

AUSTRALIAN CAPITAL TERRITORY.

No. 2 of 1946.

AN ORDINANCE

Relating to Compensation to Workmen for Injuries suffered in the course of their Employment and for other purposes.

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 1910-1940*, as follows:—

1. This Ordinance may be cited as the *Workmen's Compensation Ordinance 1946*.^{*} Short title.

2. The *Workmen's Compensation Ordinance 1931-1938* is repealed. Repeal.

3. This Ordinance shall be administered by the Minister for Administration the Interior.

4.—(1.) Any policy of insurance against liability under the *Workmen's Compensation Ordinance 1931-1938*, in force immediately prior to the commencement of this Ordinance, shall have effect during the unexpired balance of the currency of the policy as if it were a policy of insurance against liability under this Ordinance. Existing policies of Insurance.

(2.) The employer to whom any such policy of insurance has been issued shall be liable to pay to the insurer, in respect of the additional liability which he may incur under this Ordinance, additional premium not exceeding the difference between the rate of premium payable under the policy and the rate which would have been payable if the policy had been issued upon the date of commencement of this Ordinance under the *Workers' Compensation Act 1926-1942* of the State of New South Wales.

5.—(1.) In this Ordinance, unless the contrary intention appears— Definitions.

“ambulance service” includes any conveyance of an injured workman to a medical practitioner or to a hospital;

“dependants” means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the injury have been so dependent, and includes a person so dependent

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to whom the workman stands *in loco parentis* or a person so dependent who stands *in loco parentis* to the workman; and where the workman, being a parent or grandparent of an ex-nuptial child, leaves such a child so dependent upon his earnings, or being an ex-nuptial child, leaves a parent or grandparent so dependent upon his earnings, includes such an ex-nuptial child and parent or grandparent respectively;

“employer” includes any body of persons, corporate or unincorporate, and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Ordinance, be deemed to continue to be the employer of the workman while he is working for that other person;

“hospital treatment” means treatment at any hospital, and includes the maintenance of the workman as a patient at the hospital, and the provision or supply by the hospital of nursing attendance, medicine, medical or surgical supplies or other curative apparatus, and any other ancillary service;

“medical and surgical treatment” includes—

- (a) treatment by a legally qualified medical practitioner, a registered dentist or a masseur;
- (b) the provision of skiagrams, crutches and artificial members, and artificial replacements; and
- (c) any nursing, medicines, medical or surgical supplies or curative apparatus supplied or provided for the workman otherwise than as a patient at a hospital;

“member of a family” means wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, adopted child, and mother-in-law;

“outworker” means a person to whom articles or materials are given out to be treated or manufactured in his own home or on other premises not under the control or management of the person who gave out the articles or materials;

“regulations” means regulations made under this Ordinance;

“workman” means any person who has entered into or works under a contract of service or apprenticeship

with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing, but does not include—

- (a) any person whose remuneration exceeds Seven hundred and fifty pounds per annum, exclusive of payments for overtime, bonuses and special allowances;
- (b) a person whose employment is of a casual nature (that is, for one period only of not more than five working days) and who is employed otherwise than for the purposes of the employer's trade or business;
- (c) an outworker;
- (d) a member of the employer's family dwelling in his home; or
- (e) any person employed in the service of the Commonwealth,

and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants, or other person, to whom or for whose benefit compensation is payable.

(2.) Where a contract to perform any work exceeding Five pounds in value (not being work incidental to a trade or business regularly carried on by the contractor in his own name) is made with the contractor, who neither sub-lets the contract, nor employs workmen, the contractor shall, for the purposes of this Ordinance, be deemed to be a workman employed by the person who made such contract with the contractor.

(3.) A salesman, canvasser, collector or person paid wholly or partly by commission shall, for the purposes of this Ordinance, be deemed to be a workman in the employment of the person by whom the commission is payable, unless the commission is received by the salesman, canvasser, collector or person for, or in connexion with, work incidental to a trade or business regularly carried on by him or by a firm of which he is a member.

(4.) Any payment made under the *Child Endowment Act* 1941-1945 in respect of any child of a workman shall not preclude the child from being wholly or in part dependent on the earnings of the workman for the purposes of this Ordinance.

6.—(1.) If in any employment personal injury by accident arising out of and in the course of the employment is caused to

Compensation
for personal
injuries to
workmen.

a workman, his employer shall, subject to this Ordinance, be liable to pay compensation in accordance with the First Schedule to this Ordinance:

Provided that—

- (a) the workman shall not be entitled to recover compensation from the employer or any person or to receive from the employer any payment in respect of the accident, or in respect of the illness or incapacity arising from the accident, both independently of and also under this Ordinance; but, subject to this paragraph, this Ordinance shall not affect any civil liability of the employer under any other law;
- (b) if it is proved that the injury to a workman is attributable to his serious and wilful misconduct, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed;
- (c) compensation shall not be payable on account of any injury to or death of a workman caused by an intentional self-inflicted injury;
- (d) in the case of the death of a workman leaving no dependants, no compensation shall be payable under this Ordinance other than for medical, surgical and hospital treatment and ambulance service, and funeral expenses;
- (e) if it appears that the claimant has a claim against the employer or any person for compensation or for any payment in respect of the injury under any other law in force in the Territory or any other place, compensation under this Ordinance shall only be allowed upon the claimant undertaking not to claim compensation for the injury under any such law;
- (f) where the workman continues in the service of the employer after the injury, any pay (not including allowances paid in respect of children of the workman) received by him from the employer shall be deducted from any compensation payable under this Ordinance in respect of the same period; and
- (g) where the liability of the employer is redeemed by the payment of a lump sum, such sum shall be reduced by the amount of any weekly payments received by the workman under the First Schedule to this Ordinance during any period of the incapacity arising from the injury.

