

AUSTRALIAN CAPITAL TERRITORY

WORKMEN'S COMPENSATION RULES (AMENDMENT)

EXPLANATORY STATEMENT

No. 32 of 1982

These Rules are made under the Workmen's Compensation Ordinance 1951 ("the Ordinance") for the purpose of amending the Workmen's Compensation Rules to bring the witnesses' expenses allowable in proceedings under the Ordinance into line with witnesses' expenses allowable in other jurisdictions.

The Rules repeal the Fifth Schedule to the Workmen's Compensation Rules (which prescribes the witnesses' expenses allowable in proceedings under the Ordinance) and apply to such proceedings the scale of witnesses' expenses allowed in relation to an action in the Australian Capital Territory Supreme Court. This scale currently applies to other civil proceedings in the A.C.T. Court of Petty Sessions (the Court in which proceedings are brought under the Ordinance) and in practice has been also applied in proceedings in the Court under the Ordinance.

Rule 1 repeals Rule 68 of the Workmen's Compensation Rules which applies the Fifth Schedule in relation to the allowance to be made for the attendance of witnesses to give evidence in proceedings under the Ordinance. The Rule substitutes a new Rule 68 providing that the costs that may be awarded to a party to proceedings under the Ordinance for the attendance of a person as a witness in the proceedings are to be determined in accordance with the rate applicable, and subject to the same conditions as are applicable, in relation to witnesses' expenses in an action in the A.C.T. Supreme Court. Provision is made permitting witnesses' expenses to be included in the costs whether or not the witness was served with a summons for his attendance to give evidence. The Rule also allows the costs to include, as previously, the expenses of preparing and proving plans or the like for the purposes of the proceedings.

Rule 2 repeals the Fifth Schedule to the Workmen's Compensation Rules.

Authorised by the Attorney-General