

Approved form AF2002-167

made under the

Workers Compensation Rules 1938

Workers Compensation Rules 1938— Form 42

(see r 50)

Præcipe for payment into court under the Act, schedule 1, clause 6 and rule 50, where there is no dispute as to the liability to pay compensation, but the amount payable has not been ascertained or decided by a committee or by arbitration or agreement

In the matter of an injury to A.B. _____, late of _____
which resulted in the death of A.B.

TAKE NOTICE—

1 That _____ personal injury arising out of and in the course of his or her employment was caused at _____ [state address where injury was sustained] to A.B. _____, late of _____ deceased, a worker employed by _____, [or by _____, a contractor with _____ for the execution of work undertaken by them], and on _____ the death of A.B. resulted from the injury.

[Or in the case of industrial disease.

TAKE NOTICE—

1 That on _____ E.F. _____, a medical referee certified that A.B. _____ of _____ was suffering from _____, a disease coming within the *Workers Compensation Act 1951*, section 9, and

was thereby disabled from earning full wages at the work at which he or she was employed; and on A.B. died, his or her death being caused by the disease.]

[Or, That on A.B., of was under the [give the short title of the Act in question], suspended from his or her usual employment on account of his or her having contracted , a disease coming within the *Workers Compensation Act 1951*, section 9, and on A.B. died, his or her death being caused by the disease.]

[Or, That on A.B. late of died, his or her death being caused by , a disease coming within the *Workers Compensation Act 1951*, section 9;

And that the dependants of A.B. allege that the disease was due to the nature of the employment of A.B. in [describe employment], and that he or she was last employed in such employment within the 12 months before his or her disablement or suspension [or, if the worker died without having obtained a certificate of disablement, or was not at the time of his or her death in receipt of a weekly payment on account of disablement, within the 12 months before his or her death] by C.D., of .]

2 There is no dispute as to the liability of to pay compensation under the *Workers Compensation Act 1951*, to the dependants of A.B. in relation to the injury caused to them by the death of A.B., but the amount payable as compensation has not been ascertained or decided either by a committee or by arbitration or by agreement.

3 of [or , solicitor or agent for the said of] therefore pays into court [when paid by solicitor or agent, add, at the request and by the authority of] the sum of [state sum in letters] being the amount admitted by to be payable by him or her as compensation in the this matter.

4 (a) A.B. _____ was at the date of the injury [*or*
disablement or suspension or death] _____ years of
age.

(b) He or she was employed as _____, and
his or her earnings in the employment of _____
during the 3 years before the injury [*or* disablement *or*
suspension *or* death] *or* his or her average weekly earnings
during the period of his or her employment under
_____] were _____.

5 To the best of the knowledge and belief of _____
the persons interested in the sum as dependants of A.B.
are _____ [*state dependants, with their ages and relationship to*
deceased worker, and places of residence, as far as known.]

6 The amount admitted by _____
to be payable as compensation has been arrived at as follows:

Dated:

(Signed)

[*or* solicitor *or* agent for _____ .]

To the Registrar of the Magistrates Court.

Note A receipt for the money paid in with this *præcipe* is to be given on
the usual form used by the Registrar, with the following addition:—
‘being the amount admitted by C.D. to be payable by him or her as
compensation in relation to an injury resulting in the death of A.B.’

Endnotes

- 1 This form was originally in the *Workers Compensation Rules 1938*, schedule 1. Under amendments made by the *Legislation (Consequential Amendments) Act 2001*, the form was omitted from the rules and became a form approved under the rules, rule 89 (see amdt 1.2805, amdt 1.2807).
- 2 This republication includes amendments made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

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