(2.) Where personal injury by accident is caused to a workman not attributable to his serious and wilful misconduct on any of the daily or other periodic journeys referred to in the next succeeding sub-section, and the injury is not received—

(a) during or after any substantial interruption of, or substantial deviation from, any such journey, made for a reason unconnected with the workman's employment or with his attendance at any trade, technical or other school, as the case may be; or

(b) during or after any other break in any such journey which, having regard to all the circumstances, is not reasonably incidental to the journey,

that personal injury by accident shall be deemed to be one arising out of and in the course of his employment.

(3.) The daily or other periodic journeys referred to in the last preceding sub-section shall be—

(a) journeys between the workman's place of abode and place of employment; and

(b) journeys between the workman's place of abode or place of employment and any trade, technical or other school which he is required by the terms of his employment, or is expected by his employer, to attend.

(4.) Compensation shall be payable in respect of any injury resulting in the death or serious and permanent disablement of a workman, notwithstanding that the workman was, at the time when the injury was received, in a place not directly concerned with his employment, but forming part of the employer's premises, or acting in contravention of any statutory or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connexion with his employer's trade or business.

(5.) If any question arises, in any proceedings under this Ordinance, as to the liability to pay compensation under this Ordinance (including any question as to whether the person injured is a workman to whom this Ordinance applies) or as to the amount or duration of compensation under this Ordinance, the question shall, subject to the provisions of the First Schedule to this Ordinance, be settled by arbitration in accordance with the provisions of the Second Schedule to this Ordinance.

(6.) Any undertaking given in pursuance of paragraph (e) of the proviso to sub-section (1.) of this section shall have effect as a contract between the claimant and the employer or person, as the case requires, from whom the compensation or payment is claimed.

Medical and
surgical
benefits.

7.—(1.) Where any compensation is payable by an employer under this Ordinance to, or in respect of, a workman who has been injured, or where, but for the fact that the workman is not incapacitated for work, compensation would be so payable, the employer shall pay the cost, not exceeding the maximum amount prescribed in this section, of such medical, surgical and hospital treatment and ambulance service as is reasonably necessary in relation to the injury.

(2.) The amount payable under this section shall, in the absence of agreement, be settled by arbitration in accordance with the Second Schedule to this Ordinance.

(3.) Subject to sub-section (4.) of this section, the sum for which an employer shall be liable in respect of hospital treatment shall be the cost of such treatment calculated at the rates fixed by the by-laws made in pursuance of the *Canberra Community Hospital Ordinance 1938-1945*, with ward accommodation at public ward rates.

(4.) The maximum amount for which an employer shall be liable for medical, surgical and hospital treatment and ambulance service afforded to a workman on account of the same injury (whether the treatment is afforded at different stages of the injury or not) shall be One hundred pounds.

(5.) Where a workman receives medical, surgical or hospital treatment on account of an injury, he shall without undue delay notify the employer in the manner prescribed that he has received the treatment and furnish him with reasonable particulars of the treatment.

(6.) Where a workman receives medical, surgical or hospital treatment on account of an injury, his employer may cause an examination of the workman to be conducted, in consultation with the person who afforded the treatment, by a legally qualified medical practitioner selected by the employer.

(7.) Where an employer is liable under this section to pay any sum of money in respect of hospital treatment received by a workman from a hospital, the employer shall pay that sum on demand—

- (a) in the case of a private hospital—to the proprietor of that hospital; and
- (b) in the case of any other hospital—to the person authorized in writing by the governing body of the hospital to receive payment of moneys due to the hospital.

Compensation
for certain
injuries.

8.—(1.) Subject to this Ordinance, where a workman sustains, by accident arising out of and in the course of, his employment, any of the injuries specified in the first column of the Third Schedule to this Ordinance, the compensation payable by the

employer under this Ordinance shall, when the injury results in total or partial incapacity, be the amount specified in the second column of that Schedule opposite to the injury so sustained, less any amount received by the workman under the First Schedule to this Ordinance during his period of incapacity arising from the injury.

(2.) Where a workman habitually uses his left hand and arm to perform work usually performed by a workman with his right hand and arm, the compensation payable under this section to the first-mentioned workman shall be—

- (a) for the loss of his left arm or any part thereof—the amount which would have been payable to a workman for a similar loss in respect of his right arm or the corresponding part thereof; and
- (b) for the loss of his right arm or any part thereof—the amount which would have been payable to a workman for a similar loss in respect of his left arm or the corresponding part thereof.

(3.) Where a workman sustains an injury which causes the loss of the sight of both eyes or of an only useful eye, any compensation previously paid under this Ordinance in respect of the loss of the sight of one eye shall be deducted from the compensation payable under this section.

(4.) Where a workman sustains an injury which causes partial and permanent loss of the sight of one eye, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of the sight of one eye as is equal to the percentage of the diminution of sight.

(5.) Where a workman sustains an injury which causes partial and permanent loss of the efficient use of a part of the body specified in the Third Schedule to this Ordinance in and for the purposes of his employment at the date of the injury, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of that part as is equal to the percentage of the diminution of the efficient use of that part.

(6.) For the purposes of this section and of the Third Schedule to this Ordinance, the loss of a specified part of the body shall be deemed to include—

- (a) the permanent loss of the use of that part; and
- (b) the permanent loss of the efficient use of that part in and for the purposes of his employment at the date of the injury.

(7.) A workman shall not in the case of any injury specified in items nine to thirty-nine (both items inclusive) in the Third Schedule to this Ordinance (including the case of a workman sustaining by the same occurrence more than one of the injuries so specified) be entitled to receive more than One thousand pounds compensation in addition to payment of such expenses as are provided for in section seven of this Ordinance, which section is hereby made applicable to workmen entitled to compensation under this section.

Time for
taking
proceedings.

