amount that he is earning, or is able to earn in some suitable employment or business, after the injury is less than the weekly amount that would have been payable to him under sub-paragraph (b) of this paragraph, if he had been totally incapacitated,

whichever is the greater.”;

- (e) by omitting from clause (ii) of sub-paragraph (a) of paragraph 2 the word “or” (last occurring);

- (f) by omitting from clause (iii) of sub-paragraph (b) of paragraph 2 the words “Three pounds” and “Four pounds” and inserting in their stead the words “Four pounds ten shillings” and “Six pounds”, respectively;

- (g) by adding at the end of paragraph 2 the following word and sub-paragraph:—

“; and (c) where the employee is totally incapacitated for work by the injury, eligibility for weekly payment under sub-paragraph (b) of that paragraph in respect of a child born after the date of the injury shall not accrue until the date of birth of the child.”; and

- (h) by omitting from the proviso to paragraph 6 the words “medical, surgical and hospital treatment” and inserting in their stead the words “medical treatment”.

12. The Second Schedule to the Principal Ordinance is repealed and the following Schedule inserted in its stead:—

Second
Schedule.

SECOND SCHEDULE.

Section 10.

COMPENSATION FOR SPECIFIED INJURIES.

Nature of Injury.	Amount Payable.		
	£	s.	d.
Loss of both eyes	1,750	0	0
Loss of an only useful eye, the other being blind or absent ..	1,750	0	0
Loss of one eye, with serious diminution of the sight of the other..	1,312	10	0
Loss of one eye	700	0	0
Loss of hearing	1,225	0	0
Complete deafness of one ear	350	0	0
Loss of both hands	1,750	0	0
Loss of right arm or greater part thereof	1,400	0	0
Loss of left arm or greater part thereof	1,260	0	0
Loss of lower part of right arm, right hand or five fingers of right hand	1,225	0	0

Nature of Injury.	Amount Payable.		
	£	s.	d.
Loss of lower part of left arm, left hand or five fingers of left hand ..	1,102	10	0
Loss of right thumb	525	0	0
Loss of left thumb	472	10	0
Loss of right forefinger	350	0	0
Loss of left forefinger	315	0	0
Loss of right middle finger	280	0	0
Loss of left middle finger	262	10	0
Loss of right ring finger	245	0	0
Loss of left ring finger	227	10	0
Loss of right little finger	227	10	0
Loss of left little finger	210	0	0
Total loss of movement of joint of right thumb	245	0	0
Total loss of movement of joint of left thumb	227	10	0
Loss of distal phalanx or joint of right thumb	280	0	0
Loss of distal phalanx or joint of left thumb	262	10	0
Loss of portion of terminal segment of right thumb involving one-third of its flexor surface without loss of distal phalanx or joint	245	0	0
Loss of portion of terminal segment of left thumb involving one-third of its flexor surface without loss of distal phalanx or joint	227	10	0
Loss of two phalanges or joints of right forefinger	210	0	0
Loss of two phalanges or joints of left forefinger	192	10	0
Loss of two phalanges or joints of right middle or ring finger	192	10	0
Loss of two phalanges or joints of left middle or ring finger	175	0	0
Loss of two phalanges or joints of right little finger	175	0	0
Loss of two phalanges or joints of left little finger	157	10	0
Loss of distal phalanx or joint of right forefinger	175	0	0
Loss of distal phalanx or joint of left forefinger	157	10	0
Loss of distal phalanx or joint of other finger of right hand	140	0	0
Loss of distal phalanx or joint of other finger of left hand	126	0	0
Loss of hand and foot	1,750	0	0
Loss of both feet	1,750	0	0
Loss of leg above knee	1,312	10	0
Loss of leg below knee	1,137	10	0
Loss of foot	1,050	0	0
Loss of great toe	350	0	0
Loss of any other toe	140	0	0
Loss of two phalanges or joints of any other toe	112	0	0
Loss of phalanx or joint of great toe	175	0	0
Loss of phalanx or joint of any other toe	105	0	0

Third Schedule.

13. The Third Schedule of the Principal Ordinance is amended by omitting the figures "1950" and inserting in their stead the figures "1951-1952".

Dated this seventeenth day of April, 1952.

W. J. McKELL
Governor-General.

By His Excellency's Command,

W. S. KENT HUGHES
Minister of State for the Interior.

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