9.—(1.) Proceedings for the recovery under this Ordinance of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after it has happened, and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation has been made—

- (a) within six months after the occurrence of the accident; or
- (b) in case of death—within six months after advice of the death has been received by the claimant:

Provided that—

- (i) the want of notice or any defect or inaccuracy in the notice shall not be a bar to the maintenance of the proceedings if it is found, in the proceedings for settling the claim, that the employer is not or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by such want, defect, or inaccuracy, or that the want, defect, or inaccuracy was occasioned by mistake or other reasonable cause; and
- (ii) the failure to make a claim within the period above specified shall not be a bar to the maintenance of the proceedings if it is found that the failure was occasioned by mistake or other reasonable cause.

(2.) Notice in respect of any injury to which this Ordinance applies shall contain the name and address of the person injured, and a statement in ordinary language of the cause of the injury and the date on which the accident happened, and shall be served on the employer, or, if there is more than one employer, upon one of the employers.

(3.) The notice may be served by delivering it at, or sending it by post in a registered letter properly addressed to the residence or place of business of the person on whom it is to be served.

(4.) Where the employer is a body of persons, corporate or unincorporate, the notice may also be served by delivering it to, or by sending it by post in a registered letter addressed to the employer at, the office, or if there be more than one office, any of the offices of the body.

10.—(1.) If the Minister, after taking steps to ascertain Contracting out. the views of the employer and workmen, certifies that any scheme of compensation, benefit or insurance for the workmen of an employer in any employment, whether or not the scheme includes other employers and their workmen, provides scales of compensation not less favorable to the workmen and their dependants than the corresponding scales contained in this Ordinance, and that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Ordinance, and that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of the scheme, the employer may, while the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this Ordinance and thereupon the employer shall be liable only in accordance with the scheme, but otherwise this Ordinance shall apply notwithstanding any contract to the contrary made after the commencement of this Ordinance.

(2.) The Minister may give a certificate to expire at the end of a limited period of not less than three years, and may from time to time renew, with or without modifications, such a certificate to expire at the end of the period for which it is renewed.

(3.) A scheme shall not be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4.) If complaint is made to the Minister by and on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in sub-section (1.) of this section, or that the provisions of the scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Minister shall investigate the complaint, and, if satisfied that good cause exists therefor, shall, unless the cause of complaint is removed, revoke the certificate.

(5.) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as is arranged between the employer and workmen, or, in the event of a difference of opinion, as is determined by the Minister.

(6.) Whenever a scheme has been so certified the employer shall answer all such inquiries and furnish all such accounts in regard to the scheme as are made or required by the Minister.

11.—(1.) Where any person (in this section referred to as Sub-contracting. "the principal"), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred

to as "the contractor") for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Ordinance which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Ordinance references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed:

Provided that, where the contract relates to threshing, ploughing, or other agricultural work, and the contractor provides and uses machinery driven by mechanical power for the purposes of that work, he and he alone shall be liable under this Ordinance to pay compensation to any workman employed by him on that work.

(2.) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and amount of any such indemnity shall in default of agreement be settled by arbitration in accordance with the provisions of the Second Schedule to this Ordinance.

(3.) Nothing in this section shall be construed as preventing a workman recovering compensation under this Ordinance from the contractor instead of the principal.

Remedies both
against the
employer and
a stranger.

12. Where the injury for which compensation is payable under this Ordinance was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

- (a) the workman may take proceedings against that person to recover damages and may also make a claim against any person liable to pay compensation under this Ordinance for such compensation, but shall not be entitled to recover both damages and compensation; and
- (b) if the workman has received compensation under this Ordinance the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section eleven of this Ordinance shall be indemnified by the person so liable to pay damages, and all questions as to the

right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration in accordance with the provisions of the Second Schedule to this Ordinance.

13.—(1.) Where—

Application of
Ordinance to
industrial
diseases.

- (a) a workman is suffering from a disease specified in the Fourth Schedule to this Ordinance, and is thereby disabled from earning full wages at the work at which he was employed;
- (b) a workman is, in pursuance of any law, suspended from his usual employment on account of having contracted any such disease; or
- (c) the death of a workman is caused by any such disease,

and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months immediately preceding the date of the disablement or suspension, whether under one or more employers, he or his dependants shall be entitled to compensation under this Ordinance as if the disease or the suspension were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications:—

- (i) The disablement or suspension shall be treated as the happening of the accident;
- (ii) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable; and
- (iii) The compensation shall be recoverable from the employer who last employed the workman during that period of twelve months in the employment to the nature of which the disease was due:

Provided that—

- (1) the workman or his dependants, if so required, shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during that period of twelve months as he or they possess, and, if that information is not furnished, or is not sufficient to enable that employer to take proceedings under paragraph (2) of this proviso, that employer, upon proving that the disease was not contracted while the workman was in his employment shall not be liable to pay compensation;

- (2) if that employer alleges that the disease was in fact contracted while the workman was in the employment of some other employer, and not while in his employment, he may join that other employer as a party to the arbitration and, if the allegation is proved, that other employer shall be the employer from whom the compensation shall be recoverable; and
- (3) if the disease is of such a nature as to be contracted by a gradual process, any other employers who, during that period of twelve months, employed the workman in the employment to the nature of which the disease was due, shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, are settled in the arbitration in accordance with the Second Schedule to this Ordinance for settling the amount of the compensation;
- (iv) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom compensation is recoverable; and
- (v) The employer to whom notice of the death, disablement or suspension is to be given shall be the employer who last employed the workman during that period of twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment:

Provided further that the liability of an employer under this section shall extend in relation to any workman who has contracted epithelioma of the skin or pneumoconiosis if the disease is due to the nature of any employment in which the workman was employed within any period not exceeding fifteen years immediately preceding the date of the disablement or suspension.

(2.) If the workman, at or immediately before the date of the disablement or suspension, was employed in any process specified in the second column of the Fourth Schedule to this Ordinance, and the disease contracted is the disease in the first column of that Schedule set opposite the description of the process, the disease, except where a medical referee appointed under this Ordinance certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment, unless the employer proves the contrary.

(3.) For the purposes of this section the date of disablement shall be such date as the medical referee certifies as the date on which the disablement commenced, or, if he is unable to certify such a date, the date on which the certificate is given:

Provided that where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(4.) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Ordinance.

(5.) The provisions of the First Schedule to this Ordinance shall, subject to this Ordinance, be deemed to apply to, or in respect of, any claim for compensation made in pursuance of this section.

14.—(1.) The Minister may appoint any legally qualified ^{Medical referees.} medical practitioners residing in or out of the Territory to be medical referees for the purposes of this Ordinance.

(2.) Where a medical referee has been employed as a medical practitioner in connexion with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

15.—(1.) The Minister may, by notice in the *Gazette*, appoint ^{Inspectors.} such inspectors as he thinks necessary for the purposes of this Ordinance.

(2.) An inspector may, on producing a certificate of his appointment—

- (a) enter, at any reasonable hour, any premises or place where a workman is employed;
- (b) require any employer truthfully to answer questions relating to compliance with, or breaches of, this Ordinance; and
- (c) require any employer to produce for inspection books and documents in relation to persons who are, or have been employed by him.

(3.) Any person who—

- (a) hinders or obstructs an inspector in the exercise of any power conferred on him by this section;
- (b) fails, without just cause, to answer, or makes any false statement in reply to any question put to him by an inspector under the last preceding sub-section; or
- (c) fails, without just cause, to produce, when required in accordance with the last preceding sub-section, any book or document,

shall be guilty of an offence.

Penalty: Fifty pounds.

Returns as to
compensation.

16.—(1.) Every employer in any industry to which the Minister directs that this section shall apply, shall, on or before such day in every year as the Minister directs, send to the Secretary, Department of the Interior, a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Ordinance during the previous year, and the amount of the compensation, together with such other particulars as to the compensation as the Minister directs.

(2.) Any employer who fails to comply with this section shall be guilty of an offence.

Penalty: Ten pounds.

Provisions as to
existing
contracts and
schemes.

17. Any contract existing at the commencement of this Ordinance, whereby a workman relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment, shall not, for the purposes of this Ordinance, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Ordinance.

Compulsory
Insurance.

18.—(1.) Every employer shall obtain from an insurer approved by the Minister for the purposes of this Ordinance, a policy of insurance or indemnity for the full amount of his liability under this Ordinance to all workmen employed by him and shall maintain such policy in force:

Provided that the Minister may authorize any employer to undertake the liability to pay compensation to his own workmen who furnishes to the Minister a certified copy of his balance-sheets for his last three trading years, and such other particulars as are required. The Minister may at any time upon notice to the employer concerned, and consideration of such evidence as he desires to submit, review and continue, suspend or terminate, any such authority as he deems expedient.

(2.) An insurer shall not, except with the consent in writing of the Minister, given after due inquiry into the circumstances, refuse to issue such a policy of insurance or indemnity to any employer who has complied with the conditions determined by the Minister.

(3.) Every policy of insurance or indemnity indemnifying an employer against his liability under this Ordinance shall contain only such provisions relating thereto as are determined by the Minister, but may contain such other provisions relating to liability under any other law of the Territory as are appropriate to any particular case.

Any contravention of this provision shall not annul such policy or diminish or affect the liability of the insurer to the person insured under such policy.

Every such policy shall provide that the insurer shall, as well as the employer, be directly liable to any workman insured under such policy and, in the event of his death, to his dependants, to pay the compensation for which an employer is liable, and that the insurer shall be bound by and subject to any order, decision or award made against the employer of such workman under the provisions of this Ordinance.

(4.) Every employer or insurer who fails to comply with any provision of this section shall be liable to a penalty not exceeding One hundred pounds, and after the date of conviction of any such failure to comply he shall from time to time be liable to further penalties not exceeding Twenty pounds for every week during which he continues to make default in compliance with any such provision.

(5.) It shall be sufficient defence on any prosecution under this section instituted within twelve months from the commencement of this Ordinance, if the person charged proves that he is insured by an insurance company carrying on business in the Territory and approved by the Minister against the full amount of his liability to pay compensation under this Ordinance to all workmen employed by him.

(6.) Where several persons may become liable to pay compensation in respect of the same workmen, it shall be sufficient to obtain a joint policy in respect of such liability. The premium chargeable in respect of such policy shall not exceed the current rates for insurance of an employer's liability in respect of workmen engaged in the same trade, occupation, calling or industry.

(7.) (a) Every employer applying to an insurer to issue or renew a policy of insurance or indemnity against liability under this Ordinance shall supply to the insurer a full and correct statement of all wages paid to workmen in his employment during the period relevant to the determination of the premium payable by him for such policy of insurance.

(b) Any employer who fails to supply such full and correct statement of wages in respect of any such period shall be guilty of an offence.

(8.) Where an insurer approved by the Minister fails to comply with any provision of this section, the Minister may revoke the approval; but the revocation of any such approval shall not annul any policy issued before the revocation or diminish or affect the liability of the insurer to the person insured under any such policy.

Inspection of
policies.

19.—(1.) The Minister, an inspector appointed under this Ordinance or an officer authorized by the Minister in that behalf may by notice in writing require an employer—

(a) to produce for inspection any policy of insurance or indemnity indemnifying him against his liability under his Ordinance; and

(b) to furnish such particulars in relation thereto as the Minister, inspector or officer deems necessary.

(2.) The notice may be served personally or by being left at, or forwarded by registered post to, the usual or last known place of abode of the person to whom it is addressed, or it may be served upon the person apparently in charge of the premises of the employer or in attendance upon the workmen employed on the premises.

(3.) Any employer who fails to comply with any such requirement within the time and in the manner stated in the notice shall be guilty of an offence.

Penalty: One hundred pounds.

Workman's
right to
information.

20.—(1.) A workman shall be entitled to inquire of his employer the name and address of the insurer from whom the employer has obtained a policy of insurance or indemnity against his liability under this Ordinance or, if the employer is a self insurer, to be so informed.

(2.) Any employer or person acting for an employer in the management of the business who refuses to supply such particulars or who in reply to an inquiry under this section gives any false or misleading information shall be guilty of an offence.

Penalty: Twenty pounds.

Appeals.

21.—(1.) Where a committee or an arbitrator or the Court of Petty Sessions gives a decision or makes an order or award with respect to any matter which may or is required to be settled by arbitration under this Ordinance, either party to the arbitration may appeal from the decision, order or award, on a question of law or fact or both, to the Supreme Court within the time and in accordance with the conditions prescribed by Rules of the Supreme Court and such appeal may be in the nature of a re-hearing.

(2.) The Supreme Court shall decide the matter of the appeal and may either dismiss the appeal or reverse or vary the decision, order or award appealed from and may make such order as to the costs of the appeal or of the proceedings before the committee, arbitrator or the Court of Petty Sessions, or both, as the Supreme Court thinks proper.

Rules.

22. The Attorney-General may make rules, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed by Rules of Court, or which are necessary or convenient to be prescribed, for giving effect to this Ordinance.

23. The Minister may make regulations, not inconsistent Regulations. with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Ordinance and in particular for prescribing matters providing for and in relation to—

- (a) the procedure in regard to the medical examination of injured workmen;
- (b) the duties and fees of medical referees appointed under this Ordinance;
- (c) fees and expenses to be paid for medical examinations and medical and surgical treatment;
- (d) the procedure in regard to compulsory insurance; and
- (e) penalties not exceeding Fifty pounds for any breach of the regulations.

THE SCHEDULES.

THE FIRST SCHEDULE.

SCALE AND CONDITION OF COMPENSATION.

Sections 6, 13.

1. The amount of compensation under this Ordinance shall be—

(a) where death results from the injury—

- (i) if the workman leaves any dependants wholly dependent upon his earnings at the time of his death, a sum equal to his earnings in the employment of the same employer during the four years immediately preceding the injury, or the sum of Four hundred pounds, whichever of those sums is the larger, but not exceeding in any case Eight hundred pounds, and, in addition, the sum of Twenty-five pounds in respect of each child and step-child of the workman under the age of sixteen years who was totally or mainly dependent upon the workman at the date of his injury:

Provided that the amount of any weekly payments made under this Ordinance and any lump sum paid in redemption thereof shall be deducted from that sum, but no such deduction shall be made so as to reduce the amount payable in respect of the dependants upon the death of the workman to less than Two hundred pounds:

Provided also that, if the period of the workman's employment under that employer has been less than those four years, then the amount of his earnings during those four years shall be deemed to be two hundred and eight times his average weekly earnings during the period of his actual employment under that employer;

- (ii) if the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings at the time of his death, such sum, not exceeding in any case the amount payable under the foregoing provisions, as is agreed upon, or, in default of agreement, is settled by arbitration under the provisions of the Second Schedule to this Ordinance as being reasonable and proportionate to the injury to the dependants;

THE FIRST SCHEDULE—*continued.*

- (iii) if the workman being a minor leaves no dependants, but during the period of six months preceding the injury contributed the major portion of his earnings towards the maintenance of the home of the members of his family, such members of his family shall be deemed to be dependants of the workman, and the compensation payable by the employer under this Ordinance shall be such sum, not exceeding in any case Four hundred pounds, as is agreed upon, or, in default of agreement, is settled by arbitration under the provisions of the Second Schedule to this Ordinance, as being reasonable and proportionate to the injury to such members of his family; or
 - (iv) if he leaves no dependants, the cost (not exceeding One hundred pounds) of medical, surgical and hospital treatment and ambulance service and the reasonable expenses of his burial, not exceeding Twenty-five pounds;
- (b) where total or partial incapacity for work results from the injury—
- (i) a weekly payment during the incapacity not exceeding two-thirds of his average weekly earnings during the previous twelve months, if he has been so long employed by the employer but, if not, then for any less period during which he has been in the employment of the same employer, but the weekly payment shall not exceed Three pounds:
 Provided that, where two-thirds of those average weekly earnings is less than Three pounds, the weekly payment to a workman may be increased to such sum not exceeding the full amount of those average weekly earnings as may be agreed upon, or, in default of agreement, as may be settled by arbitration under the provisions of the Second Schedule to this Ordinance, but so that that sum shall not in any case exceed Three pounds per week, and shall not, in the case of a totally incapacitated adult workman, be less than Two pounds per week:
 Provided also that in no case shall a workman who is the sole or main support of a wife, husband, parent, brother, or sister receive during total incapacity a less sum per week than Three pounds;
 - (ii) during the disablement of the workman or until a lump sum settlement with the workman has been made in respect of the injury—a weekly payment of One pound per week in respect of his wife if she was totally or mainly dependent upon his earnings at the date of the injury and a weekly payment of Eight shillings and sixpence in respect of each child or step-child of the workman who is under the age of sixteen years and is totally or mainly dependent on his earnings;
 - (iii) where no compensation is payable to a workman in respect of his wife under sub-paragraph (ii) of sub-paragraph (b) of this paragraph—a weekly payment of One pound per week in respect of one female totally or mainly dependent on the earnings of the workman; and
 - (iv) where no compensation is payable to a workman in respect of any child or step-child under sub-paragraph (ii) of sub-paragraph (b) of this paragraph—a weekly payment of Eight shillings and sixpence per week in respect of each brother and sister under the age of sixteen years totally or mainly dependent on the earnings of the workman.

THE FIRST SCHEDULE—continued.

No compensation shall be payable in pursuance of sub-paragraph (iii) of sub-paragraph (b) of this paragraph unless the female in respect of whom the payment is claimed—

- (i) is an adult and is caring for any child or step-child of the workman under the age of sixteen years; or
- (ii) is a member of the workman's family and is over the age of sixteen years.

The total weekly amount payable under sub-paragraph (b) of this paragraph to the injured workman shall not exceed a sum equal to the weekly pay of the workman, computed as for one full week of constant employment at the date of the injury.

The total liability of the employer under sub-paragraph (b) of this paragraph shall not exceed One thousand pounds except in the case of a workman whose injury results in his permanent and total disablement for work or in permanent and partial disablement for work and such partial disablement is established by the workman to be of a major degree. In such a case the amount of compensation payable shall be settled, having regard to paragraph 3 of this Schedule, by arbitration in accordance with the provisions of the Second Schedule to this Ordinance.

2. For the purposes of the provisions of this Schedule relating to "earnings" and "average weekly earnings" of a workman, the following rules shall be observed:—

Earnings and average weekly earnings.

- (a) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated;
- (b) In computing average weekly earnings there may be taken into consideration amounts paid by way of overtime, but not any sums which the employer has been accustomed to pay to the workmen to cover any special expenses entailed on him by the nature of his employment;
- (c) Where by reason of the shortness of time during which the workman has been in the employment of his employer, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard shall be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment by some other employer;
- (d) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the date of the accident.

3. In fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but shall bear such relation to the amount of that difference as under the circumstances of the case may appear proper.

4. Where a workman has given notice of an accident or an industrial disease specified in the Fourth Schedule to this Ordinance, he shall, if so required by the employer, submit himself for examination by a legally-qualified medical practitioner provided and paid by the employer, and if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Ordinance in relation to compensation, shall be suspended until such examination has taken place.

THE FIRST SCHEDULE—*continued.*

5. The payment in the case of death shall, unless otherwise ordered in pursuance of the provisions of this Schedule, be paid into the Court of Petty Sessions, and any sum so paid into Court shall, subject to Rules of Court, and the provisions of this Schedule, be invested, applied, or otherwise dealt with by the Court in such manner as the Court in its discretion thinks fit for the benefit of the persons entitled thereto under this Ordinance, and the receipt of the Clerk of the Court shall be a sufficient discharge in respect of the amount paid in:

Provided that, if so agreed, the payment in case of death shall, if the workman leaves no dependants, be made to his legal personal representative, or if he has no such representative, to the person to whom the expenses of medical, surgical and hospital treatment and ambulance service and burial are due.

6. Where a weekly payment is payable under this Ordinance to a person under any legal disability, the Court of Petty Sessions may, on application being made in accordance with Rules of Court order that the weekly payment be paid during the disability into Court, and the provisions of this Schedule with respect to sums required by this Schedule to be paid into Court shall apply to sums paid into Court in pursuance of any such order.

7. Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Ordinance, or, if not so settled before payment into Court under this Schedule, shall be settled by the Court of Petty Sessions, and the amount payable to each dependant shall be settled by arbitration under this Ordinance, or, if not so settled before payment into Court under this Schedule, by the Court of Petty Sessions. Where there are both total and partial dependants, nothing in this Schedule shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

8. Where on application being made in accordance with Rules of Court, it appears to the Court of Petty Sessions that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order of the Court or an award as to the apportionment amongst the several dependants of any sum paid as compensation, or as to the manner in which any sum payable to any such dependant is to be invested, applied, or otherwise dealt with, ought to be varied, the Court may make such order for the variation of the former order or the award, as in the circumstances of the case the Court may think just.

9. Any workman receiving weekly payments under this Ordinance shall, if so required by the employer, from time to time submit himself for examination by a legally-qualified medical practitioner provided and paid for by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the examination, his right to such weekly payments shall be suspended until the examination has taken place.

10. A workman shall not be required to submit himself for examination by a medical practitioner under paragraph 4 or paragraph 9 of this Schedule otherwise than in accordance with the regulations, or at more frequent intervals than may be prescribed by those regulations.

Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the Clerk of the Court of Petty Sessions, on application being made to the Court by both parties, may, on payment by the applicants of such fee not exceeding One pound, as may be prescribed, refer the matter to a medical referee.

The medical referee to whom the matter is so referred shall, in accordance with the regulations, give a certificate as to the condition of the workman and his fitness for employment; specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

THE FIRST SCHEDULE—*continued.*

Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this paragraph shall, subject to the regulations, apply as if the question were a question as to the condition of the workman.

If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred, or in any way obstructs the medical referee, his right to compensation and to take or prosecute any proceeding under this Ordinance in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment shall be suspended until such examination has taken place.

Rules of Court may be made for prescribing the manner in which documents are to be furnished or served, and applications made under this paragraph and the forms to be used for those purposes and as to the fee to be paid under this paragraph.

11. Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum above provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Ordinance:

Provided that where the workman was at the date of the accident under twenty-one years of age, and the review takes place more than twelve months after the accident, the amount of the weekly payment may be increased to any amount not exceeding two-thirds of the weekly sum which the workman would probably have been earning at the date of the review if he had remained uninjured, but not in any case exceeding Two pounds.

12. Where, in any case other than one of total or permanent incapacity, any weekly payment has been continued for not less than six months, the liability therefor may, with the consent of the workman on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such amount as may be settled by arbitration under this Ordinance, and such lump sum may be ordered by the arbitrator or Court of Petty Sessions to be invested or otherwise applied for the benefit of the person entitled thereto:

Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum.

13. If a workman receiving a weekly payment ceases to reside in the Territory, he shall thereupon cease to be entitled to receive any weekly payment unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature or that his absence from the Territory is desirable for recuperative purposes. If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter, so long as he proves in such manner and at such intervals as may be prescribed by Rules of Court, his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

14. A weekly payment, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged, or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

15. Where under this Schedule a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

16. The amount of any endowment under the *Child Endowment Act 1941-1945* received by a workman or a dependant shall not be taken into account in determining, for the purposes of this Schedule, whether or not any child in respect of whom the endowment is received is or was wholly or in part dependent on the workman at the date of the death or injury.

THE SECOND SCHEDULE.

Section 7.

ARBITRATION, ETC.

1. For the purpose of settling any matter which, under this Ordinance, is to be settled by arbitration, if any committee representative of an employer and his workmen exists with power to settle matters under this Ordinance, in the case of the employer and workmen, the matter shall, unless either party objects by notice in writing, sent to the other party before the committee meets to consider the matter, be settled by the arbitration of such committee, or be referred by it, in its discretion, to arbitration as provided in this Schedule.

2. If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within six months from the date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the Court of Petty Sessions, according to the procedure prescribed by Rules of Court.

3. The *Arbitration Act* 1902, of the State of New South Wales, shall not apply to any arbitration under this Ordinance; but a committee or an arbitrator may, if it or he thinks fit, submit any question of law for the decision of the Court of Petty Sessions, and the decision of the Court on any question of law, shall be final and conclusive, unless within the time, and in accordance with the conditions prescribed by Rules of the Supreme Court, either partly appeals to the Supreme Court. The Court of Petty Sessions, or the arbitrator appointed by it, shall, for the purpose of proceedings under this Ordinance, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were in a complaint in the Court of Petty Sessions.

4. The Court of Petty Sessions may, if it thinks fit, summon a medical referee to sit with it as an assessor.

5. Rules of Court may make provision for the appearance in any arbitration under this Ordinance of any party by some other person.

6. The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator, or Court of Petty Sessions, subject, as respects that Court and an arbitrator appointed by it, to Rules of Court. The costs, whether before a committee or an arbitrator or in the Court of Petty Sessions, shall not exceed the limit prescribed by those Rules, and shall be taxed in manner prescribed by those Rules, and that taxation may be reviewed by the Court of Petty Sessions.

7. In the case of the death or refusal or inability to act of an arbitrator, the Court of Petty Sessions may, on the application of any party, appoint a new arbitrator.

8. Where an agreement has been made before ascertainment of compensation between a workman and his employer for payment of a lump sum by way of compromise and satisfaction of all claims, or the amount of compensation under this Ordinance has been ascertained, or any weekly payment varied, or any other matter decided under this Ordinance, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by Rules of Court, by the committee or arbitrator, or by any party interested, to the Clerk of the Court of Petty Sessions, who shall, subject to those Rules, on being satisfied as to its genuineness, record the memorandum in a special register without fee, and thereupon the memorandum shall for all purposes be enforceable as a judgment of that Court:

Provided that—

- (a) no such memorandum shall be recorded before seven days after the despatch by the Clerk of notice to the parties interested;
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Ordinance, and the employer, in accordance with Rules of Court, proves that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of the memorandum, the memorandum shall only be recorded, if at all, on such terms as the Court of Petty Sessions, under the circumstances, thinks just:

THE SECOND SCHEDULE—*continued.*

- (c) the Court of Petty Sessions may at any time rectify the register;
- (d) where it appears to the Clerk of the Court of Petty Sessions, on any information which he considers sufficient, that an agreement made before ascertainment of compensation between a workman and his employer for payment of a lump sum by way of compromise in satisfaction of all claims or an agreement as to the redemption of a weekly payment by a lump sum, or an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence, or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration, and refer the matter to the Court, which shall, in accordance with Rules of Court, make such order (including an order as to any sum already paid under the agreement) as under the circumstances it thinks just; and
- (e) the Court may, within six months after a memorandum of an agreement as to compromise of claims or the redemption of a weekly payment by a lump sum or an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, has been recorded in the register, order that the record be removed from the register on proof to its satisfaction that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as under the circumstances it thinks just.

9. An agreement as to the redemption of a weekly payment by a lump sum, if not registered in accordance with this Ordinance, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment, and an agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not so registered, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the compensation is payable from liability to pay compensation, unless, in either case, he proves that the failure to register was not due to any neglect or default on his part.

10. The duty of the Court of Petty Sessions under this Ordinance, or of an arbitrator appointed by it, shall, subject to Rules of Court, be part of the duties of the Court, and the officers of the Court shall act accordingly, and Rules of Court may be made both for any purpose for which this Ordinance authorizes Rules of Court to be made, and also generally for carrying into effect this Ordinance so far as it affects the court, or an arbitrator appointed by it, and proceedings in the Court or before any such arbitrator.

11. No court fee, except such as may be prescribed under paragraph 10 of the First Schedule to this Ordinance, shall be payable by any party in respect of any proceedings by or against a workman under this Ordinance in the Court prior to the award.

12. Any sum awarded as compensation shall, unless paid into Court under this Ordinance, be paid on the receipt of the person to whom it is payable in pursuance of any agreement or award. The solicitor or agent of a person claiming compensation under this Ordinance shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Ordinance, or to claim a lien in respect of those costs on, or deduct those costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the Court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent. A sum awarded as costs in pursuance of this paragraph shall not exceed the limit prescribed by Rules of Court, and shall be taxed in manner prescribed by those Rules, and that taxation may be reviewed by the Court of Petty Sessions.

THE SECOND SCHEDULE—continued.

13. Any committee, or arbitrator, or the Court of Petty Sessions may, subject to the regulations, submit to a medical referee for report any matter which appears to be material to any question arising in the arbitration.

14. The Minister may, by order, either unconditionally or subject to such conditions or modifications as he thinks fit, confer on any committee representative of an employer and his workmen, in respect of any matter in which the committee acts as arbitrator, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Ordinance exclusively on the Court of Petty Sessions, and may by the order provide in what manner and to whom compensation money is to be paid in cases where, but for the order, the money would be required to be paid into Court. The order may exclude from the operation of provisos (d) and (e) of paragraph 8 of this Schedule agreements submitted to and approved by the committee, and may contain such incidental, consequential, or supplemental provisions as appear to the Minister to be necessary or proper for the purposes of the order.

THE THIRD SCHEDULE.

Section 8.

COMPENSATION FOR SPECIFIED INJURIES.

Item Number.	Nature of Injury.	Amount Payable.		
		£	s.	d.
1	Loss of both eyes	800	0	0
2	Loss of both hands			
3	Loss of both feet			
4	Loss of hand and foot			
5	Total and incurable loss of mental powers, involving inability to work			
6	Total and incurable paralysis of limbs or mental powers	400	0	0
7	Loss of sight of one eye			
8	Loss of sight of an only useful eye, the other being blind or absent	800	0	0
9	Loss of one eye, with serious diminution of the sight of the other	675	0	0
10	Loss of hearing	640	0	0
11	Complete deafness of one ear	200	0	0
12	Loss of right arm or greater part thereof	720	0	0
13	Loss of left arm or greater part thereof	675	0	0
14	Loss of lower part of right arm, right hand or five fingers of right hand	640	0	0
15	Loss of lower part of left arm, left hand or five fingers of left hand	600	0	0
16	Loss of leg above knee	640	0	0
17	Loss of leg below knee	600	0	0
18	Loss of foot	560	0	0
19	Loss of right thumb	240	0	0
20	Loss of left thumb	225	0	0
21	Loss of right forefinger	160	0	0
22	Loss of left forefinger	150	0	0
23	Loss of right little finger, middle finger or ring finger	120	0	0
24	Loss of left little finger, middle finger or ring finger	112	10	0
25	Loss of phalanx of right thumb	160	0	0
26	Loss of phalanx of left thumb	120	0	0
27	Loss of portion of terminal segment of right thumb, involving one-third of its flexor surface without loss of phalanx	120	0	0
28	Loss of portion of terminal segment of left thumb, involving one-third of its flexor surface without loss of phalanx	112	10	0
29	Loss of total movement of joint of right thumb	120	0	0
30	Loss of total movement of joint of left thumb	112	10	0
31	Loss of two phalanges or joints of finger of right hand	400	0	0

THE THIRD SCHEDULE—*continued.*

Item Number.	Nature of Injury.	Amount Payable.		
		£	s.	d.
32	Loss of two phalanges or joints of finger of left hand ..	95	0	0
33	Loss of phalanx or joint of finger of right hand ..	95	0	0
34	Loss of phalanx or joint of finger of left hand ..	90	0	0
35	Loss of great toe ..	100	0	0
36	Loss of phalanx or joint of great toe ..	90	0	0
37	Loss of any other toe ..	90	0	0
38	Loss of two phalanges or joints of any other toes ..	80	0	0
39	Loss of phalanx or joint of any other toe ..	75	0	0

THE FOURTH SCHEDULE.
INDUSTRIAL DISEASES.

Section 13.

Description of Disease.	Description of Process.
Arsenic, phosphorus, lead, mercury or other mineral poisoning	Any employment involving the use or handling of arsenic, phosphorus, lead, mercury or other mineral, or their preparations or compounds
Anthrax	Woolcombing or woolsorting: handling of hides, skins, wool, hair, bristles or carcasses
Any infectious disease	Any employment in a hospital or quarantine station or in an ambulance brigade or any employment involving contact with the infectious sources of the disease
Poisoning by benzol or its homologues, or their derivatives, preparations or compounds	Any process involving the use of benzol or its homologues, or their derivatives, preparations or compounds
Poisoning by hydrogen sulphide or carbon bisulphide	Any process involving the use of hydrogen sulphide or carbon bisulphide or their preparations or compounds
Poisoning by nitrous or other acid fumes	Any process in which nitrous or other acid fumes are evolved
Poisoning by cyanogen compounds	Any process in which cyanogen compounds are used
Poisoning by carbon monoxide or carbon dioxide	Any process in which carbon monoxide or carbon dioxide is used or evolved
Poisoning by other toxic gas ..	Any process in which the toxic gas is used or evolved
Chrome ulceration	Any process involving the use of chromic acid, or bichromate of ammonium, potassium or sodium, or their preparations
Dermatitis produced by oil, grease, acids, alkalies, turpentine, tar, industrial solvents, radioactive radiations, cold, heat, photo-sensitization or dust; or ulceration of the mucous membranes of the nose or mouth produced by dust	Any industrial process
Epithelioma of the skin	Any process involving the handling of mineral oils, petrol, tar, tarry compounds or soot

THE FOURTH SCHEDULE—*continued.*

Description of Disease.	Description of Process.
Pneumoconiosis	Quarrying or stone crushing or cutting or any process involving the inhalation of dust
Nystagmus	Mining, quarrying or stone crushing or cutting
Subcutaneous cellulitis of the hand (beat hand)	
Subcutaneous cellulitis over the patella (miner's beat knee)	
Acute bursitis over the elbow (miner's beat elbow)	
Inflammation of the synovial lining of the wrist joint and tendon sheath	Telegraphy
Telegraphist's cramp	
Compressed air illness	
Inflammation of the synovial lining of tendon sheaths	Employment as divers or caisson workers Any industrial process involving the excessive use of the affected tendons

Dated this twentieth day of March, 1946.

HENRY

Governor-General.

By His Royal Highness's Command,

VICTOR JOHNSON

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.